THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 66

Washington, Thursday, April 3, 1947

TITLE 7—AGRICULTURE

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

[WFO 10, Amdt. 24]

PART 1432—RICE

SET-ASIDE REQUIREMENTS AND RESTRICTIONS ON DISTRIBUTION AND MILLING OF RICE

War Food Order No. 10, as amended (11 F. R. 10649, 13144, and 14646, and 12 F. R. 347, 702, 1507) is hereby further amended by striking § 1432.1 (b) (1) and substituting in lieu thereof the following:

(1) Beginning April 1, 1947, every miller shall set aside in each calendar month for sale and delivery to a governmental agency, milled rice of one or more of the grades 1 through 6 (excluding the special grades unpolished milled rice and parboiled milled rice) and of the classes I through XII, in an amount equal to 0 percent of the total combined quantity of brown and milled rice milled by him during such month.

Effective date. This amendment shall become effective as of 12:01 a. m., e. s. t., April 1, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the provisions of War Food Order No. 10, as amended, prior to said date, all such provisions shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 2 (a), 54 Stat. 676, as amended; 50 U. S. C. App. Sup. 1152 (a); E. O. 9280, Dec. 5, 1942; 3 CFR Cum. Supp., E. O. 9577, June 29, 1945; 3 CFR, 1945 Supp.)

Issued this 31st day of March 1947.

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

[F. R. Doc. 47-3191; Filed, Apr. 2, 1947; 8:45 a. m.]

[WFO 63-22]

PART 1596—FOOD IMPORTS

PARTIAL REVISION OF APPENDIX A

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

Food and Commerce Import Class No.

Fish, other canned—1, 2, 5:
In oil or in oil and other substances: 0066.600–0066.700, inclusive.
Not in oil, or in oil and other substances: 0067.900.
Herring, canned, smoked or kippered or in tomato sauce—1, 2, 5: 0067.000.
Salmon, canned, not in oil, or in oil and other substances—1, 2: 0067.100.
Sardines, in oil or in oil and other substances—1, 2, 5: 0063.200, 0063.300.
Sardines and other herring, canned (including snacks, tidbits, rollmops and sprats)—1, 2, 5: 0067.700.
Tuna fish, in oil or oil and other substances—1, 2: 0065.200.
Milk, condensed: 0040.100.
Tea, not specially provided for: 1521.000.

This revision shall become effective at 12:01 a. m., e. s. t., March 31, 1947.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 28th day of March 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-3181; Filed, Apr. 2, 1947; 8:56 a. m.]

Chapter XXI—Organization, Functions and Procedures

Subchapter C—Production and Marketing Administration

PART 2307—LIVESTOCK BRANCH

FUNCTIONS AND PROCEDURES

Effective upon publication hereof, Subpart B, Part 2307, Subchapter C, Chapter XXI, Subtitle C, of Title 7, Code of Federal Regulations, published September 11, 1946 (11 F. R. 177A-274 to 276), as amended, is hereby amended by striking § 2307.20 and substituting in lieu thereof the following:

§ 2307.20 *Certification of packing plants.* Under section 3A of the Stabilization Act of 1942, as amended (50 U. S. C. App. Sup. 963a) meat which is produced at a slaughtering plant not federally inspected under the Meat Inspec-

(Continued on next page)

CONTENTS

Page

Alien Property, Office of
Notices:
Vesting orders, etc.:
Akiyama, Michihara 2204
Ambi-Budd Presswerk, G. m. b. H 2204
Braun, August 2205
Fisse, Herman 2205
Fritsche, Wm. H 2205
Goosman, Wetzlar & Co 2205
Heckel, Theresa 2206
Jetter, Christian, and Mrs. Charlotte Jetter 2206
Kakutani, Shizno 2206
Koinuma, Shosaku 2207
Nagase, Tomiro 2207
Ogawa, Mr. Minoru, and Mrs. Elisie Yoshiye Ogawa 2207

Agriculture Department
See also Animal Industry Bureau; Rural Electrification Administration.
Rules and regulations:
Food imports; partial revision of Appendix A (WFO 63-22) 2187
Livestock Branch; functions and procedures 2187
Rice; set-aside requirements and restrictions on distribution and milling (WFO 10, Am. 24) 2187

Animal Industry Bureau
Rules and regulations:
Preparation, sale, barter, exchange shipment, and importation of viruses and serums:
Anti-hog-cholera serum 2189
Hog-cholera virus 2189

Coast Guard
Rules and regulations:
Undocumented vessels, numbering; documents and name, cancellation 2201

Defense Transportation, Office of
Notices:
Tank cars, allocation 2211

Federal Communications Commission
Notices:
Hearings, etc.:
Chesapeake and Potomac Telephone Co. of Virginia and Chesapeake and Potomac Telephone Co. of Baltimore City 2208

FEDERAL REGISTER

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

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

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

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

CONTENTS—Continued

Federal Communications Commission—Continued Page

Notices—Continued
Hearings, etc.—Continued
Craig Broadcasting Co. 2208
WDEL, Inc., and Wilmington-Tri State Broadcasting Co., Inc. 2209

Federal Power Commission

Notices:
Hearings, etc.:
Compania Electrica Matamoras, S. A. and Central Light Power and Light Co. 2209
Servicios Electricos de Piedras Negras, S. A., et al. 2209

Indian Affairs Office

Rules and regulations:
Miscellaneous Indian irrigation projects; operation and maintenance charges 2200

Interstate Commerce Commission

Notices:
Cars, lightweighing at Weehawken and Jersey City, N. J. 2211
Reconsignment:
Lettuce at Kansas City, Mo. (3 documents) 2210
Perishables at Minneapolis, Minn. 2210
Potatoes at Chicago, Ill. 2210
Unloading:
Autos at New Orleans, La. 2211
Machinery at Columbia, S. C. 2211
Proposed rule making:
Commodity rates, all-rail, between California, Oregon, and Washington 2202

CONTENTS—Continued

Interstate Commerce Commission—Continued Page

Proposed rule making—Continued
Vehicles, motor-carrier; identification (2 documents) 2203, 2204
Water rates, Pacific coastwise 2202
Rules and regulations:
Class I motor carriers of property; quarterly reports 2201

Navy Department

Rules and regulations:
Naval establishment, organization and functions; operating forces 2201

Rural Electrification Administration

Notices:
Funds for loans, allocation (6 documents) 2208

Securities and Exchange Commission

Notices:
Hearings, etc.:
Gold Ore Mining Co. 2213
Herrick, Waddell & Co., Inc. 2212
Leason & Co., Inc. 2212
New England Gas and Electric Assn. 2213
Northern Natural Gas Co. 2213
Northern States Power Co. 2214
Public Service Co. of New Hampshire 2213

War Department

Rules and regulations:
Civil Affairs Division, organization and procedures; military government for Germany, U. S. Zone 2189

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 7—Agriculture Page

Chapter XI—Production and Marketing Administration (War Food Distribution Orders):
Part 1432—Rice 2187
Part 1596—Food imports 2187
Chapter XXI—Organization, Functions and Procedures:
Part 2307—Livestock Branch 2187

Title 9—Animals and Animal Products

Chapter I—Bureau of Animal Industry:
Part 118—Hog-cholera virus 2189
Part 119—Anti-hog-cholera serum 2189

Title 10—Army: War Department

Subtitle A—Organization, Functions and Procedures:
Part 3—Organization and procedures of Civil Affairs Division 2189

CODIFICATION GUIDE—Con.

Title 25—Indians Page

Chapter I—Office of Indian Affairs, Department of the Interior:
Part 130—Orders fixing operation and maintenance charges 2200

Title 34—Navy

Chapter I—Department of the Navy:
Part 26—Organization and functions of the Naval Establishment 2201

Title 46—Shipping

Chapter I—Coast Guard: Inspection and Navigation:
Part 29—Numbering of undocumented vessels 2201

Title 49—Transportation and Railroads

Chapter I—Interstate Commerce Commission:
Proposed rule making (2 documents) 2202
Part 166—Identification of vehicles (proposed) (2 documents) 2203, 2204
Part 205—Reports 2201

tion Act (21 U. S. C. 71 et seq.) is eligible for shipment in interstate and foreign commerce if the Secretary of Agriculture certifies that the plant is operated under sanitary conditions and that the meat produced therein is clean, wholesome and suitable for human consumption, and certain other conditions have been met. Certifications were previously issued under War Food Order No. 139 which was terminated on November 30, 1946. However, the Chief of the Distribution Division of the Livestock Branch is authorized to certify any slaughtering plant which meets the conditions imposed by War Food Order No. 139, Amendment 2 (11 F. R. 5641) prior to its termination, and with respect to which, application for certification was made prior to such termination, and liabilities have been incurred, remodeling has been done, or other change of position has been made by the operator of the plant in the expectation that certification would be issued to such plant. Managements of plants which meet the foregoing requirements may apply for certification to the Chief of the Distribution Division. A survey is made to determine the acceptability of the plant and the inspection conducted therein. Certification is extended or withheld depending on the findings. Inspections of certified plants are made from time to time by supervisors employed by the Division. (Sec. 3, 12, 60 Stat. 238, 244)

Issued this 28th day of March at Washington, D. C.

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

[F. R. Doc. 47-3182; Filed, Apr. 2, 1947; 9:07 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms or Vectors

[B. A. I. Order 276, Amdt.]

PART 118—HOG CHOLERA VIRUS

PART 119—ANTI-HOG CHOLERA SERUM

PREPARATION, SALE, BARTER, EXCHANGE, SHIPMENT, AND IMPORTATION OF VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS INTENDED FOR USE IN TREATMENT OF DOMESTIC ANIMALS

The regulations (9 CFR and Cum. Sup. 101.1 et seq.), issued pursuant to the Virus-Serum-Toxin Act of March 4, 1913 (21 U. S. C. 151 et seq.), are hereby amended as follows:

1. By amending § 118.15 to read:

§ 118.15 *Inoculation of pigs for production of hyperimmunizing virus.* For use in the production of hyperimmunizing virus, licensed establishments shall inoculate healthy young pigs weighing not more than 175 pounds each with at least 2 cubic centimeters of highly virulent hog-cholera virus: *Provided,* That when hog cholera from pen infection is manifested by the animals after the fourth day subsequent to admission to the premises, they need not be so inoculated: *And provided further,* That after September 30, 1947, hyperimmunizing virus shall not be collected from pigs weighing more than 145 pounds each.

2. By amending § 119.19 to read:

§ 119.19 *Serum mixing and holding pending test.* Anti-hog-cholera serum, prior to testing, shall be thoroughly mixed in a single container in batches of not more than 300,000 cubic centimeters composed of relative proportions of the different classes of bleedings (§§ 114.13 (b) (1), (2), (9), (10) and 114.15 of this chapter): *Provided, however,* That larger batches may be prepared by mixing in a single container all serum derived from one or more properly identified groups totaling 175 hyperimmune hogs or less. The serum shall be held under Bureau lock as provided in § 102.77 (b), of this chapter, except when being processed, until such time as all required tests have been completed and have shown that the serum is not worthless, contaminated, dangerous, or harmful.

3. By amending § 119.20 to read:

§ 119.20 *Serum test sample.* After the batch is thoroughly mixed a representative sample consisting of at least 300 cubic centimeters shall be collected in three containers of not less than 100 cubic centimeters each, to be known as the "serum test sample" (§ 114.23 of this chapter). The sample shall be taken, properly labeled, marked by a Bureau employee, and held under Bureau lock as provided in § 102.77 (b) of this chapter until removed for testing.

4. By amending § 119.24 to read:

§ 119.24 *Test pigs.* Licensed establishments shall furnish all pigs used in testing anti-hog-cholera serum. Eight healthy pigs, susceptible to hog cholera and weighing not less than 40 pounds nor more than 115 pounds each, except as provided in §§ 119.48 and 119.49 shall be used for testing each batch of serum consisting of 300,000 cubic centimeters or less (§ 119.19). Batches consisting of more than 300,000 cubic centimeters shall be tested on 11 healthy pigs in lieu of 8. Pigs weighing more than 90 pounds each shall not be used for testing serum found "unsatisfactory for potency" (§ 119.36 (c)) prior to the effective date of this amendment; nor shall such pigs be used for potency tests after September 30, 1947.

5. By amending § 119.25 to read:

§ 119.25 *Test pigs; dosage virus and serum.* Each pig furnished for testing serum shall be injected with 2 cubic centimeters of hog-cholera virus. Three pigs in each test shall receive no serum and shall serve as controls. The remaining pigs in the test shall receive 15 cubic centimeters each of the serum to be tested, except that pigs weighing more than 90 pounds may receive 20 cubic centimeters. The virus and serum injections shall be made simultaneously, the virus being injected in the left axillary space, and the serum in the right. Each of the pigs in the test shall be injected with virus of the same serial, the virus to be selected and administered by a veterinary inspector, or Bureau employee designated by the inspector in charge.

The difficulty experienced by many producers, under current market conditions, in procuring pigs suitable for producing hyperimmunizing virus and for testing anti-hog-cholera serum makes it obvious that the supply of serum for use in immunizing swine against hog cholera will reach and continue at a dangerously low level in the early summer and fall of this year unless immediate relief is afforded. The regulated industry is pressing for such relief. Relaxation of the virus-serum-toxin regulations to permit the use, for a temporary period, of larger pigs for the production of the virus and for testing the serum, and to permit the testing, continuously, of serum in larger batches, as provided herein, should speed return to normal levels without disastrous results. Other changes are minor in nature and are made primarily for the purpose of adjusting the affected regulations to the changes just described. The accomplishment of the desired purposes in time to be of substantial benefit this season necessitates the immediate adoption and effectuation of the amendment.

For the foregoing reasons, notice and public procedure thereon, as provided for in section 4 (a) of the Administrative Procedure Act (Act of Congress approved June 11, 1946, 60 Stat. 238) are impracticable, unnecessary, and contrary to the public interest, and there is good cause for finding that compliance with the publication requirements of section 4 (c) of that act is unnecessary.

(37 Stat. 832; 21 U. S. C. 151 et seq.)

This amendment shall be effective on and after April 4, 1947.

Done at Washington, D. C., this 31st day of March 1947.

Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 47-3189; Filed, Apr. 2, 1947; 8:45 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedures

PART 3—ORGANIZATION AND PROCEDURES OF CIVIL AFFAIRS DIVISION

MILITARY GOVERNMENT FOR GERMANY; UNITED STATES ZONE

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, Part 3, pertaining to organization and procedures of Civil Affairs Division, appearing at 11 F. R. 177A-800, is amended by the addition of §§ 3.5 to 3.7, inclusive, §§ 3.11 to 3.27, inclusive and § 3.30 to read as follows:

§ 3.5 *Ordinance No. 1; crimes and offences*—(a) *Article I; capital offences.* The following offences are punishable by death or such other penalty as a Military Government Court may impose:

(1) Espionage;

(2) Communication with the enemy forces or, except through authorized channels, with any person in enemy territory not occupied by the Allied Forces;

(3) Communication of information which may be dangerous to the security or property of the Allied Forces, or unauthorized possession of such information without promptly reporting it; and unauthorized communication by code or cipher;

(4) Armed attack on or armed resistance to the Allied Forces;

(5) Acting in defiance or contravention of terms imposed by the Allied Forces upon Germany on its defeat or surrender, or of any orders supplementing such terms;

(6) Acts or conduct in support or aid of any nation at war with any of the United Nations, or of the NSDAP or other organization dissolved or declared illegal by the Allied Forces, including publication and circulation of matter printed or written in aid of any thereof or the possession thereof with intent to publish or circulate, and the provocative display of flags, uniform, or insignia of any such organization;

(7) Killing or assaulting any member of the Allied Forces;

(8) Falsely pretending to be a member of the Allied Forces; unlawfully wearing any uniform of the Allied Forces;

(9) Unlawful possession or control of any firearm, ammunition, explosive, or other war material or of apparatus or other means for transmitting messages;

(10) Unauthorized use of any firearm or other deadly weapon, ammunition, explosive or similar war material;

(11) Furthering the escape of any person detained by Allied authority or

assisting or concealing any such person after escape;

(12) Assisting any member of the enemy forces to avoid capture;

(13) Interference with transportation or communication or the operation of any public service or utility;

(14) Sabotage of any war material of the Allied Forces or of any installations or property necessary or useful to military operations or the Military Government;

(15) Wilful destruction, removal, interference with, or concealment of, records or archives of any nature, public or private;

(16) Plunder, pillage or looting; robbing or abusing the dead or wounded;

(17) Wilfully interfering with or misleading any member of or person acting under the authority of the Allied Forces in the performance of his duties;

(18) Incitement to or participation in rioting or public disorder;

(19) Stealing, or obtaining by fraud, property of the Allied Forces or any member thereof;

(20) Any other violation of the laws of war or act in aid of the enemy or endangering the security of the Allied Forces.

(b) *Article II; other offences.* The following offences are punishable by such penalty other than death as a Military Government Court may impose:

(1) Disobedience of any proclamation, law, ordinance, notice or order of the Military Government or of any representative where a penalty is not expressly imposed or of any German authority issued pursuant to any such order;

(2) Circulating without a permit during curfew as established, or as authorized, by Military Government; all curfew regulations imposed on the civilian population, whether by Military Government or the German authorities, prior to the effective date of this section are hereby terminated.

(3) In the coastal area leaving the shore in any vessel or otherwise except as authorized by Allied authority;

(4) Moving any ship or vessel or any aircraft except as authorized by Military Government;

(5) Failure, without authority, to have possession of a valid identity card;

(6) Making, issuing or knowingly having possession of any false permit, identity card or other document of official concern to the Allied Forces; delivery of any such matter, whether false or valid, to any unauthorized person or for an unauthorized purpose;

(7) Counterfeiting or altering any Allied Military Marks or any other currency, coin or stamps or having possession of or uttering any thereof, having reason to believe it to be false or altered; or having possession of or disposing of any property for use for any such purpose;

(8) Inviting or conducting any member of the Allied Forces into a place designated "Off Limits" or "Out of Bounds," or supplying goods or services to such member in any such place;

(9) Bribery, corruption or intimidation of any member of, or person acting under the authority of, the Allied Forces; receiving, or offering to receive, a bribe for non-performance of duty to the Allied Forces;

(10) Obstructing or contravening any announced programme or orders of the Military Government with respect to Allied prisoners of war or nationals of the United Nations in Germany, or assaulting, despoiling or without justification confining or otherwise infringing the rights of such prisoners or nationals;

(11) Unauthorized possession, control or disposition of property belonging to the Allied Forces or to a member of the Allied Forces;

(12) Destruction, concealment, unauthorized possession or disposition of, or interference with, any ship, installation, plant, equipment or other economic asset, or plans or records with respect thereto, required by the Military Government;

(13) Knowingly making any false statement, orally or in writing, to any member of, or person acting under the authority of, the Allied Forces in a matter of official concern; or in any manner defrauding, or refusing to give information required by Military Government;

(14) False assumption of authority from the Allied Forces; wrongful possession or control of any part of an Allied uniform whether genuine or false;

(15) Defacement or unauthorized removal of written or printed matter posted under authority of Military Government;

(16) Wilful destruction, alteration or concealment of any work of art, monument or other cultural property created by another;

(17) Promoting, aiding or attending any public gathering for which no permit has been granted, unless held for religious purposes or in the exercise of functions authorized by the Allied Forces;

(18) Resisting arrest by a person acting under the authority of the Allied Forces, or escaping from arrest or detention imposed under such authority;

(19) Aiding, or failing to report, any person known to be wanted by the Allied Forces;

(20) Dissemination of any rumor calculated to alarm or excite the people or to undermine the morale of the Allied Forces;

(21) Conduct hostile or disrespectful to the Allied Forces or to any of the United Nations;

(22) Initiating or carrying out any criminal prosecution, disciplinary measure or any other form of punishment or victimisation (including boycotting) against any person for co-operating with the Allied Forces or the Military Government;

(23) Acts to the prejudice of good order or of the interests of the Allied Forces or any member thereof.

(c) *Article III; attempts, conspiracies.* Anyone who attempts to commit, or conspires or agrees with another to commit, any offence, or who advises, assists in, or procures the commission of any offences, or who having knowledge of an alleged offence fails to report it or assists an alleged offender to avoid arrest, shall be punishable as a principal.

(d) *Article IV; collective fines.* The Burgermeister or other principal representative of any community may be charged and tried as representing the residents thereof with any offence for which such residents or a substantial number thereof are alleged to be collectively responsible, and in the event of his being convicted of such offence in his representative capacity, and collective responsibility being established, a collective fine may be imposed upon the community.

(e) *Article V; responsibility for corporate acts.* Every director, official or employee of any incorporated or unincorporated company, society, or association, and every partner or employee of a partnership, who in any such capacity, either alone or jointly with others, causes, directs, urges or votes in favor of an act or omission which constitutes an offence for which the company, society, association or partnership would be triable by a Military Government Court, shall be liable therefor as though such act or omission had been done or made in his individual capacity.

(f) *Article VI; defences.* (1) It shall be a good defence to any charge hereunder that the offence charged was an act of legitimate warfare by a person entitled to the status of a combatant.

(2) It shall not be a defence to any charge hereunder that the offence charged was committed under orders of any civil or military superior or of any person purporting to act as an official or member of the NSDAP or that the offence was committed under duress.

(g) *Article VII; definition.* (1) The expression "Allied Forces" as used herein and, in the absence of indication to the contrary, in proclamations, laws, ordinances, notices or orders of the Military Government, includes persons subject to military, naval, or air force law or to the jurisdiction of British Naval Courts and who are serving under the command of the Supreme Commander, Allied Expeditionary Force, or of any other Commander of any forces of the United Nations, and any military formation or civilian agency composed in whole or in part of such persons.

(2) The expression "enemy forces" include all persons, whether entitled to belligerent status or not, who are engaged in armed resistance to the Allied Forces.

§ 3.6 *Ordinance No. 2; Military Government Courts*—(a) *Article I; kinds of military courts.* (1) General Military Courts.

(2) Intermediate Military Courts.

(3) Summary Military Courts.

(b) *Article II; jurisdiction.* (1) Military Government courts shall have jurisdiction over all persons in the occupied territory except persons other than civilians who are subject to military, naval or air force law and are serving under the command of the Supreme Commander, Allied Expeditionary Force, or any other Commander of any forces of the United Nations.

(2) Military Government Courts shall have jurisdiction over:

(i) All offences against the laws and usages of war.

(ii) All offences under any proclamation, law, ordinance, notice or order issued by or under the authority of the Military Government or of the Allied Forces.

(iii) All offences under the laws of the occupied territory or of any part thereof.

(c) *Article III; powers of sentence.* (1) A General Military Court may impose any lawful sentence including death.

(2) An Intermediate Military Court may impose any lawful sentence except death, or imprisonment in excess of ten years, or fine in excess of £2,500—$10,000.

(3) A Summary Military Court may impose any lawful sentence except death, or imprisonment in excess of one year, or fine in excess of £250—$1,000.

(4) Within the limits of the powers given to the court, both a term of imprisonment and a fine may be imposed for the same offence, and a further term of imprisonment within the powers of the court may be imposed in default of payment of the fine.

(5) In addition to or in lieu of sentence of fine, imprisonment or death (within its powers), a Military Government Court may make such orders with respect to the person of the accused and the property, premises or business involved in the offense as are appropriate and authorized by the rules of Military Government Courts; and shall have power to impound money or other objects, to grant bail and accept and forfeit security therefor, to order arrest, to compel the attendance and order the detention of witnesses, to administer oaths, to punish for contempt, and such other powers as may be necessary and appropriate for the due administration of justice.

(6) Where an offense is charged under the laws of the occupied territory or any part thereof, the punishment which may be imposed shall not be limited to the punishment provided by such laws.

(d) *Article IV; composition of courts.* (1) All members of the Military Government Courts shall be officers of the Allied Forces or civilian Military Government officials of the United States citizenship.

(2) General Military Courts shall consist of not less than three members. Intermediate and Summary Military Courts shall consist of one or more members.

(3) Advisors to sit with any court may be appointed either by the court itself or by an authority empowered to appoint such class of court. They shall give the court such advice and assistance as it may require but shall have no vote.

(4) Clerks, interpreters, and other persons necessary for the conduct of proceedings may be appointed by the court.

(e) *Article V; rights of accused.* (1) Every person accused before a Military Government Court shall be entitled:

(i) To have in advance of trial a copy of the charges upon which he is to be tried;

(ii) To be present at his trial, to give evidence and to examine or cross-examine any witness; but the court may proceed in the absence of the accused if the accused has applied for and been granted permission to be absent, or if the accused is believed to be a fugitive from justice;

(iii) To consult a lawyer before trial and to conduct his own defense or to be represented at the trial by a lawyer of his own choice, subject to the right of the court to debar any person from appearing before the court;

(iv) In any case in which a sentence of death may be imposed, to be represented by an officer of the Allied Forces, if he is not otherwise represented;

(v) To bring with him to his trial such material witnesses in his defense as he may wish, or to have them summoned by the court at his request, if practicable;

(vi) To apply to the court for an adjournment where necessary to enable him to prepare his defense;

(vii) To have the proceedings translated, when he is otherwise unable to understand the language in which they are conducted;

(viii) In the event of conviction, within a time fixed by the rules of Military Government Courts to file a petition setting forth grounds why the findings and sentence should be set aside or modified.

(f) *Article VI; review.* (1) The record of every case in which a petition for review is filed and of such other cases as shall be determined in accordance with the rules of Military Government Courts shall be reviewed by such officer or officers or civilian Military Government official or officials of United States citizenship as may be designated for that purpose by or under the authority of the Military Government.

(2) The reviewing authority shall have power to set aside any finding of guilty, to suspend, reduce, commute or modify the sentence, to order a new trial, and to make such other orders as may be appropriate, but shall not set aside a finding of not guilty. The reviewing authority may increase the sentence in any case in which a petition of review has been filed which is considered to be frivolous, but shall not otherwise increase any sentence.

(g) *Article VII; confirmation of death sentences.* No sentence of death shall be executed unless and until confirmed in writing by the Supreme Commander, Allied Expeditionary Force, or other head of the Military Government for the time being, or such other officer or civilian Military Government official of United States citizenship as he may designate. The confirming authority shall have with respect to such sentence all the powers of a reviewing authority.

(h) *Article VIII; rules.* Rules of Military Government Courts not inconsistent with this section prescribing the procedure of such courts and the mode of exercise of the powers conferred may be made, amended or supplemented by or under the authority of the Supreme Commander, Allied Expeditionary Force, or other head of the Military Government for the time being.

§ 3.7 *Ordinance No. 8; military tribunal for security violations.* (a) Any person who commits or attempts to commit any act or acts prejudicial to the security or mission of the U. S. Forces in the European Theater shall be punished as a military tribunal, to be appointed under the authority of the Commanding General, U. S. Forces, European Theater, may direct.

(b) Except as to cases referred to such a military tribunal pursuant to this section, nothing herein shall affect the application of Military Government Ordinances numbers 1 and 2. (See §§ 3.5 and 3.6.)

(c) This section shall become effective on November 10, 1946.

§ 3.11 *German courts; Law No. 2—* (a) *Article I; temporary suspension of ordinary and administrative courts.* (1) The following German courts and tribunals are hereby suspended and deprived of authority in the occupied territory until authorized to re-open:

(i) The Oberlandesgerichte, and all courts over which they exercise appellate or supervisory jurisdiction;

(ii) All subordinate courts over which the Reichsverwaltungsgericht exercises, appellate or supervisory jurisdiction;

(iii) All other courts not dissolved under paragraph (b) of this section.

(2) The Reichsgericht and the Reichsverwaltungsgericht have until further notice no authority over any court or otherwise in the occupied territory.

(3) Every decision, judgment, writ, order or direction issued by any such court or tribunal after the effective date of this law and during the period of suspension shall, within the occupied territory, be null and void.

(b) *Article II; dissolution of special and party courts and tribunals.* (1) The jurisdiction and authority of the following courts and tribunals in the occupied territory are hereby abolished:

(i) The Volksgerichtshof;

(ii) The Sondergerichte;

(iii) All courts and tribunals of the NSDAP and of its organizations, formations and connected associations.

(c) *Article III; authority for re-opening ordinary civil and criminal courts.* (1) Each Oberlandesgericht, Landgericht and Amtsgericht within the occupied territory shall re-open and resume its usual functions only when and to the extent specified in written directions of Military Government.

(2) Unless otherwise provided in such written directions, said courts, when reopened, shall give priority to the trial and deposition of the following classes of cases in the order named:

(i) Criminal cases initiated during the period between the effective date of this law and the re-opening of the court;

(ii) Criminal cases initiated before the effective date of this law;

(iii) Criminal cases initiated after the re-opening of the court;

(iv) Contentious and non-contentious civil cases initiated prior or subsequent to re-opening of the court involving:

(*a*) Domestic relations,

(*b*) Personal status,

(*c*) Claims in tort involving life, liberty or personal physical injuries, but excluding defamation,

(*d*) Other claims in tort and other civil cases involving amounts not exceeding five hundred Marks (RM 500),

(e) Other civil cases.

(d) *Article IV; re-opening of administrative and other courts temporarily suspended.* Each such court shall re-open and resume its usual functions only when and to the extent specified in written directions of Military Government.

(e) *Article V; qualifications of judges, prosecutors, notaries and lawyers.* (1) No person shall be qualified to act as judge, prosecutor, notary or lawyer, until he shall have taken an oath in the following form:

OATH

I swear by Almighty God that I will at all times apply and administer the law without fear or favor and with justice and equity to all persons of whatever creed, race, color or political opinion they may be, that I will obey the laws of Germany and all enactments of the Military Government in spirit as well as in letter, and will constantly endeavor to establish equal justice under the law for all persons. So help me God.

Every person who takes the foregoing oath is no longer bound by the obligations of any oath of office previously subscribed by him.

(2) No person shall act as judge, prosecutor, notary, or lawyer without the consent of Military Government.

(f) *Article VI; limitations on jurisdiction.* (1) Except when expressly authorized by Control Council or Military Government Law, ordinance or regulation, or by order of the Director of Military Government of the appropriate Land, no German court shall assert or exercise jurisdiction in the following cases or classes or cases:

(i) Criminal cases involving:

(a) Any of the United Nations, or

(b) The Armed Forces of any of the United Nations, or

(c) Any person serving with any such Forces or a dependent accompanying any of them, or

(d) Any national of the United Nations, or

(e) Any stateless person who has the assimilated status of a United Nations displaced person, or

(f) Criminal offenses committed by Nazis or any other persons against citizens of Allied Nations and their property, as well as attempts directed towards the reestablishment of the Nazi regime and the activity of the Nazi organizations.

(ii) Civil cases as follows:

(a) Involving any of the United Nations, or

(b) The Armed Forces of any of the United Nations, or

(c) Any person serving with any such Force, or

(d) Any national of the United Nations holding an official position or performing official functions in the allied administration of Germany, or

(e) Any dependent accompanying persons in subdivisions (b), (c) and (d) of this subdivision,

(f) Against any national of the United Nations not falling within subdivisions (b), (c), (d), (e) of this subdivision or against any stateless person having the assimilated status of a United Nations displaced person, unless such national or stateless person consents thereto in writing, or has been a resident of Germany continuously since 1930, or he has no fixed intention and well-founded expectation of leaving the territorial boundaries of occupied Germany within a reasonably definite period of time in order to establish or return to an abode elsewhere, or he is defendant in a counter action which is connected with or relevant to the subject matter of a suit which he has filed as plaintiff in a German court, or he is a proper party defendant in a German court consistent with the provisions of Military Government Ordinance No. 6 (See § 3.4.)

(iii) Cases involving offenses against any order of the Allied Forces or any enactment of the Control Council or Military Government unless expressly authorized as provided in the first paragraph of this section; *Provided,* That in the trial of such cases by German courts when so authorized, if the enactment or authority conferring jurisdiction does not specify the penalty which the court is authorized to impose for the offense, the court shall have power to impose a sentence of imprisonment not exceeding five years without hard labor, or imprisonment not exceeding two years with hard labor, or a fine of not more than RM 10,000, or both such imprisonment and fine;

(iv) Cases challenging the validity of any order of the Allied Forces or any enactment of the Control Council or Military Government;

(v) Any case over which jurisdiction has been assumed by a Military Government Court;

(vi) Any case or class of cases reserved for or transferred by Military Government to the exclusive jurisdiction of Military Government Courts;

(vii) Any case for a claim of money against a German government or any legal entity existing under public law;

(viii) Any case or class of cases withdrawn from the jurisdiction of German courts by Military Government;

(ix) Cases involving as a party a person included within the categories enumerated in subparagraphs (1), (2) and (3) of § 3.4 (i) of Military Government Ordinance No. 6 wherein the Military Government Court for Civil Actions has jurisdiction.

(2) Any proceedings taken or decisions rendered after the date hereof by a German court in any cases excluded from its jurisdiction shall be null and void.

(g) *Article VII; powers of Military Government.* (1) The following powers of control and supervision are, without prejudice to the subsequent exercise of any additional or other powers, vested in the Military Government:

(i) To dismiss or suspend any German judge, Staatsanwalt or other court official; and to disbar from practice any notary or lawyer;

(ii) To supervise the proceedings of any court, to attend the hearing of any case, whether in public or in camera, and to have full access to all files and records of the court and documents in the cases;

(iii) To review administratively all decisions of German trial and appellate courts and to nullify, suspend, commute or otherwise modify any finding, sentence or judgment rendered by any such court;

(iv) To transfer to the jurisdiction of the Military Government Courts any case or class of cases;

(v) To control or supervise the administration, budgets and personnel of all German courts authorized to function.

(2) No sentence of death shall be carried out without the consent of Military Government. Such consent may be affirmatively given by the Director of Military Government of the Land or by the Deputy Military Governor. Consent shall be implied if:

(i) The Minister of Justice furnishes to the Director of Military Government of the Land a notice in writing of the imposition of the judgment and sentence and advising that the same has become final under German law, and

(ii) Thirty days have elapsed since the signing by said Director of an acknowledgment in writing of the receipt of the notice, and

(iii) During that period Military Government, through the Director of the Land or the Deputy Military Governor, has not expressly stayed or prohibited the execution of said sentence: *Provided,* That the Director of the Land or the Deputy Military Governor may stay or prohibit the execution of such death sentence at any time prior to the execution.

(3) No member of the Allied Forces nor any employee, of whatever nationality, of the Military Government, shall be required or permitted to testify in any German Court without the consent of the Military Government.

(h) *Article VIII; limitation and prescription.* (1) In any case in which delay in the assertion of any right by suit or action in a German Court has the effect of rendering claims unenforceable or of extinguishing substantive rights, the period during which the bringing of such suit or action is prevented by the suspension of German courts or the limitations imposed by this section shall be excluded in determining the applicable period of limitation or prescription.

(i) *Article IX; penalties.* (1) Any person violating any of the provisions of this section shall, upon conviction by a Military Government Court, be liable to any lawful punishment, including death, as such court may determine.

§ 3.12 *Regulation No. 1 under Military Government Law No. 2*—(a) *General scope.* Subject to the limitations of paragraphs (e), (f) and (g) of § 3.11 and subject to the limitations and conditions specified in this section, each Amtsgericht, Landgericht, and Oberlandesgericht reopened or established with the consent of Military Government, and all judges, prosecutors, notaries, sheriffs, clerks, attorneys, lay advisers, and others performing functions in the administration of justice are authorized to exercise all of their functions.

(b) *Courts with special jurisdiction.* Nothing in this section shall be construed to permit the opening or revival of other courts closed or abolished by

Military Government, including but not limited to the Hereditary Farm Courts (Anerbengerichte) and Hereditary Health Courts (Erbgesundheitsgerichte), even though their functions may have been exercisable by judges of, or such courts may have been attached to, the courts referred to in paragraph (a) of this section: *Provided, however,* That matters formerly within the exclusive jurisdiction of the Labor Courts shall, until further notice, be within the exclusive jurisdiction of the Amtsgericht, as court of first instance, which shall so far as possible apply existing procedure applicable in such matters, except that the provisions for participation of lay judges in labor courts shall not be operative until so determined by the appropriate Minister of Justice.

(c) *Official acts.* (1) Except as authorized by subparagraph (2) (i) or (ii) of this paragraph, no court or official of the administration of justice, including any judge, notary, sheriff, or clerk, shall:

(i) Render a decision, order or judgment (including amends (damages) in favor of private criminal complainants, but excluding fines), authorizing, directing, or effecting the delivery, sale, transfer, or other disposition of, or adjudicating title to or in, property, or ordering the payment of money;

(ii) Levy execution or attachment, or seize, sell or dispose of, property;

(iii) Direct or authorize the distribution of any bankrupt, decedent, or other estate; or

(iv) Attest, authenticate, or witness any legal instrument, declaration, or transaction.

(2) Any official act of the character described in subparagraph (1) of this paragraph is authorized if either:

(i) Such official act, or the result at which it is aimed is generally or specifically authorized by Military Government;

(ii) The party or parties seeking such official act or the party or parties to such instrument, declaration, or transaction, as the case may be, have filed with such court or official, or have attached to such instrument, declaration or transaction, an affidavit averring upon oath or affirmation that, to the best of their knowledge and belief, such official act or such instrument, declaration or transaction, will not transfer rights or title to, or possession of, property or money from any person whose property has been blocked by Military Government or reduce or impair the value of such property, and the court or official neither knows or is charged with knowledge that such affidavit is incorrect.

(iii) Any official act of the character described in subparagraph (1) of this paragraph shall have no legal effect unless the conditions specified in subparagraph (2) (i) or (ii) of this paragraph are met.

(iv) Every decision, order, or judgment authorizing or directing the payment of money or delivery, sale, transfer, or other disposition of property or affecting rights in or the title to property in favor of a person or persons whose property is blocked by Military Government shall contain, in addition to findings showing that such decision, order or judgment is authorized under this section, a provision requiring that such money be paid into a blocked account approved by Military Government or that such property or title be delivered or such title be transferred, or the proceeds derived from the sale or disposition of such property be paid, to a custodian designated, appointed or approved by Military Government.

(d) *Qualifications of fiduciaries and experts.* (1) No judge or other official of the administration of justice shall appoint, confirm, or, regardless of the date of appointment, retain any person as guardian, curator, executor, administrator, liquidator, trustee in bankruptcy, or other fiduciary or as official expert, if such person has been at any time "actively engaged in any of the activities of the Nazi Party or any of its affiliated organizations", or is a person whose property is blocked by Military Government.

(2) The term "actively engaged in any of the activities of the Nazi Party or its affiliated organization" as used herein shall include any member of the Nazi Party or of its affiliated organizations who has:

(i) Held office or otherwise been active at any level, from local to national in the Nazi Party and organizations, or in organizations which further militaristic doctrines;

(ii) Authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations;

(iii) Been an avowed believer in Nazism, or racial or militaristic creeds; or

(iv) Voluntarily given substantial moral or material support, or political assistance of any kind to the Nazi Party or Nazi officials and leaders.

(3) There shall be created at every court which has jurisdiction to appoint fiduciaries or official experts, standing panels of approved persons having the qualifications required by subparagraph (1) of this paragraph, whose names, together with a questionnaire executed by each person, shall be submitted by the court to the appropriate Minister of Justice for approval by Military Government or such German agency as may be designated by him for that purpose with the approval of Military Government. Any additions to such panels shall be similarly submitted for approval. From such approved panels shall be appointed any fiduciary or official expert, except that an executor or other fiduciary who under German law, is nominated because of his personal relationship to interested parties need not be drawn from a panel but may be appointed or confirmed individually subject to subsequent approval to be obtained in the same manner as in the case of panel members.

(4) In examining the qualifications of fiduciaries in office heretofore appointed, precedence shall be given to those who are serving for compensation and are in charge of estates having a fair value in excess of RM 5,000.

(e) *Permissible entries and conditions for entries on public registers.* (1) The following entries upon public registers are permitted unconditionally:

(i) Any entry of rectification, protest, or caveat upon the land register (Grundbuch);

(ii) Any entry, upon the commercial register (Handelsregister), register of cooperatives (Genossenschaftsregister), register of associations (Vereinsregister), or ship register (Schiffsregister), of:

(*a*) The termination of a person's power to represent another person;

(*b*) The notice of opening or termination of bankruptcy or similar proceedings;

(*c*) The cancellation of a firm or dissolution of a partnership, corporation, or other organization;

(*d*) The termination of membership of a person in a partnership, cooperative society, or other organization;

(*e*) The termination of membership in the board of directors (Vorstand), or other board of a corporation or other organization;

(*f*) The establishment of a new branch of a firm or business already having its seat or a branch in the United States Zone;

(*g*) The transfer of the seat of any firm, partnership, corporation, or other organization from one place within the United States Zone to another place within such zone.

(iii) Any entry, in the matrimonial property register (Guterrechtregister) of the exclusion or termination of a husband's powers of management of and usufruct in the assets of his wife, or of the termination of a wife's power to act as agent for her husband, or of a husband's opposition to the carrying on of a business by his wife;

(iv) Any entry upon a blocking register, and any entry of notice of blocking upon any other register, referred to in paragraph (f) of this section.

(2) Any entry upon the commercial register, register of cooperatives, register of associations, or ship register, recording the opening, establishment, or creation of a new firm by a single owner, or of a partnership, limited partnership, joint stock company, limited liability or other corporation, shipowner's association, cooperative, or other association or organization of any kind, may be made only upon specific or general authorization by Military Government.

(3) Except as otherwise authorized by Military Government, no entry than those specified in subparagraphs (1) and (2) of this paragraph may be made upon the land register or any other public register maintained by an official of the administration of justice unless there has been filed with such official, by the applicant for such entry, an affidavit upon oath or affirmation averring, upon a form furnished by such official:

(i) In the case of the entry of the name of a person upon the commercial register, register of associations, register of cooperatives, or ship register, that such person's property has not been blocked by Military Government and that the person has not at any time been "actively engaged in any of the activities of the Nazi Party or of its affiliated organizations", as such phrase

is defined in paragraph (d) (1) of this section.

(ii) In the case of an entry concerning or affecting property, that such entry and the transaction underlying it will neither transfer any right in or title to, or possession of, property from any person whose property has been blocked by Military Government nor reduce or impair the value of such property.

(4) (i) No entry made upon the land register, the commercial register, or any other public register maintained by a judge or other official of the administration of justice between the date on which the land registry office (Grundbuchamt) and general register department (Abteilung für Registersachen) were closed as required by Military Government and the date of commencement of operations under this section shall have any legal effect unless and until there is added to it by the official in charge of such register a notice of confirmation.

(ii) A notice of confirmation shall be added as of course to every entry of the kind described in subparagraph (1) of this paragraph.

(iii) A notice of confirmation shall not be added to an entry of the kinds described in subparagraphs (2) and (3) of this paragraph unless the official in charge finds and certifies as part of his official action that the requirements of such applicable subsection have been satisfied. In the meantime, such entry shall be conspicuously marked "Suspended" and notice of such suspension and of the requirements of this entire paragraph and paragraph (g) of this section shall be mailed to the last-known address of, or lawfully served on, the person or persons interested in maintaining such entry.

(iv) In any room in which business concerning the land register, commercial register, or any other register maintained by a judge or other official of the administration of justice is transacted, there shall be conspicuously displayed a public notice quoting in the official text and in German translation the provisions of this paragraph and of paragraph (g) of this section and stating the date of commencing operations under this section.

(f) *Blocking notices and entries.* (1) Whenever there is furnished by or on behalf of Military Government to a Minister of Justice a list of persons whose property is blocked by Military Government, or a statement of additions or amendments to such list, a copy of such list or statement shall be furnished by him to, and be open to public inspection at, every court under his jurisdiction and shall constitute public notice of its contents. Every such court shall maintain as a public register an index, based on such lists, of persons whose property is so blocked. The clerk of an Amtsgericht shall upon request be required to issue a certificate stating whether the register of blocked persons at such shows that the person named in the certificate is a person whose property has been blocked by Military Government.

(2) Whenever there is furnished by or on behalf of Military Government to the judge or other official in charge of the land register or other public register a notice that real estate, a vessel, or other property, sufficiently identified to be ascertainable, is blocked by Military Government, such judge or other official shall enter upon the appropriate register, in connection with the record of such property, a notice of such blocking.

(3) Every certificate of heirship (Erbschein), every certificate of continuation by the surviving spouse and the children of a community of assets formerly existing between the surviving and predeceasing spouses (German Civil Code, section 1507), and every certificate of appointment as guardian, curator, executor, administrator, trustee in bankruptcy, or other fiduciary, issued by a court or other official of the administration of justice, shall, unless it is shown to the satisfaction of such court or official that the estate to which such certificate refers is not blocked property, conspicuously bear the following notice:

The estate is (presumed to be) blocked by Military Government. Any transaction relating to it or any of its assets is (entered into at the risk of being) null and void unless authorized by Military Government. (Strike out words in parentheses if inapplicable.)

(4) Whenever the court or other official of the Administration of Justice issuing a certificate of heirship or of continuation of the community of assets knows or has reason to believe that an heir or coheir, or a person having an interest in the continuation of the community of assets, is a person whose property is blocked by Military Government, such court or official shall enter a notice to that effect upon the certificate.

(g) *Applicability.* Nothing in this section shall be construed to protect any person who has in good faith attempted to acquire rights in blocked property. The provisions of German Law protecting those persons who purport to derive rights from a person not entitled thereto, do not apply to the extent that the defect of title of the grantor is due to property control or foreign exchange control legislation enacted by Military Government.

(h) *Definitions.* For the purpose of this section:

(1) The term "person" includes every individual, partnership, association, corporation of public or private law, and every other organization or juristic person;

(2) The term "property" includes all property, tangible or intangible, movable or immovable;

(3) The term "blocked" property means property (as herein defined) which Military Government has taken into control through declaration to that effect, seizure of possession or title, direction, management, supervision, or otherwise.

(i) *Issuance of instructions and regulations.* The Land Ministers of Justice are authorized to issue with the approval of Military Government, any regulations or instructions necessary or appropriate to carry out the provisions of this section.

§ 3.13 *Regulation No. 2 under Military Government Law No. 2*—(a) *Testimony in German courts by persons subject to United States Military Law and by persons associated with the United States Office of Military Government.* (*See* § 3.11 (g) (3).) (1) Upon written request made by the president of a German court to the appropriate approving authority hereinafter indicated the following persons may be permitted to testify as witnesses in German courts.

(i) Upon approval by the commanding officer of the detachment, company or higher command, exercising direct supervision and control over the witness:

(*a*) Military personnel of the United States and of United Nations serving with the tactical Armed Forces or with the Offices of Military Government of the United States.

(*b*) Non-military personnel serving with or employed by the tactical Armed Forces of the United States.

(*c*) Other persons subject to United States Military Law including dependents of persons in subdivisions (*a*) and (*b*) of this subdivision.

(ii) Upon approval by a Director of an Office of Military Government, or his designee, exercising supervision over the witness:

(*a*) Non-military personnel serving with or employed by the Offices of Military Government.

(*b*) Dependents of persons in subdivision (*a*) of this subdivision if subject to United States Military Law.

(2) The testimony of persons authorized by the approving authority to appear as witnesses in German courts shall be given only upon such conditions as may be specified by the approving authority: *Provided, however,* That:

(i) The matter on which the testimony is sought is not classified matter,

(ii) The testimony is not prejudicial to the interests of Military Government or of the Armed Forces of the United States, and

(iii) That copies of official papers and copies of reports of inquiries are not requested or furnished in connection with such testimony.

(3) German courts shall not issue subpoenas requiring the attendance of such witnesses. The requests by a German court shall include a statement of the title and nature of the action, together with a statement of the facts proposed for proof by the testimony sought.

(4) No former member or employee of the Armed Forces of the United States or former employee of the Office of Military Government of the United States shall be permitted to testify before a German court concerning any information acquired by him as the result of such membership or employment of which involves the activities of the Armed Forces or of the Military Government or its personnel, unless expressly permitted to do so in writing by the Commanding Officer of the unit of which he was a member or at which he was employed, or, if the testimony concerns the Office of Military Government of the United States, then by the Director of the Office of Military Government for the Land in which such German court is situated.

(5) No person subject to the United States military law, and no employee of the Office of Military Government of the

United States, other than a German national, shall be subject to punishment by any German court for any contempt for such court, but such contempt may be referred by the court before which the testimony was requested to the appropriate approving authority mentioned in this section for appropriate action.

§ 3.14 *Official explanations and comments concerning § 3.12 (Regulation No. 1 under Military Government Law No. 2)*—(a) *Purpose of § 3.12.* The reopening of the ordinary German courts and of notarial offices within the US Zone were generally authorized by letter, this headquarters, AG 014.1 GEC-AGO, "Plan for the Administration of Justice", dated October 4, 1945. Certain normal functions of these courts or officers, in particular those involving the administration of the land register and other public registers and the execution of judgments, remained dormant pending the resolution of certain problems under § 3.15 Law No. 52 relating to blocking and control of property. The purpose of § 3.12 is to permit the resumption of these normal activities, subject only to such safeguards as are felt to be necessary for purposes of blocking control and denazification and de-militarization. Apart from laying down the basic general rule that official actions in the administration of justice are authorized, § 3.12 is concerned with limitations upon judgments, orders, and other decisions affecting property (including money), with the appointment of fiduciaries and official experts, with restrictions on entries on the public registers, with safeguards surrounding the function of judges and notaries in making public attestation (Beglaubigung) of documents and authentication (Beurkundung) of legal declarations of transactions made before them and finally, with the means of bringing to public notice the identity of persons whose property has been blocked and of the blocked property itself.

(b) *Judgments, executions and notarial acts.* (1) Section 3.12 (c) inhibits the strictly judicial process only to the extent that it impinges upon "blocked property". If that process, in any way, diminishes, burdens, or impairs the value of the interests to the "blocked person" in such property, and only then, is it prohibited unless otherwise licensed. Such a license may be inferred from a license of the transaction upon which the court decision is based or of the result at which it is aimed. A decision or other judicial process enhancing "blocked property", unless at the same time it impairs or diminishes the interest therein of another whose property is also blocked, is not prevented by § 3.12, but such addition to the mass of "blocked property" or its value must be subjected to Military Government control in the manner indicated in § 3.12.

(2) A money judgment against a person whose property is "blocked" is not to be deemed a prohibited judgment "ordering the payment of money" in the sense of § 3.12 (c) (1) (i) to the extent that it merely taxes costs or attorney's fees computed in accordance with the statutory scale, or if it merely fixes personal liability enforceable by the normal modes of execution of money judgments without subjecting the judgment defendant to a penalty or citation for contempt of court for nonpayment and does not become a charge or lien upon any property or payable out of specific funds or property. This however, does not mean that payment of the judgment or the issuance and levy of excution pursuant to it is permitted unless otherwise licensed by Military Government.

(3) The imposition of fines inuring to the public, whether imposed in a criminal prosecution or to aid the enforcement of an order ignored by a defendant in a civil proceeding, is not prohibited, even though the defendant's property is "blocked" and payment of the fine would diminish such property. On the other hand, an order in a criminal proceeding to make restitution or payments to a private party is subject to the limitations of § 3.12 (c).

(4) None of the limitations established by § 3.12 (c) (1) apply to decisions which do not relate to property, such as judgments by which a marriage is annulled or dissolved, or by which a legitimate relationship is declared to exist between a child and his alleged father, or by which an adoption is authorized.

(5) In prohibiting, except as otherwise licensed, judicial or notarial attestation of documents and authentication of declaration or "transactions" when impairment of "blocked property" would follow, § 3.12 uses the term "transaction" which denotes any act by a person or persons tending to create, transfer, modify, or extinguish a right. Thus, transactions include not only contracts and agreements (offers, promises, gifts, conveyances), but also the incorporation of a company, of a business, the creation of a mortgage, a release; it excludes, however, tort and the discharge of purely governmental duties by an official, as distinguished from the performance of proprietary functions on behalf of the government.

(c) *Fiduciaries and experts.* (1) In view of the fact that fiduciaries and standing experts appointed by a court or an official of the administration of justice are considered public officials, § 3.12 (d) makes them subject to approval by Military Government or such German agency as may be designated for that purpose by the Minister of Justice with the approval of Military Government, prohibits the appointment or retention in office of such fiduciaries or experts if their property is "blocked", or if they were active Nazis or militarists according to the definition contained in § 3.12. The prohibition, however, does not apply to the calling of an expert witness by the parties in an individual case.

(2) Because the appointment of such fiduciaries and experts must often be speedy, the panel device is adopted. The approval of names on a panel by Military Government should be given as promptly as possible. If the cases of some of the proposed panel members require extended consideration, it is better to approve the list in part and reserve decision on the rest than to hold up the entire list. The panel device, however, does not lend itself to executors, who are nominated by the testator, or to other fiduciaries, such as personal guardians, who under German law are nominated primarily because of their personal relationship to interested parties. In such cases, a provisional appointment may be made and the appointment submitted for "post audit" by Military Government.

(3) Fiduciaries already in office may be retained even if they are not on a panel and are not in the "personal relation" category so long as they are not persons whose property has been blocked or were formerly active Nazis. If the court decides to retain them, however, their names, like those of panel members, must be submitted for Military Government "post audit" in the same way as the personal relation category with priority in handing at all levels to be given to compensated fiduciaries in charge of estates having a value of more than RM 5,000.

(d) *Public registers.* (1) The authority to reopen the land register and other public registers maintained by courts or other officials of the administration of justice is contained in the general authorization of § 3.12 (a). The limitations on entries, however, are contained in § 3.12 (e) and a new register, the blocking register, is established by § 3.12 (f). It will be noticed that, apart from entries on the blocking register (§ 3.12 (e) (1) (iv)), only those entries are permitted unconditionally (§ 3.12 (e) (1) (i) (ii) and (iii)), which clearly are not prejudicial to property control. Entries evidencing the creation of new businesses or organizations require prior approval by Military Government (§ 3.12 (e) (2)), normally the property control officer. The remaining entries (§ 3.12 (e) (3)) require, in the absence of a general or specific license for the entry or the transaction the filing of a clearing affidavit as described in § 3.12.

(2) Section 3.12 (e) (4), relating to past entries, is designed to clarify the legal situation resulting from the making of entries in some places upon the land register, the commercial register, and other registers, generally by authority of local Military Government, before the date of the reopening was authorized by § 3.12.

(e) *Blocking lists, notices, and entries.* (1) Paragraph (f) of § 3.12 is intended through the establishment of blocking lists, blocking registers, and blocking notices, to give blocking information to officials of the administration of justice and to the public. It is not designed to give legal protection to bona-fide purchasers or others who may be relying on such lists. On the contrary, if blocked property is transferred or impaired without license other than by § 3.12, even though the required affidavits have been filed and the judge has made the necessary findings and is not on notice of the blocking, the persons relying on the judgment or other official acts are not protected, despite any provisions of German law to the contrary. This is the effect of paragraphs (e) and (f) of § 3.15. Paragraph (g) of § 3.12 is thus declaratory of existing law. It is important that the German population as well as the German bar be apprised of this, and the

posting of a notice quoting § 3.12 (g) is designed to accomplish this.

(f) *Proof negativing blocking or Nazism.* (1) In these cases in which official action is intended to be prevented if the effect would be to impair blocked property, § 3.12 generally permits the judge or other official to rely upon an affidavit of the party interested if the judge is not put upon inquiry by some suspicious circumstance and is not charged with notice by blocking lists, blocking entries, and the like. To make sure that he is not thus put on notice, it would seem necessary for him to have a search of the relevant lists and registers made in every relevant case and to obtain a certificate from the official in charge of the list or register as to the result of the search.

(2) Where the question is whether a person was active as a Nazi, a questionnaire should be obtained, especially where the approval of Military Government is required.

(g) *Implementation of § 3.12.* The Minister of Justice is empowered, subject to the approval of Military Government, to issue instructions to implement § 3.12, in this and other respects. The instruction should be cleared with both the legal and the property control officers.

(h) *Effective date.* An effective date of February 16, 1946, is provided for § 3.12. It is recognized, however, that a reasonable time lag between that date and the date on which the register departments are apprised of it and open for business may be inevitable. The date on which they begin to operate under § 3.12 is important in those cases in which the register department had opened prematurely and the validation process under § 3.12 (e) (4) is involved. The date on which operation under § 3.12 commenced must, therefore, be determined and conspicuously posted (§ 3.12 (e) (4) (iv)).

§ 3.15 *Blocking and control of property; Law No. 52*—(a) *Article I; categories of property.* (1) All property within the occupied territory owned or controlled, directly or indirectly, in whole or in part, by any of the following is hereby declared to be subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government:

(i) The German Reich, or any of the Lander, Gaue, or Provinces, or other similar political subdivisions or any agency or instrumentality thereof, including all utilities, undertaking, public corporations or monopolies under the control of any of the above;

(ii) Governments, nationals or residents of nations, other than Germany which have been at war with any of the United Nations at any time since September 1, 1939, and governments, nationals or residents of territories which have been occupied since that date by such nations or by Germany;

(iii) The NSDAP, all offices, departments, agencies and organizations forming part of, attached to, or controlled by it; their officials and such of their leading member or supporters as may be specified by Military Government;

(iv) All persons while held under detention or any other type of custody by Military Government;

(v) All organizations, clubs or other associations prohibited or dissolved by Military Government;

(vi) Absentee owners of non-German Nationality, including United Nations and neutral governments and Germans outside of Germany;

(vii) All other persons specified by Military Government by inclusion in lists or otherwise.

(2) Property which has been the subject of transfer under duress, wrongful acts of confiscation, dispossession or spoliation, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise, is hereby declared to be equally subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government.

(b) *Article II; prohibited transactions.* (1) Except as hereinafter provided, or when licensed or otherwise authorized or directed by Military Government, no person shall import, acquire or receive, deal in, sell, lease, transfer, export, hypothecate or otherwise dispose of, destroy or surrender possession, custody or control of any property:

(i) Enumerated in paragraph (a) of this section;

(ii) Owned or controlled by any Kreis, municipality, or other similar political subdivision;

(iii) Owned or controlled by any institution dedicated to public worship, charity, education, the arts and sciences;

(iv) Which is a work of art or cultural material of value or importance, regardless of the ownership or control thereof.

(c) *Article III; responsibilities for property.* (1) All custodians, curators, officials, or other persons having possession, custody or control of property enumerated in paragraphs (a) and (b) of this section are required:

(i) (*a*) To hold the same, subject to the directions of the Military Government and, pending such direction, not to transfer, deliver or otherwise dispose of the same;

(*b*) To preserve, maintain and safeguard, and not to cause or permit any action which will impair the value or utility of such property;

(*c*) To maintain accurate records and accounts with respect thereto and the income thereof.

(ii) When and as directed by Military Government:

(*a*) To file reports furnishing such data as may be required with respect to such property and all receipts and expenditures received or made in connection therewith;

(*b*) To transfer and deliver custody, possession or control of such property and all books, records and accounts relating thereto; and

(*c*) To account for the property and all income and products thereof.

(2) No person shall do, cause or permit to be done any act of commission or omission which results in damage to or concealment of any of the properties covered by this section.

(d) *Article IV; operation of business enterprises and Government property.* (1) Unless otherwise directed and subject to such further limitation as may be imposed by Military Government:

(i) Any business enterprise subject to control under this law may engage in all transactions ordinarily incidental to the normal conduct of its business activities within occupied Germany *Provided,* That such business enterprise shall not engage in any transaction which directly or indirectly substantially diminishes or imperils the assets of such enterprise or otherwise prejudicially affects its financial position *And provided further,* That this does not authorize any transaction which is prohibited for any reason other than the issuance of this law;

(ii) Property described in paragraph (a) (1) (i) of this section shall be used for its normal purposes except as otherwise prohibited by Military Government.

(e) *Article V; void transactions.* Any prohibited transaction effected without a duly issued license or authorization from Military Government, and any transfer, contract or other arrangement made, whether before or after the effective date of this section, with the intent to defeat or evade this section or the powers or objects of Military Government or the restitution of any property to its rightful owner, is null and void.

(f) *Article VI; conflicting laws.* In case of any inconsistency between this section or any order made under it and any German law the former prevail. All German laws, decrees and regulations providing for the seizure, confiscation or forced purchase of property enumerated in paragraphs (a) or (b) of this section, are hereby suspended.

(g) *Article VII; definitions.* (1) For the purpose of this law:

(i) "Person" shall mean any natural person, collective person and any juristic person under public or private law, and any government including all political subdivisions, public corporations, agencies and instrumentalities thereof;

(ii) "Business enterprise" shall mean any person as above defined engaged in commercial, business or public welfare activities.

(iii) "Property" shall mean all movable and immovable property and all rights and interests in or claims to such property whether present or future, and shall include, but shall not be limited to, land and buildings, money, stocks/shares, patent rights or licenses thereunder, or other evidences of ownership, and bonds, bank balances, claims, obligations and other evidences of indebtedness, and works of art and other cultural materials;

(iv) A "national" of a state or government shall mean a subject, citizen or partnership and any corporation or other juristic person existing under the laws of, or having a principal office in the territory of, such state or government;

(v) "Germany" shall mean the area constituting "Das Deutsche Reich" as it existed on December 31, 1937.

(h) *Article VIII; penalties.* Any person violating any of the provisions of this section shall, upon conviction by a Military Government Court, be liable to any lawful punishment, including death, the court may determine.

(i) *Article IX; effective date.* This section shall become effective upon the date of its first promulgation.

§ 3.16 *General Order No. 1 issued pursuant to § 3.15.* (a) It is hereby ordered, that, commencing from the date of announcement of dissolution, abrogation or suspension of any organization or business enterprise by Military Government, the provisions of § 3.15 (d) shall no longer apply to any such organization or business enterprise or its property.

(b) All property of all persons described in this section is hereby specified by Military Government in accordance with paragraphs (a) (1) (iii) and (vii) of § 3.15, to be subject to all of the provisions of § 3.15, and may not be dealt with except as licensed or otherwise authorized or directed by Military Government or § 3.15:

(1) All persons who have been members at any time of any of the General Staffs including those of the Oberkommando des Heeres, the Oberkommando der Kriegsmarine or the Oberkommando der Luftwaffe or the General Staff Corps.

(2) Ministers, State Secretaries and Ministerial Directors in all Reich Ministries.

(3) All officials at any time since January 30, 1933, other than clerks, of the Reichskanzlei, Prasidialkanzlei or Pressechef der Reichsregierung.

(4) Minister, Chief Adjutant, State Secretary, Ministerial Directors, heads and Deputy heads of departments, subdepartments and agencies of the Ministry of Armament and War-Production, including the heads of all Hauptausschusse and Ringe.

(5) All Reich Commissioners, General Commissioners and Inspectors General.

(6) Land Ministers, State Secretaries and Ministerial Directors at Land levels.

(7) Provincial Presidents, Reich Governors and their department heads.

(8) Regierungsprasidenten.

(9) Landrate.

(10) Oberburgermeister.

(11) Reich Youth Leaders (Reichsjugendfuhrer) at any time.

(12) The President, members of the managing board (Reichsbankdirektorium), members of the Beirat, and all Reichsbankdirektoren of the head office (Berlin) of the Reichsbank (Deutsche Reichsbank); all members of the local advisory boards (Bezirksbeirate) of the regional Reichsbank Branches (Hauptstellen, Stellen).

(13) The boards of directors and Vorstande of the:

(i) Gold Discount Bank (Deutsche Golddiskontbank), Conversion Office for German Debts (Konversionskasse fur Deutsche Auslandsschulden), Reichskreditkasse and German Clearing Office (Deutsche Verrechnungskasse).

(ii) German Central Savings Bank (Deutsche Girozentrale-Deutsche Kommunalbank).

(iii) Bank der Deutschen Luftfahrt, Heeres-Rustungs A. G., Rustungskontor G. m. b. H., Deutsche Bau- und Boden-Bank, Deutsche Industriebank, Deutsche Gesellschaft fur offentliche Arbeiten ("Oeffa"), Deutsche Siedlungsbank, Deutsche Verkehrs-Kredit-Bank.

(iv) The following Berlin commercial banks: The "Big Six"—Deutsche Bank, Dresdner Bank, Commerzbank, Reichs-Kredit-Gesellschaft A. G., Berliner Handels-Gesellschaft, and Bank der Deutschen Arbeit A. G. Also all members of the local advisory boards of such banks.

(v) Preussische Staatsbank (Seehandlung), Berlin. Also the Chairman and Vice-Chairman of the board of directors and the entire Vorstand of all other State commercial banks.

(14) Reich Commissioners, Vorstand, and the boards of directors of the:

(i) German Central Credit Co-operative Bank (Deutsche Zentralgenossenschaftskasse).

(ii) Deutsche Rentenbank-Kreditanstalt and Deutsche Rentenbank.

(15) All partners of the following private banks:

Merck, Finck und Co., Munich and Berlin.

Brinckmann, Wirtz und Co., Hamburg.

Pferdmenges und Co., Cologne.

J. H. Stein, Cologne.

Delbruck, von der Heydt und Co., Cologne.

Delbruck, Schickler und Co., Cologne.

Burkhardt und Co., Essen.

Eichborn und Co., Breslau and Berlin.

Munchmeyer und Co., Hamburg.

(16) All Geschaftsfuhrer of Hardy & Co., G. m. b. H., Berlin.

(17) Chairmen and Vice-Chairmen of the Boards of Directors and all members of the Vorstande of all commercial banks not otherwise specified herein, having total assets in excess of RM. 50,000,000.

(18) Heads of Reichsausschuss zum Schutze des Deutschen Blutes, Reichsstelle fur Umsiedlung, Reichsversicherungsamt, Reichsarchiv.

(19) All officials or officers of the following Reich agencies:

(i) Office of the Plenipotentiary for the Four-Year Plan (Beauftragter fur den Vierjahresplan) and all subdivisions thereof.

(ii) Supreme Command of the Armed Forces (Oberkommando der Wehrmacht, i. e., OKW).

(iii) Reich Ministry for Public Enlightenment and Propaganda (Reichsministerium fur Volksaufklarung und Propaganda) and national, regional and subsidiary offices.

(iv) Reich Air Ministry (Reichsluftfahrtministerium).

(v) Reich Ministry for Occupied Eastern Territories (Reichsministerium fur die besetzten Ostgebiete).

(vi) Reich Ministry for Ecclesiastical Affairs (Reichsministerium fur Kirchliche Angelegenheiten).

(vii) European Office for Labor Supply.

(viii) Reich Office for Spatial Planning (Reichsstelle fur Raumordnung).

(ix) Reich Office for Resettlement (Reichsstelle fur Umsiedlung).

(x) Academy of German Law (Akademie fur das deutsche Recht).

(xi) German Academy (Deutsche Akademie, Munich).

(xii) Reich Chambers for Doctors, Veterinaries, Dentists and Apothecaries (Reichsarzte-, Tierarzte-, Zahnarzte- und Apothekerkammern).

(xiii) Office of Forestry (Amt fur Forstwirtschaft).

(xiv) Reich Patent Office (Reichspatentamt).

(20) All members of every German Reichstag since January 1, 1934.

(21) Reich Labor Trustees (Reichstreuhander der Arbeit).

(22) The following officials of the Reich Food Estate: All Bauernfuhrer—from and including the Kreis level up; Chairman of the Central Market Associations (Hauptvereinigungen), Regional Market Associations (Wirtschaftsverbande) and County or local marketing associations (Unterverbande), Presidents of Regional Food Offices (Landesernahrungsamter) and County Food Offices (Ernahrungsamter); and their deputies.

(23) All university rectors and curators appointed since January 30, 1933, including heads of all institutions of university rank (Hochschulen).

(24) Members of the Supreme Court (Reichsgericht); People's Court (Velksgericht); Reichsverwaltungsgericht; Reichskriegsgericht; Reichserbhofgericht; Reichsarbeitsgericht; Reichsehrengerichtshof; Oberstes Fidoikemmissgericht; Oberprisenhof.

(25) Members of the Courts of Appeal (Oberlandesgerichte).

(26) Chief Public Prosecutors (Oberreichsanwalte, Generalstaatsanwalte und Oberstaatsanwalte).

(27) All members of the SS; all officers and noncommissioned officers of the Waffen SS and SA from Unterscharfuhrer up.

(28) Hitler Youth officials and officers (male and female) from Stammfuhrer or Madelringfuhrerin up.

(29) Officials and officers of the NSDAP, down to Ortsgruppenleiter; directors, officials and officers of any organization, institution, department, agency, office or other entity forming part of, attached to, affiliated with, or in any way controlled or supervised by any organization listed in Military Government Law No. 5, and of any of the following NSDAP agencies:

(i) Reich Committee for People's Health Service (Reichsaussachuss fur Volksgesundheitsdienst).

(ii) Reich Sport Office (Reichssportamt).

(iii) Reich Genealogical Office (Reichssippenamt).

(iv) State Academy for Race and Health (Staatsakademie fur Rassen und Gesundheitspflege, Dresden).

(v) All publishing houses and printing works owned or controlled by the NSDAP, such as Phoenix G. m. b. H., the Eher Verlag, and all enterprises owned or controlled by any of them.

(vi) Association of German Organizations Abroad (Verband Deutscher Vereine im Ausland, i. e., VDVA).

(vii) Fraternity U. S. A. (Kameradschaft U. S. A.).

(viii) Ibero-American Institute (Ibero-Amerikanisches Institut).

(ix) World Service (Weltdienst).

(x) Main Office for the Security of the Reich (Reichssicherheitshauptamt).

(xi) Main Office for Budgets and Buildings (Hauptamt fur Haushalt und Bauten).

(xii) Main Office for Administration and Economy (Hauptamt fur Verwaltung und Wirtschaft).

(xiii) The Hanns Kerrl Community Camp (Gemeinschaftslager Hanns Kerrl).

(xiv) German Fichte Association (Deutscher Fichte Bund).

(xv) Sturmabteilungen (SA), and all formations, subdivisions and affiliated organizations thereof, including the SA-Wehrmannschaft or pre-military training centers.

(xvi) NS - Kraftfahrekorps, i. e., NSKK, or Motor Corps.

(xvii) NS-Fliegerkorps, i. e., NSFK, or Flying Corps.

(xviii) Hitler Youth (Hitler Jugend, i. e., HJ) and subsidiary organizations.

(xix) German Christian Movement (Deutsche Christen Bewegung).

(xx) Neo-Pagan Movement (Deutsche Glaubensbewegung).

(xxi) Technische Nothilfe, i. e., TN.

(xxii) Volksdeutsche Bewegung.

(30) Every person who, at any time since April 1, 1933, has served the Deutsche Lufthansa, A. G., outside Germany and every official or officer who has served it within Germany at any time since April 1, 1933.

(31) Police Presidents and Directors and all Police officers above the rank of lieutenant colonel.

(32) All members of Security Police (Sicherheitspolizei), of Secret Police (Gestapo), Security Service (Sicherheitsdienst), and Frontier Police (Grenzpolizei).

(33) German Labor Front officials of the rank of Arbeitsfuhrer and higher (including Kraft durch Freude) at Reich and Gau levels.

(34) Civilian officials and military officials of the rank of captain or equivalent or above, in German administration of occupied countries, and all persons who have acted as representatives of the NSDAP in occupied countries not otherwise covered herein.

(35) Leaders, Chairmen, Presidents and their Deputies of National Economic Chambers, Reichsgruppen, National Transportation Groups (Reichsverkehrsgruppen), Wirtschaftgruppen, Gau Economic Chambers and affiliated Economic Chambers.

(36) Responsible officers of the Organization Todt.

(37) All Wehrwirtschaftsfuhrer.

(38) President and all other officials of the Werberat der Deutschen Wirtschaft and its component organizations.

(39) All directors and high officials of the Reichsrundfunk G. m. b. H. and the Deutsches Nachrichtenburo.

(40) All managers, directors and officials of the Deutsche Umsiedlungs Treuhand G. m. b. H.

(41) Presidents, Vice-Presidents and Secretaries of the Reichskulturkammer, of each subordinate Kammer and heads of sections of each subordinate Kammer.

(42) Editors, assistant editors, directors and all other executives of all newspapers, magazines and other newsdisseminating agencies owned or controlled by the NSDAP or any organization, department, agency, institution, office or other entity forming part of, attached to, affiliated with, or controlled by the NSDAP.

(43) All Amtsleiter and higher officials of the Reichspropagandaleitung.

(44) Persons other than those listed above who have accepted the Nazi honors of Blutorden, Ehrensold, Ehrendolch.

(45) All persons removed from office or position, public or private, or arrested and held by the Military Forces or Military Government and all persons suspended from office or position, public or private, by Military Government for the time such persons are suspended, regardless of whether or not they are listed in this paragraph.

(c) (1) The specification of the foregoing persons shall be deemed to include all persons who are now holding or who at any time since December 31, 1937, have held such positions and the nominees of any of them.

(2) The specification of the foregoing agencies, organizations and other entities shall be deemed to include their successors, substitutes or nominees.

(d) As used herein with respect to any stock company (Aktiengesellschaft, A. G.), any registered association (eingetragener Verein, e. V.), and any limited liability company (Gesellschaft mit beschrankter Haftung, G. m. b. H.), the term "official" shall mean any individual, whether an officer or not, who is empowered, either alone or with others, to bind or sign for or on behalf of any of the foregoing (e. g., Aufsichtsratsmitglieder, Geschaftsfuhrer, Vorstandsmitglieder or Prokuristen); with respect to Government departments or agencies the term "officials" shall mean all heads of departments, subdepartments, sections or other similar organizational units.

(e) All custodians, curators, officials or other persons having possession, custody or control of any of the property of the foregoing are required to comply with § 3.15.

§ 3.17 *General Order No. 2 issued pursuant to § 3.15*—(a) *I. G. Farbenindustrie A. G.* Whereas, it is the main objective of the United Nations to prevent Germany from ever again disrupting the peace of the world;

Whereas, I. G. Farbenindustrie A. G. played a prominent part in building up and maintaining the German War machine;

Whereas, through its world-wide cartel system and practices, I. G. Farbenindustrie A. G., as a deliberate part of Germany's bid for world conquest, hampered the growth of industry and commerce of other nations and weakened their power to defend themselves;

Whereas, the war-making power represented by the industries owned or controlled by I. G. Farbenindustrie A. G. constitutes a major threat to the peace and security of the post-war world so long as such industries remain within the control of Germany;

Whereas, it is essential to the objectives of the United Nations to take over the direction and control of I. G. Farbenindustrie A. G. and to seize possession of its property in order to bring about its destruction and the war-making potential which it represents; and

Whereas, it is intended that the property seized will be placed at the disposition of the Control Council (Germany), when such action is desired by the Control Council; *It is hereby ordered:*

(1) All the property within the United States Zone in Germany owned or controlled, directly or indirectly, by I. G. Farbenindustrie A. G., a corporation organized and existing under and by virtue of the laws of Germany with seat and head office at Frankfurt a/Main is hereby specified under § 3.15 (a) (1) (vii) Military Government Law No. 52 to be subject to seizure of possession, direction, and control by Military Government.

(2) The direction and control of I. G. Farbenindustrie A. G. and the possession of all its property in the United States Zone are hereby seized by the Military Governor, United States Zone.

(3) Pending the assumption of control of such property by the Control Council, or an agency thereof, all the powers of the Military Governor, United States Zone, with respect to the property seized pursuant hereto and with respect to the direction and control of the corporation are hereby delegated to the Deputy Military Governor, United States Zone. Redelegation of any or all such powers is hereby authorized. In the exercise of such powers the Deputy Military Governor, United States Zone, or any person acting by or under his authority with respect to the property affected hereby shall not be subject to German law.

(4) In the exercise of such powers the Deputy Military Governor, or any person acting by or under his authority with respect to such property, shall be guided by the general objectives stated in the preamble hereof and by the following specific objectives, and will take such measures as he deems appropriate to accomplish them:

(i) The making available to devastated non-enemy countries of Europe and to the United Nations, in accordance with such programs of relief, restitution and reparations as may be decided upon, of any of the property seized under this order and, in particular, of laboratories, plants and equipment which produce chemicals, synthetic petroleum and rubber, magnesium and aluminum and other nonferrous metals, iron and steel, machine tools, and heavy machinery;

(ii) Destruction of all property seized under this order and not transferred under the provisions of subdivision (i) of this subparagraph if adapted to the production of arms, ammunition, poison gas, explosives, and other implements of war, or any parts, components or ingredients designed for incorporation in the foregoing, and not of a type generally used in industries permitted to operate within Germany;

(iii) Dispersion of the ownership and control of such of the plans and equip-

ment seized under this order as have not been transferred or destroyed pursuant to subdivisions (i) and (ii) of this subparagraph.

(5) The entire management of I. G. Farbenindustrie A. G., including but not limited to the supervising board (Aufsichtsrat), the board of directors (Verstand), and directors (Direktorium) and all other persons, whether office-holders or not, who are empowered, either alone or with others, to bind or sign for or on behalf of I. G. Farbenindustrie A. G. are forthwith removed and discharged and deprived of all authority to act with respect to the corporation or its property;

(i) The rights of shareholders in respect of selection of management or control of I. G. Farbenindustrie A. G. are suspended.

(6) Paragraph (d) of § 3.15 shall not be applicable to any property or enterprise affected by this section.

(7) This section shall become effective on July 5, 1945.

§ 3.18 *General Order No. 3 issued pursuant to § 3.15*—(a) *Bank der Deutschen Arbeit A. G.* Whereas, the Bank der Deutschen Arbeit A. G., a banking corporation organized and existing under and by virtue of the laws of Germany with its head office at Berlin, is completely owned by an official organization of the Nazi party, the Deutsche Arbeits-Front, which has been ordered dissolved;

Whereas, the Bank der Deutschen Arbeit A. G. has been used by the Nazi party to consummate a large majority of its more obnoxious financial transactions within Germany and in countries temporarily under German armed domination;

Whereas, the Bank der Deutschen Arbeit A. G. served as the reservoir to hold Nazi party members' fees and other semi-compulsory contributions and was used to finance the economic enterprises of the Deutsche Arbeits Fronts;

Whereas, the directors and management officials of the Bank der Deutschen Arbeit A. G. have been Nazi political favorites and Nazi party officials and persons who are now prohibited from engaging in the business of banking;

Whereas, it is one objective of the United Nations that Nazi party organizations of every description be eliminated;

It is hereby ordered:

(1) Commencing with the effective date hereof the provisions of § 3.15 (d) shall not apply to the Bank der Deutschen Arbeit A. G., (hereinafter called the Bank) nor any of its property.

(2) All the property within the United States Zone in Germany owned or controlled, directly or indirectly, in whole or in part, by the Bank is hereby specified under § 3.15 (a) (1) (vii) to be subject to seizure of possession, direction, and control by Military Government.

(3) The direction and control of all branches, offices and agencies of the Bank and the possession of all its property and assets in the United States Zone are hereby seized by the Military Government.

(4) These branches, offices and agencies will close for all purposes at 0001 hours, September 1, 1945.

(5) All directors, management officials and all other persons, whether office holders or not, who are empowered, either alone or with others, to bind or sign for or on behalf of the Bank in the United States Zone are deprived of all authority to act with respect to the Bank or its property except as specifically authorized in subparagraph (6) of this paragraph.

(6) The branch and agency officials and employees of the Bank who may be selected by the Military Government authorities to remain temporarily in the employ of the Bank are charged with observance of all provisions of Military Government laws, especially § 3.15 and § 3.17 issued thereunder, and in addition the following responsibilities and duties:

(i) They will transact no new business of any character on behalf of the bank.

(ii) They will make no payments in liquidation of deposit or other liabilities of the bank.

(iii) They will accept payments in liquidation of existing obligations from the debtors of the bank.

(iv) They will take all prudent and necessary measures to safeguard existing assets and records.

(v) They will make no deliveries of securities or other assets held in safekeeping for the account of customers without first obtaining the authorization of the Military Government.

(vi) They will permit no access to safe deposit boxes or articles left for safekeeping until further instructions are issued.

(7) This section shall become effective at 0001 hours September 1, 1945.

§ 3.19 *Supplement No. 1 to § 3.16 pursuant to § 3.15 Military Government Law No. 52.* (a) Pursuant to paragraph (a) (1) (vii) of § 3.15, the Deutsche Kriegsversicherungsgemeinschaft is hereby specified as subject to the provisions of said section.

(b) The operations of the Deutsche Kriegsversicherungsgemeinschaft are hereby declared suspended by Military Government and by virtue of paragraph (a) of § 3.16, the provisions of § 3.15 (d) (1) are no longer applicable except as hereinafter provided.

(c) The disposal of property or interests in property owned or controlled by the Deutsche Kriegsversicherungsgemeinschaft, whether to satisfy, in whole or in part, an informal claim, a judgment of a court of law, or otherwise, except for the purpose of defraying costs of administration to include damage and claim investigations and such other expenses as are necessary to maintain and complete accurate records of assets, liabilities, and other relative data, shall be deemed substantially to diminish or imperil the assets of said company within the meaning of paragraph (d) (1) of § 3.15.

(d) All suits against the Deutsche Kriegsversicherungsgemeinschaft in German courts based on insurance or reinsurance claims and brought for the purpose of securing or enforcing a judgment shall be abated. (Approved: June 22, 1946.)

§ 3.20 *Supplement No. 2 to § 3.16 of this part pursuant to § 3.15.* (a) Pursuant to § 3.15 (a) (1) (vii), the following persons are declared to constitute a category of "persons specified by Military Government by inclusion in lists or otherwise," and are therefore subject to the provisions of said section:

(1) All persons who have been charged as major offenders or offenders (activists, militarists, and profiteers) by the Public Prosecutor;

(2) All persons who, by notification of the Ministry for Political Liberation, and/or its authorized representatives or agencies, fall within Class I or II categories in the list appended to the law;

(3) All persons subject to blocking in accordance with Article 61 of the Law for Liberation from National Socialism and Militarism;

(4) All persons whose property is ordered blocked pursuant to Article 40 of the Law for Liberation from National Socialism and Militarism, and

(5) All persons any part of whose property is ordered confiscated or blocked by decision of the Tribunal. (Approved: October 1, 1946.)

§ 3.21 *General License No. 1, issued pursuant to § 3.15.* (a) A general license is hereby granted permitting any natural person within Germany whose property is blocked pursuant to § 3.15 to make payment, transfer, or withdrawals or to order the payment transfer or withdrawal, from all his accounts in financial institutions of such funds as may be necessary for the actual living expenses of such natural person and the members of his household: *Provided,* That:

(1) The total of all such payments, transfer, withdrawals or orders therefor, does not exceed RM 200 in any one calendar month, except that additional sums not exceeding RM 50 per person per calendar month may be withdrawn for each dependent member of such person's household, up to a total of RM 100 for all such dependents, making a maximum possible aggregate allowance of RM 300 per household per calendar month.

(2) Payments, transfers and withdrawals from an account in the name of a person who has been taken under detention or other form of custody by Military Government shall be made only to a member of such person's household and under no circumstances to such person.

(b) Any financial institution effecting any payment, transfer or withdrawal pursuant to this general license shall satisfy itself that such payment, transfer or withdrawal is being made in compliance with the terms and conditions of this general license.

(c) As used herein, the term "household" shall mean all dependent relations residing with and the natural person owning or controlling the blocked account.

§ 3.22 *General License No. 2, issued pursuant to § 3.15.* (a) A general license is hereby granted permitting payment or transfers into accounts in financial in-

stitutions blocked pursuant to § 3.15; *Provided*, That:

(1) Such transactions are not prohibited by any law other than Military Government Law No. 52 (See § 3.15);

(2) Such payment or transfer shall not be made by or on behalf of or from the property of any person whose property is blocked, except that a person whose property is blocked may deposit in his account in a financial institution property held by him outside a financial institution;

(3) This section shall not be deemed to authorize any payment or transfer to any blocked account other than that of the person who is the ultimate beneficiary of such payment or transfer.

(b) This section may not be employed to authorize or make any payment or transfer comprising part of a transaction which cannot be effected without the issuance of another license.

§ 3.23 *General License No. 3 issued pursuant to § 3.15.* A general license is hereby granted permitting any Kreis or Municipality to engage in all transactions within Germany ordinarily incidental to its normal operations, *Provided*, That such transactions are not prohibited by any law other than Military Government Law No. 52 and § 3.15, and that such Kreis or Municipality shall not engage in any extraordinary transaction which, directly or indirectly, substantially diminishes or imperils the assets of such Kreis or Municipality or otherwise prejudicially affects its financial position.

§ 3.24 *General License No. 4 issued pursuant to § 3.15.* A general license is hereby granted permitting intra- and inter-bank transfers of credit from an account blocked pursuant to § 3.15,

(a) To the account of the German Reich or any Lander, Provinzen, Stadtkreise, Gemeinden, Landkreise, or other governmental sub-division or agency in payment of matured taxes, duties, fees and similar items, or

(b) In payment of matured premiums for social insurance.

§ 3.25 *General License No. 5 issued pursuant to § 3.15.* A general license is hereby granted permitting any institution within Germany dedicated to public worship to engage in all transactions ordinarily incidental to its normal activities but otherwise prohibited by § 3.15; *Provided*, That:

(a) Such transactions are not prohibited by any Law other than Military Government Law No. 52 and § 3.15.

(b) This license shall not authorize any transaction by or on behalf of any agency, organization, person or other entity mentioned in General Order No. 1 and § 3.16.

(c) This section shall not authorize the purchase, sale or transfer of title of real property.

(d) Such institution shall not engage in any transaction which directly or indirectly substantially diminishes or imperils the assets of such institution or otherwise prejudicially affects such assets.

§ 3.26 *General License No. 6 issued pursuant to § 3.15.* (a) A general license is hereby granted unblocking property in Germany which is owned wholly by United Nations nationals who are residing in Germany, *Provided*, That the property of such persons is blocked solely by reason of the operation of § 3.15 (a) (1) (ii).

(b) This section shall not be deemed to authorize any transaction prohibited by § 3.15.

§ 3.27 *General License No. 7 issued pursuant to § 3.15.* (a) By virtue of this section, it shall be lawful for any financial institution to debit on its books any account blocked under § 3.15, with the exception of accounts blocked under paragraph (a) (1) (vi) of § 3.15, in an amount equal to the normal service charges properly chargeable to such account; *Provided, however*, That the amount debited to any one account under this section shall not exceed RM 25 for any one calendar month.

(b) For the purpose of this section the phrase "normal service charges" shall include only postage costs, custody fees, minimum balance charges and service or account carrying charges.

(c) This section shall not be deemed to authorize any transaction prohibited by § 3.15.

(d) This section shall be effective as of and after January 1, 1946.

§ 3.30 *Definition of United Nations; Law No. 3.* (a) The expression "United Nations" as used in proclamations, laws, ordinances, notices and orders of the Military Government shall, in the absence of indication to the contrary, mean nations which are signatories of the United Nations Declaration dated 1 January 1942, and nations associated with them in this war, including:

(1) Argentine Republic.
(2) Australia.
(3) Belgium.
(4) Bolivia.
(5) Brazil.
(6) Byelorussian Soviet Socialist Republic.
(7) Canada.
(8) Chile.
(9) China.
(10) Columbia.
(11) Costa Rica.
(12) Cuba.
(13) Czechoslovakia.
(14) Denmark.
(15) Dominican Republic.
(16) Ecuador.
(17) Egypt.
(18) El Salvador.
(19) Ethiopa.
(20) France.
(21) United Kingdom of Great Britain and Northern Ireland.
(22) Greece.
(23) Guatemala.
(24) Haiti.
(25) Honduras.
(26) India.
(27) Iran (Persia).
(28) Iraq.
(29) Lebanon.
(30) Liberia.
(31) Luxembourg.
(32) Mexico.
(33) Netherlands.
(34) New Zealand.
(35) Nicaragua.
(36) Norway.
(37) Panama.
(38) Paraguay.
(39) Peru.
(40) Philippine Commonwealth.
(41) Poland.
(42) Saudi Arabia.
(43) Syria.
(44) Turkey.
(45) Ukrainian Soviet Socialist Republic.
(46) Union of South Africa.
(47) Union of Soviet Socialist Republics.
(48) United States of America.
(49) Uruguay.
(50) Venezuela.
(51) Yugoslavia.

(b) Wherever reference is made in any of such proclamations, laws, ordinances, notices and orders of the Military Government to governments or representatives of any of the United Nations, such references shall, in the absence of indications to the contrary, mean national or other authorities or representatives thereof dealt with as such by the Theater Commander or the government of the United States.

[Military Government Gazette, Germany, United States Zone] (60 Stat. 238)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3183; Filed, Apr. 2, 1947; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indians Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

CHARGES FOR MISCELLANEOUS INDIAN IRRIGATION PROJECTS

It appearing (1) that the lands of the Duck Valley Indian irrigation project, Western Shoshone Indian Agency, Nevada, are owned by the Shoshone-Paiute Tribe of Duck Valley Reservation, organized and incorporated under provisions of the act of Congress approved June 18, 1934 (48 Stat. 984, 25 U. S. C. 477), as amended; (2) that the Shoshone-Paiute Business Council at a regular meeting held at Owyhee, Nevada, November 7, 1946, unanimously approved an increase in the operation and maintenance rate of assessment for their lands in the said project from 40 cents per acre per annum, as prescribed in § 130.105, to 50 cents per acre per annum effective for the year 1947; (3) that assessment rate for the Fruitland Unit of the Navajo project should be transferred from § 130.105 and included in § 130.41; and (4) that the general notice of proposed rulemaking and public procedure provided for in section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238), is unnecessary.

Now, therefore, pursuant to authority vested in me by § 4.714, 43 CFR, I hereby amend § 130.105 as follows:

§ 130.105 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928

(38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), a part of the reimbursable cost of operating and maintaining the irrigation projects named below is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1947 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project	Agency	Per acre per annum
Salt River	Pima	$1.00
Duck Valley	Western Shoshone	.50
Miscellaneous Units	Navajo	.50
Pyramid Lake Unit	Carson	.50
San Carlos Reservation Unit	San Carlos	.50
San Xavier Unit	Sells	.50
Tongue River Unit	Tongue River	.25
Warm Springs Unit	Warm Springs	.25

[Order Commissioner, Ind. Affairs, March 27, 1947] (38 Stat. 583; 45 Stat. 210; 25 U. S. C. 385, 387)

WILLIAM ZIMMERMAN, Jr.
Acting Commissioner.

[F. R. Doc. 47-3146; Filed, Apr. 2, 1947; 9:06 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

OPERATING FORCES

Amend § 26.18 (b), (c), (d), (e), and (f) relating to the organization and functions of the naval establishment (11 F. R. 177A-177) to read as follows:

§ 26.18 *The Operating Forces.* * * *

(b) All vessels and aircraft in the Operating Force of the Navy are assigned by the Chief of Naval Operations in the Administrative Organization which is comprised of the following principal commands:

(1) U. S. Pacific Fleet (Active).
(2) U. S. Atlantic Fleet (Active).
(3) Pacific Reserve Fleet (Inactive).
(4) Atlantic Reserve Fleet (Inactive).
(5) Naval Air Transport Service.
(6) Naval Transportation Service.
(7) Naval Air Training Command.
(8) Sea Frontiers:
- Eastern Sea Frontier.
- Caribbean Sea Frontier.
- Gulf Sea Frontier.
- Panama Sea Frontier.
- Western Sea Frontier.
- Hawaiian Sea Frontier.
- Alaskan Sea Frontier.

(9) Naval Districts: 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17.
(10) Potomac River Naval Command.
(11) Severn River Naval Command.

(c) The U. S. Pacific Fleet is commanded by the Commander-in-Chief, U. S. Pacific Fleet, who is directly under the Chief of Naval Operations. Under the command of the Commander-in-Chief, U. S. Pacific Fleet, are the First Task Fleet, which is a tactical organization without regular administrative functions and has a variable composition dependent upon the tasks or exercises ordered; the Naval Forces Western Pacific, which is a tactical organization to perform tasks in the Western Pacific; and the Naval Forces Far East, which is a tactical organization under the operational control of the Commander-in-Chief Far East. Units of the U. S. Pacific Fleet are given tactical assignments to Naval Forces Western Pacific and Naval Forces Far East on a rotational schedule but retain their administrative identification with their parent fleet. Naval area commands and naval military governments (except Guam and Samoa) in the Pacific are also under the Commander-in-Chief, U. S. Pacific Fleet, except that certain areas are under operational control of the Commander-in-Chief Far East.

(d) The U. S. Atlantic Fleet is commanded by the Commander-in-Chief, U. S. Atlantic Fleet, who is directly under the Chief of Naval Operations. Under the command of the Commander-in-Chief, U. S. Atlantic Fleet are the Second Task Fleet, which is a tactical organization like the First Task Fleet; the Operational Development Force, a tactical and quasi-administrative organization employed in test and development tasks; and the fleet bases in the Atlantic outside the continental limits of the United States.

(e) The U. S. Naval Forces in European waters, including the Mediterranean, form a task organization designated U. S. Naval Forces Eastern Atlantic and Mediterranean and are commanded by Commander, U. S. Naval Forces Eastern Atlantic and Mediterranean who is directly under the Chief of Naval Operations. The units comprising U. S. Naval Forces Eastern Atlantic and Mediterranean are assigned on a rotational basis from the U. S. Atlantic Fleet but retain their administrative identification with their parent fleet.

(f) The Pacific and Atlantic Reserve Fleets, commanded respectively by Commander Western Sea Frontier and Commander Eastern Sea Frontier, each directly under the Chief of Naval Operations, are comprised of vessels assigned to be inactivated and preserved for future emergency. The vessels of the Atlantic Reserve Fleet are berthed at naval bases, shipyards and berthing areas along the Atlantic and Gulf Coasts, those at each location comprising a Group. The Pacific Reserve Fleet is similarly distributed along the West Coast. The Headquarters of Commander Eastern Sea Frontier (Commander, Atlantic Reserve Fleet) are at 90 Church Street, New York, New York; those of Commander Western Sea Frontier (Commander, Pacific Reserve Fleet) at the Federal Building, San Francisco, California.

(Secs. 3, 12, 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-3147; Filed, Apr. 2, 1947; 9:06 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

[CGFR 47-14]

PART 29—NUMBERING OF UNDOCUMENTED VESSELS

DOCUMENTS AND NAME; CANCELLATION

Section 29.7 *Documents and name* is canceled effective upon the date of publication of this document in the FEDERAL REGISTER.

This section is canceled because the regulation is misleading and the correct requirements are published in the Customs Regulations of 1943 as § 3.4 *Yachts entitled to documents* (19 CFR, Cum. Supp. 3.4). It is hereby found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) is impracticable and contrary to the public interest in that no benefit would be gained by following such procedures.

(Sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Dated: March 26, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-3173; Filed, Apr. 2, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS

QUARTERLY REPORTS OF CLASS I MOTOR CARRIERS OF PROPERTY

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 13th day of January A. D. 1947.

The matter of quarterly reports of Class I motor carriers of property being under consideration,

It is ordered, That the order of January 10, 1946 (§ 205.12 of Title 49, Code of Federal Regulations), in the matter of quarterly reports for Class I motor carriers of property be, and it is hereby modified with respect to quarterly reports commencing with the period January 1, 1947, to March 31, 1947, and subsequent periods as follows:

§ 205.12 *Quarterly report of property revenues, expenses and statistics.* Each Class I common and contract motor carrier of property subject to the provisions of section 220 of the Interstate Commerce Act, shall file, under

oath, quarterly reports commencing with the period January 1, 1947, to March 31, 1947 (both dates inclusive), in accordance with the Quarterly Report of Revenues, Expenses, and Statistics for Class I Motor Carriers of Property form[1] which is hereby approved and made a part of this order. Quarterly reports shall be forwarded, in triplicate, to the office of the Bureau of Motor Carriers of the Interstate Commerce Commission for the district in which the carrier is domiciled within thirty days after the close of the period to which they relate.

And it is further ordered, That a copy of this order be served upon all Class I motor carriers of property subject to the Act and that notice be given to the public by depositing a copy thereof 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.

(Sec. 220, 49 Stat. 563, sec. 24, 54 Stat. 926; 49 U. S. C. 320)

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3172; Filed, Apr. 2, 1947; 8:46 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR, Ch. I]

[No. 29721]

ALL-RAIL COMMODITY RATES BETWEEN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 27th day of March A. D. 1947.

Upon consideration of the matters and things involved in a petition filed March 21, 1946, by the United States Maritime Commission and the War Shipping Administration, as later supplemented, requesting the Commission to institute an investigation into the lawfulness of rates and practices with respect to traffic transported by railroads between Pacific Coast points in competition with water carriers:

It is ordered, That a proceeding of investigation and inquiry be, and it is hereby, instituted by the Commission on its own motion, as provided in section 13 (2) of the Interstate Commerce Act, into and concerning all-rail commodity rates for interstate transportation between certain points in California, Oregon, and Washington, more particularly referred to in Appendix A hereto, with a view to determining whether such rates or any of them are unjust and unreasonable in violation of section 1 of said act, and if such rates or any of them shall be found to be unjust and unreasonable, with a view to determining and prescribing just and reasonable rates, or the maximum or minimum, or maximum and minimum rates to be charged, as provided in section 15 (1) of said act;

It is further ordered, That all common carriers by railroad participating in the movement of traffic on the rates referred to in Appendix A which are parties to Agent J. P. Haynes' Tariffs I. C. C. Nos. 1352 and 1420 be, and they are hereby, made respondents in this proceeding and that a copy of this order be served upon each of them;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A

I. Rates published in the following items of Agent J. P. Haynes' Tariff I. C. C. No. 1352.

Item No.	*Commodity*
4185	Alcohol.
4315	Alcohol.
4330	Alumina, sulphate of.
10290	Beans, dried.
4835, 4840	Canned goods.
5510	Coffee, green.
5510	Coffee, roasted.
5690, 5710	Cotton linters compressed.
6360	Fertilizer.
5280, 5340	Fire clay.
6530	Fruit, dried.
6710	Glassware.
9080, 9110	Gypsum.
6180, 7125	Infusorial earth.
7190	Iron or steel articles, viz: Balls, crushing or grinding.
7160	Iron or steel, viz: Structural.
7380, 7390	Lime, common.
7960	Meal, oil cake, sweetened.
7910, 7920	Nuts, edible.
8060, 8075	Oil, linseed, in bulk, in barrels.
9080, 9110	Plaster.
9390	Rice.
9800	Soda ash.
1335	Soda, silicate of.
9850	Sodium (soda); sulphate of (salt cake).
10110	Sugar.
10150	Sulphur.
8060	Tallow, animal, inedible.
10200	Tea.
7280	Tin plate, scrap (southbound).
7520	Wine.
7205	Wire rope, iron or steel.
10585	Woodpulp (southbound).

II. Rates on citrus fruits published in Items 1000, 1330, 3920, 4400 of Agent J. P. Haynes' Tariff I. C. C. No. 1420.

[F. R. Doc. 47-3168; Filed, Apr. 2, 1947; 8:45 a. m.]

[49 CFR, Ch. I]

[No. 29722]

PACIFIC COASTWISE WATER RATES

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 27th day of March A. D. 1947.

Upon consideration of the matters and things involved in a petition filed March 21, 1946, by the United States Maritime Commission and the War Shipping Administration, as later supplemented, requesting the Commission to institute an investigation into the lawfulness of rates and practices with respect to traffic transported by railroads in competition with water carriers:

It is ordered, That a proceeding of investigation and inquiry be, and it is hereby, instituted by the Commission on its own motion as provided in section 304 (e) of the Interstate Commerce Act, into and concerning certain rates for the interstate transportation by common carriers by water between ports in California and ports in Oregon and Washington of the commodities listed in Appendix A hereto, with a view to determining whether such rates or any of them are unjust and unreasonable in violation of section 305 (a) of said act, and if such rates or any of them shall be found to be unjust and unreasonable, with a view to determining and prescribing the lawful rates, or maximum and minimum rates to be charged, as provided in section 307 (b) of said act;

It is further ordered, That all common carriers by water participating in the movement of traffic on the rates referred to in Appendix A which are parties to Agent C. R. Nickerson's Tariff 29 U. S. M. C. No. 1 (John Byrne, Agent, Series), be, and they are hereby, made respondents in this proceeding and that a copy of this order be served upon each of them;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A

Rates published in the following items of Agent C. R. Nickerson's Tariff 29 U. S. M. C. No. 1 (John Byrne, Agent, Series):

Item No.	*Commodity*
10	Alcohol.
15	Alcohol.
2000, 3000, 3005	Alumina, sulphate of.
1450	Beans, dried.
150	Canned goods.
245	Coffee, green.
250	Coffee, roasted.
2090	Cotton linters compressed.
370	Fertilizer.
2075	Fire clay.
425	Fruits, citrus.
415	Fruits, dried.
550	Glassware.
1130	Gypsum.
340, 660	Infusorial earth.
700	Iron or steel articles, viz: Balls, crushing or grinding.

Item No.	Commodity
680	Iron or steel, viz: Structural.
810	Lime, common.
900	Meal, oil cake, sweetened.
955	Nuts, edible.
970	Oil, linseed, in bulk, in barrels.
1130	Plaster.
1335	Soda, silicate of.
1325, 1330, 2545, 2546.	Sodium (soda); sulphate of (salt cake).
2550, 3070	Sugar.
1365	Sulphur.
1005, 1010	Tallow, animal, inedible.
1385	Tea.
2565	Tin plate, scrap (southbound).
1500	Wine.
1515	Wire rope, iron or steel.
2620	Woodpulp (southbound).

[F. R. Doc. 47-3169; Filed, Apr. 2, 1947; 8:46 a. m.]

[49 CFR, Part 166]

[Ex Parte MC-41]

IDENTIFICATION OF MOTOR-CARRIER VEHICLES

NOTICE OF PROPOSED RULE MAKING

MARCH 21, 1947.

An investigation has been instituted by the Commission, Division 5, to the end that appropriate regulations respecting identification of motor-carrier vehicles may be promulgated under sections 204 a (1) (2) (6) and 224 of the Interstate Commerce Act to take the place of current regulations which expire March 31, 1947.

On October 1, 1937, there became effective rules and regulations Governing the Display of Identification Plates by Motor Carriers subject to the Interstate Commerce Act. Because the supply of identification plates later became exhausted, the indicated regulations were modified and enlarged by Emergency Order No. M-4, effective November 1, 1943, authorizing a temporary method of identification. Identification plates will still be unavailable upon expiration of that order on March 31, 1947. By the terms of the latter order motor carriers have been permitted to display, in lieu of identification plates, their name or trade name, and the Interstate Commerce Commission certificate, permit, or docket number assigned to their operating authority.

Experience under the emergency order has proven the method there prescribed to a more simple, flexible, and certain means of identification than the use of plates. Furthermore, during the years these plates have been outstanding many have been lost, stolen, or otherwise come into the possession of persons not authorized to display them. It is proposed, therefore, to revoke the rules and regulations which became effective October 1, 1937, and to prescribe in their place the method of identification set forth in Emergency Order No. M-4. On and after the effective date of the new rules and regulations, the display on Motor vehicles of the identification plates issued by this Commission would be prohibited. Motor Carriers would be required to return to this Commission all such plates in their possession. A draft of a proposed order reflecting suggested new regulations is attached.

The matter has not been assigned for oral hearing and none will be held unless a need therefor is shown. Anyone wishing to make representations in favor of or against the changes proposed may file a written statement of his views, opinions, or arguments. The original and five copies of such a submission should be filed with the Commission on or before May 1, 1947.

The general public is being informed of the indicated proposed rule-making by the deposit of a copy of this notice in the office of the Secretary of the Commission, Washington, D. C., and by the filing of a copy with the Director, Division of Federal Register.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the __ day of _____, A. D. 1947.

Sections 204 (a) (1) (2) (6) and 224 of the Interstate Commerce Act and the regulations promulgated thereunder respecting the identification of motor-carrier vehicles being under consideration; and

It appearing, that the display of identification plates as prescribed in the rules and regulations promulgated by the Commission, Division 5, effective October 1, 1937, and as modified by Emergency Order No. M-4 of the said Division, effective November 1, 1943, is no longer necessary, desirable, or in the public interest;

It further appearing, that, in any event, a supply of identification plates is not available;

It further appearing, that the temporary method of identification authorized by the above-mentioned emergency order through experience has proven to be a more flexible and certain means of establishing identity, and that its use is so widespread that no hardship will result from the permanent discontinuance of the issuance of identification plates;

It further appearing, that many of such plates through loss, sale of equipment, and other circumstance have or may come into the hands of persons not authorized to display them, with a consequent possibility of confusion, misrepresentation, and the facilitation of unlawful operations unless display thereof is prohibited;

And it further appearing, that it is in the public interest that said regulations and emergency order be revoked in their entirety and replaced by the regulations herein prescribed: it is ordered, that:

Identification of interstate carriers—(a) *Vehicles subject to regulations.* Every motor carrier subject to the Interstate Commerce Act shall observe the rules and regulations herein prescribed as to each motor vehicle or combination thereof when operated

(1) As authorized by a certificate or permit issued by this Commission.

(2) As authorized by a state certificate conforming with the second proviso of section 206 (a) of the Interstate Commerce Act, and duly filed with this Commission, or

(3) As described by an application filed in compliance with those provisions of the Interstate Commerce Act according to which a motor carrier may continue operations pending consideration of an application for a certificate or permit.

(b) (1) *Method of identification.* There shall be displayed on both sides of each single vehicle, or on both sides of the power unit of each combination of vehicles, the name, or trade name, of the motor carrier under whose authority the vehicle or vehicles is or are being operated and the certificate, permit, or docket number assigned to such operating authority by the Interstate Commerce Commission. Such certificate, permit, or docket number or numbers, shall be in the following form: "I. C. C. _____," but shall not include any sub numbers which may have been assigned. If the name of any person other than the operating carrier appears on any such single vehicle, or on the power unit of any such combination of vehicles, the name of the operating carrier shall be followed by the information required above, and be preceded by the words, "Operated by." Nothing in the regulations prescribed herein shall prohibit the display of such additional identification as is not inconsistent with such regulations.

(2) *Size, shape, and color.* The display of name and number herein prescribed shall be in letters and figures of such size, shape, and color as to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such manner as to remain so legible.

(c) *Use of identification plates prohibited.* On and after the effective date of the regulations herein prescribed, identification plates issued by this Commission under its order effective October 1, 1937, shall not be displayed on any motor vehicle, or combination thereof, operated under authority of this Commission or otherwise. Such plates in the possession of motor carriers, or coming into their possession, shall be sent at the expense of the motor carrier to the Interstate Commerce Commission, Bureau of Motor Carriers, Washington 25, D. C., within 30 days after the effective date of these regulations.

It is further ordered, that order of May 7, 1937, relating to the display of identification plates, Form BMC 71 titled "Application for Identification Plates," and Emergency Order No. II-4 of September 30, 1943, relating to identification of vehicles, be, and they are hereby, vacated, effective on the __ day of _____, 1947.

It is further ordered, that this order shall become effective on the __ day of _____, A. D. 1947.

And it is further ordered, that a copy of this order shall be served upon all motor carriers and upon the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director, Division of Federal Register.

(49 Stat. 546, 566; 52 Stat. 1237, 1240; 54 Stat. 921; 56 Stat. 176; 49 U. S. C. 304, 324)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3170; Filed, Apr. 2, 1947; 8:46 a. m.]

[49 CFR, Part 166]

[Ex Parte MC-41]

IDENTIFICATION OF MOTOR-CARRIER VEHICLES

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 21st day of March A. D. 1947.

It appearing, that by order of the Commission, Division 5, effective October 1, 1937, rules and regulations were promulgated under section 224 of the Interstate Commerce Act providing for display of identification plates;

It further appearing, that on November 1, 1943, the supply of identification plates being exhausted, the said Division modified the indicated rules and regulations by Emergency Order No. M-4 to permit a temporary method of identification not requiring use of identification plates;

And it further appearing, that identification plates are and still will be unavailable for use upon expiration of Emergency Order No. M-4 on March 31, 1947:

It is ordered, That an investigation be, and it is hereby, instituted for the purpose of promulgating new rules and regulations under sections 204 (a) (1), (2), (6) and 224 of the Interstate Commerce Act governing the identification of motor-carrier vehicles.

It is further ordered, That appropriate notice of this investigation be given.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3171; Filed, Apr. 2, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 8469]

MICHIHARA AKIYAMA

In re: Bank accounts owned by Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama. D-39-2231-E-2.

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

1. That Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama, by Bank of America, National Trust and Savings Association, 660 South Spring Street, Los Angeles, California, arising out of a Checking Account, entitled M. C. Akiyama, maintained at the 6th and Kay Branch, Sacramento, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama, by Bank of America, National Trust and Savings Association, 660 South Spring Street, Los Angeles, California, arising out of a Savings Account, Account Number 10175, entitled M. C. Akiyama, maintained at the 6th and Kay Branch, Sacramento, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3192; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8470]

AMBI-BUDD PRESSWERK, G. M. B. H.

In re: Debt owing to Ambi-Budd Presswerk, G. m. b. H. F-28-10376-A-1.

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

1. That Ambi-Budd Presswerk, G. m. b. H., the last known address of which is Berlin, Johannesthal, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ambi-Budd Presswerk, G. m. b. H., by Edward G. Budd Manufacturing Company, 2450 Hunting Park Avenue, Philadelphia 32, Pennsylvania, in the amount of $5,042.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3193; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8473]

AUGUST BRAUN

In re: Bank account owned by August Braun. F-28-28084-E-1.

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

1. That August Braun, whose last known address is Euskirchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to August Braun, by Mississippi Valley Trust Company, 225 North Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled August Braun, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3194; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8475]

HERMAN FISSE

In re: Bank account owned by Herman Fisse. F-28-22928-E-1.

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

1. That Herman Fisse, whose last known address is Ueffeln bei Bramsche, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Herman Fisse, by North St. Louis Trust Company, 4323 N. Grand Blvd., St. Louis 7, Missouri, arising out of a checking account, entitled Herman Fisse, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3195; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8476]

WM. H. FRITSCHE

In re: Bank account owned by Wm. H. Fritsche. F-28-25261-E-1.

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

1. That Wm. H. Fritsche, whose last known address is Ehrentrup-85, Lippe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wm. H. Fritsche, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 6322, entitled Savings Account n/o Wm. H. Fritsche, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3196; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8477]

GOOSMAN, WETZLAR & CO.

In re: Debt owing to Goosman, Wetzlar & Co.

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

1. That Goosman, Wetzlar & Co., the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Goosman, Wetzlar & Co., by The Otto Gerdau Co., 82 Wall Street, New York 5, N. Y., in the amount of $12,308.00 as of February 25, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3197; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8478]

THERESA HECKEL

In re: Debt owing to Theresa Heckel. F-28-26410-C-1, F-28-26410-B-1.

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

1. That Theresa Heckel, whose last known address is Muenich 12, Landsbergerstr. 269/0, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Theresa Heckel, by Ratzer & Bridge, 357 South Hill Street, Los Angeles 13, California, including particularly but not limited to a portion of the sum of money on deposit with Security-First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles, California, in an account entitled Ratzer & Bridge, Trustees Account, maintained at the Civic Center Branch of the aforesaid bank located at 110 South Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3198; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8481]

CHRISTIAN JETTER AND MRS. CHARLOTTE JETTER

In re: Bank account owned by Christian Jetter and Mrs. Charlotte Jetter. D-28-989-E-1.

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

1. That Christian Jetter and Mrs. Charlotte Jetter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Christian Jetter and Mrs. Charlotte Jetter, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a Compound Interest Account, Account Number 2453, entitled Christian Jetter and/or Mrs. Charlotte Jetter, and any and all rights to demand, enforce and collect the same.

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3199; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8483]

SHIZNO KAKUTANI

In re: Bank account owned by Shizno Kakutani. F-39-5404-E-1.

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

1. That Shizno Kakutani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shizno Kakutani, by The First National Bank of Princeton, Princeton, New Jersey, arising out of a checking account, entitled Shizno Kakutani, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3200; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8484]

SHOSAKU KOINUMA

In re: Bank account owned by Shosaku Koinuma. F-39-5397-E-1.

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

1. That Shosaku Koinuma, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan):

2. That the property described as follows: That certain debt or other obligation owing to Shosaku Koinuma, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account, entitled Shosaku Koinuma, maintained at the branch office of the aforesaid bank located at 682 Broadway, New York 12, N. Y., and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3201; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8485]

TOMIRO NAGASE

In re: Stock owned by Tomiro Nagase. F-39-4585-D-1-D-5.

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

1. That Tomiro Nagase, whose last known address is Nihonbashi-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the manner set forth in Exhibit A, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate Nos.	Registered in name of—
Gold Dust Corp., 88 Lexington Ave., New York 16, N. Y.	New Jersey.	No par	Common	5	4[illegible]313	Tomiro Nagase.
Corn Products Refining Co., 17 Battery Pl., New York 4, N. Y.	do	$25	do	5	D34137	(Mr.) Tomiro Nagase.
Coty, Inc., 423 West 55th St., New York 19, N. Y.	Delaware	$1.00	Capital	5	O-7[illegible]003	Mr. Tomiro Nagase.
Colgate-Palmolive-Peet Co., 105 Hudson St., Jersey City, N. J.	do	No par	Common	5	NC01[illegible]323	Tomiro Nagase.

[F. R. Doc. 47-3202; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8486]

MR. MINORU OGAWA AND MRS. ELISIE YOSHIYE OGAWA

In re: Bank account owned by Mr. Minoru Ogawa and Mrs. Elisie Yoshiye Ogawa. D-39-18587-E-1.

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

1. That Mr. Minoru Ogawa and Mrs. Elisie Yoshiye Ogawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Mr. Minoru Ogawa and Mrs. Elisie Yoshiye Ogawa, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a Savings Account, Account Number 163232, entitled Mr. Minoru Ogawa or Mrs. Elisie Yoshiye Ogawa, maintained at the branch office of the aforesaid bank located at 801 South Central Avenue, Los Angeles 21, California, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3203; Filed, Apr. 2, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Admin. Order 1232]

ALLOCATION OF FUNDS FOR LOANS

MARCH 17, 1947.

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*
South Carolina 14W Aiken	$370,000
Tennessee 9U Macon	770,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3175; Filed, Apr. 2, 1947; 9:06 a. m.]

[Admin. Order 1233]

ALLOCATION OF FUNDS FOR LOANS

MARCH 17, 1947.

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*
Michigan 44M Grand Traverse	$240,000
Minnesota 48P Anoka	300,000
Oklahoma 31G Woodward	550,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3176; Filed, Apr. 2, 1947; 9:06 a. m.]

[Admin. Order 1234]

ALLOCATION OF FUNDS FOR LOANS

MARCH 17, 1947.

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*
Virginia 27V Nottoway	$1,203,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3177; Filed, Apr. 2, 1947; 9:07 a. m.]

[Admin. Order 1235]

ALLOCATION OF FUNDS FOR LOANS

MARCH 18, 1947.

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*
Illinois 31F Monroe	$145,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3178; Filed, Apr. 2, 1947; 9:07 a. m.]

[Admin. Order 1236]

ALLOCATION OF FUNDS FOR LOANS

MARCH 18, 1947.

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 37F Douglas	$600,000
New Hampshire 4M Merrimack	100,000
Texas 30V Upshur	275,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3179; Filed, Apr. 2, 1947; 9:07 a. m.]

[Admin. Order 1237]

ALLOCATION OF FUNDS FOR LOANS

MARCH 18, 1947.

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 16P Jefferson	$120,000
Indiana 87D Starke	30,000
Iowa 48L Pocahontas	150,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3180; Filed, Apr. 2, 1947; 9:07 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8110, 8112]

CHESAPEAKE AND POTOMAC TELEPHONE COMPANIES OF VIRGINIA AND BALTIMORE CITY

ORDER POSTPONING HEARING

In the matter of The Chesapeake and Potomac Telephone Company of Virginia; new increased charges for interstate message telephone service in the Washington Metropolitan Area, Docket No. 8110.

In the matter of The Chesapeake and Potomac Telephone Company of Baltimore City; new increased charges for interstate message telephone service in the Washington Metropolitan Area, Docket No. 8112.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of March 1947;

The Commission having under consideration letters filed on March 19, 1947, by The Chesapeake and Potomac Telephone Companies of Virginia and Baltimore City respectively, requesting that the Commission either (1) vacate its orders of February 14, and February 27, 1947 in the above matters, upon withdrawal by the Telephone Companies of the tariff schedules suspended by the orders of February 14, 1947, or (2) postpone the hearings in said matters now set for March 25, 1947;

It appearing, that the Telephone Companies have agreed to keep records of the charges collected in excess of the rates ordered to be kept in effect by the orders of February 14, 1947, and to make refunds of the charges in excess of said rates upon a final determination of the Commission's jurisdiction over said rates;

It further appearing, that the State Corporation Commission of Virginia, the Public Service Commission of Maryland, the Public Utilities Commission of the District of Columbia, and this Commission are about to confer on the jurisdictional questions involved in the regulation of interstate telephone service in the Washington Metropolitan Area;

It further appearing, that the hearings now scheduled for March 25, 1947, should be postponed until after the completion of the above conference;

It is ordered, That the hearings herein, heretofore scheduled for March 25, 1947, be postponed to a date to be hereafter set;

It is further ordered, That notice be given by The Chesapeake and Potomac Telephone Companies of Virginia and Baltimore City to the telephone using public in the Washington Metropolitan Area that refunds will be made by such companies of all charges in excess of the rates ordered to be kept in effect by this Commission's orders of February 14, 1947 herein, in the event that it is determined that this Commission has jurisdiction over said rates.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3210; Filed, Apr. 2, 1947; 8:47 a. m.]

[Docket No. 8233]

CRAIG BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alex B. Craig and Morgan J. Craig, d/b as Craig Broadcasting Co., Chester, South Carolina, Docket No. 8233, File No. BP-5337; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled application of Alex B. Craig and Morgan J. Craig, d/b as Craig Broadcasting Co., Chester, South Carolina (File No. BP-5337), requesting a construction permit for a new standard broadcast station to operate on the frequency 1490 kilocycles with 250 watts power, unlimited time, at Chester, South Carolina.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WKIX, Columbia, South Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with reference to the proposed transmitter site.

It is further ordered, That, Inter-City Advertising Company, licensee of station WKIX, be and it is hereby made a party to this proceeding.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 47-3211; Filed, Apr. 2, 1947; 8:47 a. m.]

[Docket Nos. 7834, 8234]

WDEL, INC., AND WILMINGTON-TRI STATE BROADCASTING CO., INC.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WDEL, Inc., Wilmington, Delaware, File No. BPH-177, Docket No. 7834; Wilmington-Tri State Broadcasting Company, Inc., Wilmington, Delaware, File No. BPH-1195, Docket No. 8234; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration a petition filed on September 27, 1946, by WDEL, Inc., requesting that the Commission reconsider its action of designating for hearing the WDEL, Inc., application for a new FM station at Wilmington, Delaware (Docket No. 7834; File No. BPH-177); and the granting of the application without hearing;

The Commission also having under consideration the application of the Wilmington Tri-State Broadcasting Company, Inc. application for a new Class B FM station at Wilmington, Delaware (File No. BPH-1195); and a petition from the same applicant (filed on February 27, 1947) requesting that its application be designated for hearing and consolidated with the hearing on the application of WDEL, Inc. (Docket No. 7834; File No. BPH-177) scheduled to begin in Wilmington, Delaware on March 31, 1947, at 10:00 a. m.; an opposition to this petition filed by WDEL, Inc. on March 5, 1947; and a reply to the opposition filed on March 17, 1947;

It appearing, that, only one Class B FM channel is available for assignment to the Wilmington area;

It is ordered, That, the petition of WDEL, Inc., be, and it is hereby, denied;

It is further ordered, That the Wilmington Tri-State Broadcasting Company, Inc.'s petition requesting that its application for a new Class B FM station at Wilmington, Delaware (File No. BPH-1195) be designated for hearing and consolidated with the hearing on the application of WDEL, Inc. (Docket No. 7834) be, and it is hereby, granted:

It is further ordered, Pursuant to Section 309 (a) of the Communications Act, as amended, that the above application be, and it is hereby designated for hearing, to which § 1.857 of the Commission's rules and regulations shall not be applicable, in consolidation with the application of WDEL, Inc. for a construction permit for a new FM Class B station at Wilmington, Delaware (Docket No. 7834; File No. BPH-177) scheduled to begin in Wilmington, Delaware, on March 31, 1947, at 10:00 a. m.; upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed service.

4. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's order of September 12, 1946, heretofore issued in the proceeding on Docket No. 7834, be, and they are hereby, amended to include the application of Wilmington Tri-State Broadcasting Company, Inc. (File No. BPH-1195).

It is further ordered, That, the application of WDEL, Inc. (Docket 7834; File No. BPH-177) be heard upon the following additional issues:

5. To determine the technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

6. To obtain full information with respect to the nature and character of the proposed program service.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 47-3212; Filed, Apr. 2, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5026]

SERVICIOS ELECTRICOS DE PIEDRAS NEGRAS, S. A., ET AL.

NOTICE OF APPLICATION FOR AMENDMENT OF AUTHORIZATION TO EXPORT ELECTRIC ENERGY

MARCH 28, 1947.

In the matter of Servicios Electricos de Piedras Negras, S. A., Alfonso L. Bres and Central Power and Light Company, Docket No. IT-5026.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, 16 U. S. C. 791a-825r, Servicios Electricos Piedras Negras, S. A., Alfonso L. Bres (as successor in interest to C. M. Bres), and Central Power and Light Company on March 24, 1947, filed with the Federal Power Commission a joint application for amendment of the authorization previously granted by the Commission under said act so as to permit an increase in the exportation of electric energy from a point near Eagle Pass, Texas, to a point in or near Piedras Negras, Coahuila, Mexico, in quantities up to 3,600,000 kilowatt hours annually at a rate of supply not to exceed 900 kilowatts. The present exportation is limited to 300,000 kilowatt hours annually at a rate of supply not to exceed 250 kilowatts.

Any person desiring to be heard or to make any protest with reference to the proposed amendment should, on or before April 14, 1947, file with the Federal Power Commission a petition or protest in accordance with the Commission's regulations under the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 47-3144; Filed; Apr. 2, 1947; 9:06 a. m.]

[Docket No. IT-5656]

COMPANIA ELECTRICA MATAMORAS, S. A., AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION FOR AMENDMENT OF AUTHORIZATION TO EXPORT ELECTRIC ENERGY

MARCH 28, 1947.

Notice is hereby given that pursuant to the provisions of section 202 (e) of

the Federal Power Act, 16 U. S. C. 791a–825r, Compania Electrica Matamoras, S. A. and Central Power and Light Company on March 25, 1947, filed with the Federal Power Commission a joint application for amendment of the authorization previously granted by the Commission under said act so as to permit an increase in the exportation of electric energy from a point near Brownsville, Texas, to a point in or near Matamoras, Mexico, in quantities up to 18,000,000 kilowatt-hours annually at a rate of supply not to exceed 6,000 kilowatts. The present exportation is limited to 12,00,000 kilowatt-hours annually at a rate of supply not to exceed 3,500 kilowatts.

Any person desiring to be heard or to make any protest with reference to the proposed amendment should, on or before April 14, 1947, file with the Federal Power Commission a petition or protest in accordance with the Commission's regulations under the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3145; Filed, Apr. 2, 1947; 9:06 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Corr. to Special Permit 139]

RECONSIGNMENT OF CAR AT MINNEAPOLIS, MINN.

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

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minnesota, March 17, 1947, by C. H. Robinson Company, of car ART 22222, now on the Great Northern Ry., to C. H. Robinson Co., Chicago, Ill., (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3162; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 153]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.

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

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, March 27, 1947, by D. Gillarde Co., of cars PFE 51755 and PFE 60141, lettuce, now on the Chicago, Rock Island and Pacific Railway, to Caruso Fruit Distributors, Chicago, Illinois (C. B. & Q.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3163; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 155]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

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

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, March 27, 1947, by P. N. Skallerup, of car ART 19042, potatoes, now on the Wood Street Terminal, C&NW to Daisy Mae Market, Fort Wayne, Indiana. (PRR.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3165; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 156]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.

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

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., March 27, 1947, by Ben Kellerman, of car PFE 64992, lettuce, now on the Produce Terminal (RI) to St. Louis, Mo. (CRI&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3168; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 164]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.

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

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, March 27, 1947, by J. E. Corcoran, of car PFE 51882, lettuce, now on the Santa Fe Railway, to Chicago, Illinois. (Santa Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3164; Filed, Apr. 2, 1947; 8:45 a. m.]

[Rev. S. O. 620, Corr. to Special Permit 1]

LIGHTWEIGHING CARS AT WEEHAWKEN AND JERSEY CITY, N. J.

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

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing:

At its Edgewater Terminal Yard by the New York, Susquehanna and Western Railroad Company (Henry K. Norton, Trustee), or by The New York Central Railroad Company on the scales located at the north end of its Weehawken Yard only, of tank cars to be loaded with imported vegetable oils by the Harbor Tank Storage Company at its Guttenberg Plant at Weehawken, N. J., provided the said company surrenders a written order for the lightweighing on which it certifies that the car ordered to be lightweighed will be loaded only with imported vegetable oils; and by The Delaware, Lackawanna and Western Railroad Company at its Hoboken Terminal Yard, of tank cars to be loaded with imported vegetable oils by the Harbor Tank Storage Company at its Lackawanna Plant at Jersey City, N. J., provided the said company surrenders a written order for the lightweighing on which it certifies that the car ordered lightweighed will be loaded only with imported vegetable oils.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3167; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 712]

UNLOADING OF AUTOS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1947.

It appearing that two cars containing autos at New Orleans, La., on the Illinois Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Autos at New Orleans, Louisiana, be unloaded.* The Illinois Central Railroad Company, its agents or employees, shall unload immediately ATSF 63411 and RI 161327 containing automobiles, now on hand at New Orleans, Louisiana, consigned to W. H. Osborn.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 31, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; and that a copy of this order and direction be 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 that notice of this order 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.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3160; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 713]

UNLOADING OF MACHINERY AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1947.

It appearing, that a car containing machinery at Columbia, S. C., on the Seaboard Air Line Railroad Company, has been on hand for an unreasonable length of time, and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, that:

(a) *Machinery at Columbia, S. C., be unloaded.* The Seaboard Air Line Railroad Company, its agents or employees, shall unload immediately car NP 13336, loaded with implements, now on hand refused at Columbia, S. C., consigned Order Graham Page Motor Company Notify Green Harvester Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., March 31, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be 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 that notice of this order 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.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3161; Filed, Apr. 2, 1947; 8:45 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-2]

ALLOCATION OF TANK CARS FOR USE IN TRANSPORTATION OF LIQUEFIED PETROLEUM GAS

It appearing, that there is a critical shortage in the supply of Class ICC 105A-300-W tank cars suitable for the transportation by rail carriers of liquefied petroleum gas; that the War Department has declared surplus to its needs 423 of such tank cars; that pursuant to the provisions of Direction 26 to Priorities Regulation 13 issued by the Civilian Production Administration on February 27, 1947, the War Assets Administration was directed to dispose of such 423 tank cars only to the persons and in the quantities as designated in writing by the Office of Defense Transportation; that on February 27, 1947, the Office of Defense Transportation furnished the War Assets Administration disposition advice covering such 423 tank cars; that due to certain litigation now pending in the

United States District Court for the District of Columbia the Department of Justice has stated to the War Assets Administration that it cannot advise the War Assets Administration to sell these cars while the validity of the sale is being contested by the plaintiff in the Federal District Court for the District of Columbia; that the leases under which the 423 tank cars are now being operated by commercial companies will expire on April 1, 1947; and that a redistribution of such cars among certain commercial companies is necessary in order to secure maximum transportation efficiency in the continued operation of such cars in liquefied petroleum gas service:

Now, therefore, Pursuant to Title III of the Second War Powers Act, as amended, Executive Order 8989, as amended, and Executive Order 9729, and it being deemed necessary in the public interest and to promote the national defense, by reason of the short supply of Class ICC 105A-300-W tank cars suitable for the transportation by rail carriers of liquefied petroleum gas, to allocate each of the 423 Class ICC 105A-300-W tank cars which the War Department has declared surplus to its needs; *It is hereby ordered,* That:

1. There is hereby allocated to each commercial company named in the appendix attached hereto and made a part hereof, for use in the transportation by rail carriers of liquefied petroleum gas, each Class ICC 105A-300-W tank car identified by car initial and number under the name of each such company where it appears in said appendix.

2. Communications concerning this order should refer to "Special Allocation Order ODT R-2" and should be addressed to the Railway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This Special Allocation Order ODT R-2 shall become effective at 12:01 o'clock a. m. on April 1, 1947, and shall remain in full force and effect until further order of the Office of Defense Transportation: *Provided,* That nothing in this order shall be construed as requiring the immobilization of any tank cars covered by this order pending the completion of arrangements between the War Assets Administration and the commercial company to whom such cars are allocated under this order covering the leasing and delivery of such cars to such commercial company.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 31st day of March 1947.

[SEAL] J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX

ANCHOR PETROLEUM CO., TULSA, OKLAHOMA

Car No. USQX: 12154, 12155, 12156, 12157, 12159, 12173, 12197, 12319, 12321, 12334, 12339, 12377, 12442, 12446, 12447, 12452, 12454, 12456, 12458, 12468, 12513, 12617, 12710, 12716, 12728, 12729, 12738, 12740, 12741, 12762, 12764.

ASHLAND OIL & REFINING CO., ASHLAND, KENTUCKY

Car No. USQX: 12192, 12312, 12361, 12654.

BARNSDALL OIL CO., TULSA, OKLAHOMA

Car No. USQX: 12160, 12161, 12162, 12200, 12201, 12202, 12335, 12337, 12341, 12342, 12349, 12484, 12485, 12486, 12501.

CUMBERLAND GASOLINE CORP., WESTFIELD, NEW JERSEY

Car No. USQX: 12163, 12164, 12165, 12166, 12345, 12346, 12351, 12352, 12374, 12466, 12467, 12469, 12520, 12521, 12522, 12523, 12524, 12600, 12730, 12739.

HAGY, HARRINGTON AND MARSH, AMARILLO, TEXAS

Car No. USQX: 12353, 12367, 12410, 12420, 12422, 12460, 12463, 12464.

PHILLIPS PETROLEUM CO., BARTLESVILLE, OKLAHOMA

Car No. USQX: 12140, 12141, 12142, 12143, 12144, 12145, 12300, 12301, 12303, 12305, 12306, 12307, 12400, 12401, 12423, 12424, 12431, 12432, 12601, 12659, 12662, 12663, 12666, 12667.

SHELL OIL COMPANY, INC., SAN FRANCISCO, CALIFORNIA

Car No. USQX: 12167, 12190, 12193, 12196, 12198, 12199, 12205, 12322, 12323, 12326, 12336.

SINCLAIR PRAIRIE OIL CO., NEW YORK, NEW YORK

Car No. USQX: 12168, 12170, 12171, 12172, 12174, 12175, 12176, 12177, 12178, 12179, 12180, 12182, 12185, 12186, 12203, 12204, 12206, 12207, 12223, 12311, 12317, 12324, 12327, 12358, 12360, 12363, 12369, 12372, 12373, 12379, 12380, 12421, 12429, 12433, 12434, 12440, 12448, 12449, 12459, 12462, 12465, 12470, 12472, 12476, 12477, 12479, 12480, 12481, 12482, 12483, 12491, 12494, 12498, 12612, 12634, 12635, 12636, 12637, 12638, 12639, 12645, 12646, 12648, 12649, 12658, 12661, 12669, 12670, 12671, 12673, 12674, 12690, 12692, 12694, 12696, 12697, 12698, 12704, 12705, 12712, 12722, 12725, 12727, 12742, 12743, 12744, 12745, 12746, 12747, 12748, 12749, 12750, 12751, 12752, 12753, 12754, 12755, 12756, 12757, 12758.

SKELLY OIL CO., KANSAS CITY, MISSOURI

Car No. USQX: 12189, 12194, 12195, 12208, 12210, 12211, 12212, 12213, 12214, 12215, 12217, 12218, 12220, 12238, 12239, 12313, 12318, 12328, 12338, 12343, 12344, 12348, 12359, 12362, 12365, 12366, 12371, 12375, 12381, 12382, 12488, 12493, 12496, 12497, 12499, 12500, 12502, 12503, 12506, 12507, 12510, 12511, 12512, 12514, 12515, 12516, 12517, 12518, 12519, 12628, 12629, 12650, 12703, 12709, 12723, 12759, 12760, 12761, 12771.

SUN OIL CO., PHILADELPHIA, PENNSYLVANIA

Car No. USQX: 12183, 12187, 12188, 12216, 12231, 12236, 12237, 12315, 12326, 12333, 12355, 12368, 12370, 12453, 12457, 12474, 12487, 12492, 12672, 12702, 12706, 12715, 12717, 12726, 12763.

WARREN PETROLEUM CORP., TULSA, OKLAHOMA

Car No. USQX: 12146, 12147, 12148, 12149, 12150, 12151, 12152, 12153, 12169, 12181, 12209, 12219, 12221, 12222, 12224, 12225, 12226, 12227, 12228, 12229, 12230, 12232, 12233, 12234, 12235, 12304, 12308, 12309, 12310, 12314, 12316, 12320, 12325, 12329, 12330, 12331, 12332, 12347, 12350, 12354, 12356, 12378, 12402, 12403, 12404, 12405, 12406, 13407, 12408, 12409, 12411, 12412, 12413, 12414, 12415, 12416, 12417, 12418, 12419, 12425, 12426, 12427, 12428, 12430, 12435, 12436, 12437, 12438, 12439, 12441, 12443, 12444, 12445, 12450, 12451, 12455, 12461, 12471, 12473, 12475, 12478, 12489, 12490, 12495, 12504, 12505, 12508, 12509, 12647, 12656, 12660, 12664, 12665, 12668, 12691, 12693, 12695, 12699, 12700, 12701, 12707, 12708, 12711, 12713, 12714, 12718, 12719, 12720, 12721, 12724, 12731, 12732, 12733, 12734, 12735, 12736, 12737, 12765, 12766, 12767, 12768, 12769, 12770, 12772, 12773, 12774.

[F. R. Doc. 47-3189; Filed, Apr. 2, 1947; 9:07 a. m.]

SECURITIES AND EXCHANGE COMMISSION

LEASON & CO., INC.

ORDER APPROVING CONTINUANCE IN MEMBERSHIP IN NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March A. D. 1947.

The National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Securities Exchange Act of 1934, having made application for an order approving the continuance of Leason & Company, Inc., in membership with Lowell Niebuhr acting as its employee;

The record of the proceeding before the National Association of Securities Dealers, Inc. having been submitted to the Commission and the Commission having been duly advised, and having this day issued its findings and opinion herein; on the basis of said findings and opinion; *It is ordered,* That said application be and it hereby is approved and granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3143; Filed, Apr. 2, 1947; 9:06 a. m.]

[Complaint 19 of District No. 11]

HERRICK, WADDELL & CO., INC.

ORDER SETTING ASIDE APPLICATION FOR REVIEW OF DISCIPLINARY ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March A. D. 1947.

Herrick, Waddell & Co., Inc. having filed an application pursuant to section 15A of the Securities Exchange Act of 1934 as amended for review of disciplinary proceedings conducted by National Association of Securities Dealers, Inc., in Complaint No. 19 originated by the District Business Conduct Committee of District 11 of the said association, briefs having been filed and oral argument heard; and the Commission being duly advised and having this day issued its findings and opinion herein; on the basis of the said findings and opinion, *It is ordered,* That the action of the National Association of Securities Dealers, Inc. be, and hereby is, set aside, and the record is remanded to the National Association of Securities Dealers, Inc. for such reconsideration and further proceedings consistent with the opinion of the Commission herein as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3140; Filed, Apr. 2, 1947; 9:05 a. m.]

[File No. 1-1496]

GOLD ORE MINING CO.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of March A. D. 1947.

The Gold Ore Mining Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Capital Stock, $1.00 Par Value, from listing and registration on the Los Angeles Stock Exchange;

Appropriate notice and opportunity for hearing having been given to interested persons and the public generally;

No request having been received from any interested person for a hearing in this matter; and

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on April 7, 1947.

By the Commission.

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

[F. R. Doc. 47-3139; Filed, Apr. 2, 1947; 9:05 a. m.]

[File No. 50-24]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of March 1947.

New England Gas and Electric Association ("New England"), a registered holding company, having filed an application pursuant to Rule U-100 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 for exemption from the requirements of Rule U-43 thereof, with respect to the sale by New England of $841,000 principal amount United States ⅞% Certificates of Indebtedness at market prices with accrued interest to date of sale to New Bedford Gas and Edison Light Company, a subsidiary of New England, the proceeds of such sale to be used by New England in carrying out its Alternate Plan of Recapitalization; and

It appearing to the Commission that the requirements of Rule U-43, as applied to such transaction, are not necessary or appropriate in the public interest or for the protection of investors or consumers:

It is ordered, Pursuant to said Rule U-100, that the said application be, and hereby is, granted forthwith.

By the Commission.

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

[F. R. Doc. 47-3137; Filed, Apr. 2, 1947; 9:05 a. m.]

[File No. 70-1481]

NORTHERN NATURAL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 27th day of March 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company and a subsidiary of North American Light & Power Company and of The North American Company, both registered holding companies. The applicant-declarant designates sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 7, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as amended, may be granted and become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

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

Northern Natural proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $10,000,000 principal amount __% Serial Debentures, Dated May 1, 1947, Due 1956-1967, to be issued under an Indenture with the Harris Trust and Savings Bank, as Trustee. The interest rate on said Debentures (to be a multiple of ⅛ of 1%) and the price to be received by Northern Natural (to be not less than 99% and not more than 102¾% of the principal amount of said Debentures) are to be determined by the competitive bidding. The applicant-declarant states that the net proceeds of said sale (exclusive of accrued interest from the date of the sale of said Debentures and without deducting the expenses in connection with said financing) will be used for the construction of additional property and facilities prior to the end of 1947.

The Company has filed applications with the State Corporation Commission of Kansas and the Nebraska State Railway Commission for authorization with respect to the issue of said Debentures. The Company also states that it has filed applications with the Federal Power Commission and other proper governmental authorities for permits authorizing the construction and operation of the proposed additional facilities.

Applicant-declarant requests that the Commission issue its order in the matter on or before April 11, 1947.

By the Commission.

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

[F. R. Doc. 47-3138; Filed, April 2, 1947; 9:05 a. m.]

[File No. 70-1485]

PUBLIC SERVICE CO. OF N. H.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of March A. D. 1947.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Company of New Hampshire ("New Hampshire"), a public utility company and a subsidiary of New England Public Service Company, a registered holding company. Applicant designates the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 11, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. At any time after April 11, 1947, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

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

New Hampshire proposes to borrow from one or more banks, during the period from April 1, 1947, to December 31, 1947, an amount not in excess of $4,400,000 (including $1,200,000 presently outstanding short term obligations), and to issue from time to time in evidence thereof its promissory notes with a maturity of not more than nine months. The issuance of such notes is for the stated purpose of financing the company's construction program prior to the time when funds will be available from permanent financing. Applicant states that it has been informed by The First National Bank of Boston that it will loan the company the additional funds required at the rate of 1½% per annum.

The amount of such notes will constitute approximately 11% of the principal amount and par value of other outstanding securities of New Hampshire and the company requests authorization, pursuant to the first sentence of section 6

(b) of the act, to issue such notes. It is represented by applicant that no State Commission has jurisdiction over the proposed transactions.

The applicant requests that the Commission's order granting the application become effective immediately upon issuance.

By the Commission.

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

[F. R. Doc. 47-3141; Filed, Apr. 2, 1947; 9:05 a. m.]

[File Nos. 70-1490 and 70-1491]

NORTHERN STATES POWER CO., OF MINNESOTA, AND NORTHERN STATES POWER CO., OF WISCONSIN

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of March A. D. 1947.

Notice is hereby given that applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northern States Power Company, a Minnesota corporation (the Minnesota Company), a registered holding company, and Northern States Power Company, a Wisconsin corporation (the Wisconsin Company), a subsidiary of the Minnesota Company.

All interested persons are referred to the applications and declarations which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

The Wisconsin Company proposes to;

(a) Issue and sell for cash $19,000,000 principal amount of First Mortgage Bonds, Series due April 1, 1977, pursuant to the competitive bidding provisions of Rule U-50;

(b) Issue and sell 5,201 shares of the Wisconsin Company Common Stock at par value of $100 per share (aggregate par value $520,100) to the Minnesota Company which proposes to acquire such stock (all of the presently issued and outstanding common stock of the Wisconsin Company is owned by the Minnesota Company);

(c) Apply $17,866,187.50 of the proceeds from the sale of said bonds toward the redemption of $16,975,000 principal amount of First Mortgage Bonds, 3½% Series due March 1, 1964, at the redemption price of 105¼% of the principal amount thereof; and

(d) Apply the balance of proceeds from the sale of the bonds and the proceeds from the sale of the common stock to the general funds of the Wisconsin Company for the purpose of reimbursing its treasury, in part, for expenditures heretofore made for additions, extensions and betterments to its properties.

Sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-24, U-43 and U-50 are designated as being applicable to the proposed transactions. A request is made that the 10-day notice period provided by subdivision (b) of Rule U-50 be reduced to 6 days, insofar as it applies to the proposed sale of bonds.

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

It is ordered, That a hearing on said applications and declarations under the applicable provisions of the act and the rules and regulations promulgated thereunder be held at 10:00 a. m., e. s. t., on the 9th day of April, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before April 7, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the applications and declarations, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issue of mortgage bonds and common stock is reasonably adapted to the earning power and the security structure of the Wisconsin Company and is necessary and appropriate to the economical and efficient operation of the business or businesses in which the Wisconsin Company is presently engaged;

2. Whether State laws regarding the proposed issue of mortgage bonds and common stock have been complied with;

3. Whether the terms and conditions of the issues of said securities are detrimental to the public interest or the interests of investors or consumers;

4. Whether the proposed acquisition of common stock by the Minnesota Company complies with the requirements of sections 9 and 10 of the act;

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

6. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform with sound accounting principles and meet the standards of the act and rules, regulations and orders promulgated thereunder;

7. Whether the proposed use by the Wisconsin Company of the proceeds from the proposed sale of its bonds and common stock is appropriate and in conformity with the requirements of the act and the rules thereunder;

8. Whether the proposed issues of mortgage bonds and common stock are solely for the purpose of financing the business of the Wisconsin Company and have been expressly authorized by the State Commission in which such company is organized and doing business.

9. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the standards of the act.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Northern States Power Company, a Minnesota corporation; Northern States Power Company, a Wisconsin corporation; the Public Service Commission of Wisconsin and the Federal Power Commission, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 47-3142; Filed, Apr. 2, 1947; 9:05 a. m.]