

THE NATIONAL ARCHIVES  
LITTEA  
SCRIPTA  
MANET  
1934  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 6 NUMBER 239

*Washington, Wednesday, December 10, 1941*

**The President**

[ALIEN ENEMIES—JAPANESE]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

**A PROCLAMATION**

*Authority*

WHEREAS it is provided by Section 21 of Title 50 of the United States Code as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

and

WHEREAS by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:

PROCLAMATION

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as PRESIDENT of the United States, and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion has been perpetrated upon the territory of the United States by the Empire of Japan.

*Conduct To Be Observed by Alien Enemies*

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of the Empire of Japan being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

*Duties and Authority of the Attorney General and the Secretary of War*

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter contained regarding the conduct of alien enemies within continental United States, Puerto

**CONTENTS**

**THE PRESIDENT**

Proclamations:	Page
Alien enemies, control of:	
German .....	6323
Italian .....	6324
Japanese .....	6321
Pinnacles National Monument, Calif., enlargement.....	6325
Executive Orders:	
Airspace reservations revoked in continental U. S. except District of Columbia.....	6325
Canal Zone Judiciary; magistrates' courts.....	6326
Defense Communications Board, creation order amended....	6325
<b>RULES, REGULATIONS, ORDERS</b>	
<b>TITLE 16—COMMERCIAL PRACTICES:</b>	
Federal Trade Commission:	
Cease and desist orders:	
Chocolate Products Co.....	6328
Triangle Sales Co., et al....	6327
Policies of Commission regarding reports of trial examiners, etc .....	6326
Rules of practice amended:	
Confidential records and information .....	6327
Offices of the Commission, business hours, etc....	6326
<b>TITLE 17—COMMODITY AND SECURITIES EXCHANGES:</b>	
Securities and Exchange Commission:	
Trust Indenture Act, amendment to instructions for use of Form T-1.....	6328
<b>TITLE 20—EMPLOYEES' BENEFITS:</b>	
Railroad Retirement Board:	
Records and other papers of the Board, disclosure, etc..	6328
<b>TITLE 29—LABOR:</b>	
Office of the Secretary of Labor:	
Contractors, subcontractors on public buildings, etc.; payroll deductions for United States defense bonds, stamps, and notes..	6329

(Continued on next page)





Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

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

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

## CONTENTS—Continued

TITLE 32—NATIONAL DEFENSE:	
Export Control: Economic Defense Board:	Page
Schedule No. 25.....	6329
Office of Petroleum Coordinator for National Defense:	
Aviation gasoline, amendment.....	6329
Containers, conservation, standardization, etc.....	6329
TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF:	
Veterans' Administration:	
Adjudication, amendments to regulations governing veterans' and dependents' claims.....	6330
Fees for information concerning claimants and beneficiaries.....	6330
TITLE 46—SHIPPING:	
Bureau of Marine Inspection and Navigation:	
Licensed officers and certificated men, emergency regulations.....	6331

## NOTICES

Civil Aeronautics Board:	
American Export Airlines, Inc., notice of oral argument....	6342
Department of Agriculture:	
Farm Security Administration:	
Arkansas, designation of localities for loans.....	6342
Department of the Interior:	
Bituminous Coal Division:	
District Board 13, relief denied.....	6341
Hearings, postponements, etc:	
Oakland Coal Co.....	6340
Snowden Coal Co.....	6339
Stineman Coal & Coke Co....	6337
Sun Coal Co.....	6338
Turpin, E. H. & J. H.....	6337

## CONTENTS—Continued

Department of the Interior—Con.	
Bituminous Coal Division—Con.	
Revocation, suspension, of code membership, etc:	Page
Freeport Coal Co.....	6341
Holcomb Coal Co.....	6340
Zward, Martin C.....	6340
Roman, J. C., order correcting findings of fact, etc..	6341
Federal Trade Commission:	
Par-A-Pac Co., appointment of trial examiner, etc.....	6342
Securities and Exchange Commission:	
Hearings:	
Kingdom of Roumania.....	6343
Rustless Iron and Steel Corp.	6343
Public Service Co. of Ind., application granted.....	6344
Public Service Co. of Okla., filing notice.....	6343
Stonewall Electric Co. and Sheridan County Electric Co., declaration effective.....	6344
War Department:	
Contract summaries:	
Bendix Aviation Corp.....	6334
Continental Motors Corp....	6335
Diamond T Motor Co.....	6337
Du Pont de Nemours & Co....	6332
Hercules Powder Co.....	6336
Martin, Glenn L., Co.....	6335
Sperry Gyroscope Co., Inc....	6334
Ward La France Truck Corp..	6336

Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter set forth and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

## REGULATIONS

And, pursuant to the authority vested in me, I hereby declare and establish the following regulations which I find necessary in the premises and for the public safety:

(1) No alien enemy shall enter or be found within the Canal Zone and no alien enemy shall enter or leave the Hawaiian Islands or the Philippine Islands except under such regulations as the Secretary of War shall from time to time prescribe. Any alien enemy found in the Canal Zone, the Hawaiian Islands, or the Philippine Islands in violation of any such regulations and any alien enemy who enters or is found within any restricted area to be hereafter prescribed by the Military Commanders of each such territory in the Canal Zone, the Hawaiian Islands, and the Philippine Islands, may be immediately apprehended by authority of the Military Governors in each such territory, or if there be no Military Governor, then by authority of the Secretary of War, and detained until it is determined, under the regulations to be prescribed by the Secretary of War, whether any such alien enemy should be permanently interned following which such alien enemy shall either be released, released on bond, or permanently interned, as the case may be.

(2) The exercise of the power to prescribe restricted areas and the power of arrest, detention and internment of alien enemies in the Canal Zone, the Hawaiian Islands or the Philippine Islands shall be under the jurisdiction of the Military Commanders of each such territory, each acting under such regulations as the Secretary of War shall hereafter prescribe.

(3) No alien enemy shall enter or leave Alaska, Puerto Rico or the Virgin Islands except under such regulations as the Attorney General shall from time to time prescribe. Any alien enemy found in Alaska, Puerto Rico or the Virgin Islands in violation of any such regulations and any alien enemy who enters or is found within any restricted area to be hereafter prescribed by the Military Commanders of each such territory in Alaska, Puerto Rico and by the Naval Commander in the Virgin Islands, shall be immediately apprehended by the authority of the Attorney General acting through the United States Attorney in each such territory and detained until it is determined, under the regulations to be prescribed by the Attorney General, whether any such alien enemy shall either be released, released on bond, or permanently interned, as the case may be.

(4) The Military Commanders in Alaska and Puerto Rico and the Naval Commander in the Virgin Islands shall have the power to prescribe restricted areas.

(5) No alien enemy shall have in his possession, custody or control at any



time or place or use or operate any of the following enumerated articles:

- a. Firearms.
- b. Weapons or implements of war or component parts thereof.
- c. Ammunition.
- d. Bombs.
- e. Explosives or material used in the manufacture of explosives.
- f. Short-wave radio receiving sets.
- g. Transmitting sets.
- h. Signal devices.
- i. Codes or ciphers.
- j. Cameras.
- k. Papers, documents or books in which there may be invisible writing; photograph, sketch, picture, drawing, map or graphical representation of any military or naval installations or equipment or of any arms, ammunition, implements of war, device or thing used or intended to be used in the combat equipment of the land or naval forces of the United States or of any military or naval post, camp or station.

All such property found in the possession of any alien enemy in violation of the foregoing regulations shall be subject to seizure and forfeiture.

(6) No alien enemy shall undertake any air flight or ascend into the air in any airplane, aircraft or balloon of any sort whether owned governmentally, commercially or privately, except that travel by an alien enemy in an airplane or aircraft may be authorized by the Attorney General, or his representative, or the Secretary of War, or his representative, in their respective jurisdictions, under such regulations as they shall prescribe.

(7) Alien enemies deemed dangerous to the public peace or safety of the United States by the Attorney General or the Secretary of War, as the case may be, are subject to summary apprehension. Such apprehension shall be made in the continental United States, Alaska, Puerto Rico and the Virgin Islands by such duly authorized officer of the Department of Justice as the Attorney General may determine. In the Canal Zone, the Hawaiian Islands and the Philippine Islands, such arrests shall be made by the Military Commanders in each such territory by authority of the respective Military Governors thereof, and if there be no Military Governor, then by authority of the Secretary of War. Alien enemies arrested shall be subject to confinement in such place of detention as may be directed by the officers responsible for the execution of these regulations and for the arrest, detention and internment of alien enemies in each case, or in such other places of detention as may be directed from time to time by the Attorney General, with respect to continental United States, Alaska, Puerto Rico and the Virgin Islands, and by the Secretary of War with respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands, and

there confined until he shall have received such permit as the Attorney General or the Secretary of War with respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands shall prescribe.

(8) No alien enemy shall land in, enter or leave or attempt to land in, enter or leave the United States, except under the regulations prescribed by the President in his Proclamation dated November 14, 1941,<sup>1</sup> and the regulations promulgated thereunder or any proclamation or regulation promulgated hereafter.

(9) Whenever the Attorney General of the United States, with respect to the continental United States, Alaska, Puerto Rico and the Virgin Islands, or the Secretary of War, with respect to the Canal Zone, the Hawaiian Islands, and the Philippine Islands, deems it to be necessary, for the public safety and protection, to exclude alien enemies from a designated area, surrounding any fort, camp, arsenal, airport, landing field, aircraft station, electric or other power plant, hydroelectric dam, government naval vessel, navy yard, pier, dock, dry dock, or any factory, foundry, plant, workshop, storage yard, or warehouse for the manufacture of munitions or implements of war or any thing of any kind, nature or description for the use of the Army, the Navy or any country allied or associated with the United States, or in any wise connected with the national defense of the United States, or from any locality in which residence by an alien enemy shall be found to constitute a danger to the public peace and safety of the United States or from a designated area surrounding any canal or any wharf, pier, dock or dry dock used by ships or vessels of any designated tonnage engaged in foreign or domestic trade, or of any warehouse, shed, elevator, railroad terminal, depot or yard or other terminal, storage or transfer facility, then no alien enemy shall be found within such area or the immediate vicinity thereof. Any alien enemy found within any such area or the immediate vicinity thereof prescribed by the Attorney General or the Secretary of War, as the case may be, pursuant to these regulations, shall be subject to summary apprehension and to be dealt with as hereinabove prescribed.

(10) With respect to the continental United States, Alaska, Puerto Rico, and the Virgin Islands, an alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any such regulations as the Attorney General of the United States may, from time to time, make and declare; and the Attorney General is hereby authorized to make and declare, from time to time, such regulations concerning the movements of alien enemies within the continental United States, Alaska, Puerto Rico and the Virgin Islands, as

he may deem necessary in the premises and for the public safety.

(11) With respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands, an alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any such regulations as the Secretary of War may, from time to time, make and declare; and the Secretary of War is hereby authorized to make and declare, from time to time, such regulations concerning the movements of alien enemies within the Canal Zone, the Hawaiian Islands, and the Philippine Islands as he may deem necessary in the premises and for the public safety.

(12) No alien enemy shall enter or be found in or upon any highway, waterway, airway, railway, railroad, subway, public utility, building, place or thing not open and accessible to the public generally, and not generally used by the public.

(13) No alien enemy shall be a member or an officer of, or affiliated with, any organization, group or assembly hereafter designated by the Attorney General, nor shall any alien enemy advocate, defend or subscribe to the acts, principles or policies thereof, attend any meetings, conventions or gatherings thereof or possess or distribute any literature, propaganda or other writings or productions thereof.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

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

DONE at the City of Washington this 7th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[No. 2525]

[F. R. Doc. 41-9233; Filed, December 8, 1941; 3:59 p. m.]

[ALIEN ENEMIES—GERMAN]

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by section 21 of title 50 of the United States Code as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory

<sup>1</sup> 6 F. R. 5821.



incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

AND WHEREAS by sections 22, 23 and 24 of title 50 of the United States Code further provision is made relative to alien enemies:

PROCLAMATION

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as PRESIDENT of the United States and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Germany.

*Conduct To Be Observed by Alien Enemies*

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Germany being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections 23 and 24 of title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

*Duties and Authority of the Attorney General and the Secretary of War*

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

REGULATIONS

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

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

DONE at the City of Washington this 8th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[No. 2526]

[F. R. Doc. 41-9237; Filed, December 9, 1941; 9:30 a. m.]

[ALIEN ENEMIES—ITALIAN]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

*Authority*

WHEREAS it is provided by Section 21 of Title 50 of the United States Code as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

AND WHEREAS by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:

PROCLAMATION

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Italy.

*Conduct To Be Observed by Alien Enemies*

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Italy being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United



States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

*Duties and Authority of the Attorney General and the Secretary of War*

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

REGULATIONS

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

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

DONE at the City of Washington this 8th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[No. 2527]

[F. R. Doc. 41-9238; Filed, December 9, 1941; 9:30 a. m.]

ENLARGING THE PINNACLES NATIONAL MONUMENT—CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that certain lands adjoining the Pinnacles National Monument in California are required for the proper care, management and protection of the objects of scientific interest situated on lands within the said monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to said monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 8, 1906 (ch. 3060, 34 Stat. 225; U.S.C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in California are hereby added to and made a part of the Pinnacles National Monument:

MOUNT DIABLO MERIDIAN

- T. 16 S., R. 7 E.,
- sec. 20, E $\frac{1}{2}$ ;
- secs. 21 to 23, inclusive;
- sec. 24, W $\frac{1}{2}$ ;
- sec. 26, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- sec. 27, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;
- sec. 28, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;
- sec. 29, E $\frac{1}{2}$ ;
- T. 17 S., R. 7 E.,
- sec. 1, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- sec. 12, W $\frac{1}{2}$ E $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- sec. 13, W $\frac{1}{2}$ E $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- T. 17 S., R. 8 E.,
- sec. 7, Lot 13;
- sec. 18, Lot 1;
- containing 4,589.26 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the temporary withdrawals made by Executive Orders No. 5038 of February 2, 1929 and No. 6910 of November 26, 1934, as amended.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the super-

vision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535; U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

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

DONE at the City of Washington this 5th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-one and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[No. 2528]

[F. R. Doc. 41-9265; Filed, December 9, 1941; 10:34 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER No. 8546 OF SEPTEMBER 24, 1940, CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me as President of the United States, and by the Communications Act of 1934 (48 Stat. 1064), as amended, it is ordered that Executive Order No. 8546<sup>1</sup> of September 24, 1940, creating the Defense Communications Board and defining its functions and duties, be, and it is hereby, amended by substituting for the words "Assistant Secretary of the Treasury in Charge of the Coast Guard", wherever they appear in the said order, the words "Assistant Secretary of the Treasury in Charge of Treasury Enforcement Activities".

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

December 6, 1941.

[No. 8960]

[F. R. Doc. 41-9236; Filed, December 9, 1941; 9:21 a. m.]

EXECUTIVE ORDER

REVOCATION OF ALL EXECUTIVE ORDERS OR PARTS THEREOF ESTABLISHING AIRSPACE RESERVATIONS WITHIN THE CONTINENTAL LIMITS OF THE UNITED STATES, EXCEPT THE DISTRICT OF COLUMBIA

By virtue of and pursuant to the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570), as amended, it is ordered that all Executive orders or parts thereof establishing airspace reservations within the continental limits of the United States,

<sup>1</sup> 5 P.R. 3817.



except the District of Columbia, be, and they are hereby, revoked.

This Order shall not apply to Alaska or to the Panama Canal Zone.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
December 6, 1941.

[No. 8961]

[F. R. Doc. 41-9235; Filed, December 9, 1941;  
9:21 a. m.]

#### EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER No. 7676 OF JULY 26, 1937, ENTITLED "THE CANAL ZONE JUDICIARY"

By virtue of and pursuant to the authority vested in me by sections 4 and 6 of title 7 of the Canal Zone Code, it is hereby ordered as follows:

1. Section 9 of Executive Order No. 7676 of July 26, 1937, entitled "The Canal Zone Judiciary", is amended to read:

SECTION 9. *Magistrates, constables and other employees of magistrates' courts; appointment; compensation.* There shall be a magistrate, a constable, and such other employees as may be necessary to conduct the business of the magistrates' courts, for each of the towns of Balboa and Cristobal, who shall be appointed, and whose compensation shall be fixed, by the Governor; and in the event of the absence or disability of a magistrate, constable, or other employee, the Governor may appoint an additional magistrate, constable, or other employee to serve during such absence or disability.

2. The said Executive Order No. 7676 of July 26, 1937, is further amended by adding thereto a new section to be numbered 12a and to read as follows:

SECTION 12a. *Duties and bonds of employees of magistrates' courts other than constables.* Employees of the magistrates' courts other than constables, appointed by the Governor, shall perform such duties as shall be prescribed by the magistrates, subject to the approval of the Governor, and shall furnish such bonds as the Governor shall in his discretion require.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
December 6, 1941.

[No. 8962]

[F. R. Doc. 41-9234; Filed, December 9, 1941;  
9:21 a. m.]

### Rules, Regulations, Orders

#### TITLE 16—COMMERCIAL PRACTICES

##### CHAPTER I—FEDERAL TRADE COMMISSION

###### PART 1—POLICIES

Pursuant to the authority contained in sec. 6, 38 Stat. 721; 15 U.S.C. 46, the Com-

12 F.R. 1323.

mission, on October 14, 1941, added statements numbered §§ 1.4 and 1.5 to its published statement of policy, as follows:

§ 1.4 *Reports of trial examiners.* The policy of the Commission is that reports of trial examiners on the evidence shall not be open to public inspection or to publication until after the publication of the Commission's decisions in the cases in which such reports are made. During this time they are open only to the Commission, to counsel and to parties respondent in such cases.

§ 1.5 *Wool Products Labeling Act.* In the handling of cases arising under this Act, the practice and procedure of the Commission will be as provided in cases arising under the Federal Trade Commission Act.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of October 14, 1941.

By direction of the Commission.

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-9252; Filed, December 9, 1941;  
10:29 a. m.]

#### PART 2—RULES OF PRACTICE

Pursuant to the authority contained in sec. 6, 38 Stat. 721; 15 U.S.C. 46, the Commission, on October 14, 1941, amended §§ 2.1, 2.5, 2.9, and 2.23 of its rules of practice to read as follows:

§ 2.1 *The Commission. Offices.* The principal office of the Commission is at Washington, D. C.

All communications to the Commission must be addressed to: Federal Trade Commission, Washington, D. C., unless otherwise specifically directed.

Branch offices are maintained at New York, Chicago, San Francisco, Seattle, and New Orleans.

Their addresses are: Federal Trade Commission, room 509, 45 Broadway, New York, N. Y.; Federal Trade Commission, 1118 New Post Office Building, 433 West Van Buren Street, Chicago, Ill.; Federal Trade Commission, 548 Federal Office Building, San Francisco, Calif.; Federal Trade Commission, 801 Federal Building, Seattle, Wash.; Federal Trade Commission, 321 Federal Office Building, New Orleans, La.

Hours. Offices are open on each business day, except Saturday, from 9 a. m. to 4:30 p. m., and on Saturdays from 9 a. m. to 1 p. m.

Sessions. The Commission may meet and exercise all its powers at any place, and may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

Sessions of the Commission for hearings will be held as ordered by the Commission.

Sessions of the Commission for the purpose of making orders and for transaction of other business, unless otherwise ordered, will be held at the principal office of the Commission at Pennsylvania

Avenue at Sixth Street, Washington, D. C., on each business day at 10 a. m.

Quorum. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

§ 2.5 *Intervention.* Any person, partnership, corporation, or association desiring to intervene in a contested proceeding shall make application in writing, setting out the grounds on which he or it claims to be interested.

The Commission may, by order, permit intervention by counsel or in person to such extent and upon such terms as it shall deem proper.

§ 2.9 *Answers.* In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Four copies of answers shall be furnished. All answers shall be signed, in ink, by the respondent or by his attorney at law. Corporations or associations shall file answers through a bona fide officer or by an attorney at law. Answers shall show the office and post-office address of the signer.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

§ 2.23 *Briefs. Filing.* Any party to a proceeding may file a brief with the Secretary of the Commission, in support of his contentions, within the time limits fixed by these rules.

Briefs not filed on or before the time fixed in the rules will be received only by special permission of the Commission.

Appearance of additional counsel in a case will not constitute grounds for extending time for filing briefs.



Time. Opening brief in support of the complaint shall be filed by the trial attorney of the Commission within twenty (20) days after service upon him of copy of the report of the trial examiner.

Brief on behalf of respondent shall be filed within twenty (20) days after service upon respondent or respondent's attorney of copy of brief in support of the complaint.

Where respondent shall have filed an answer admitting all material allegations of fact, the time so limited shall begin to run at the time of filing such answer.

Reply briefs in support of the complaint, if any, shall be filed within ten (10) days after filing of brief on behalf of respondent.

Number. Twenty (20) copies of each brief shall be filed.

Contents. Briefs, except the reply brief in support of the complaint, shall contain, in the following order:

(a) A concise abstract or statement of the case;

(b) A brief of the argument, exhibiting a clear statement of the points of fact or law to be discussed, with references to the pages of the record and the authorities relied upon in support of each point;

(c) The exceptions, if any, to the report of the trial examiner.

Index. Briefs comprising more than ten (10) pages shall contain on their top fly leaves a subject index with page references. The subject index shall be supplemented by an alphabetical list of all cases referred to, with references to pages where references are cited.

Reply briefs. Reply brief in support of the complaint shall be filed only with permission of the Commission, and shall be strictly in answer to brief on behalf of respondent.

No further reply brief on behalf of respondent shall be filed.

Form. Briefs on behalf of respondent shall be printed or lithographed on good unglazed white paper in type not smaller than ten (10) point double leaded, citations and quotations single leaded; footnotes not less than eight (8) point single leaded. Type page shall not be more than twenty-nine (29) picas wide by approximately forty-eight (48) picas deep and trimmed page shall be seven (7) inches by ten (10) inches, with an inside margin of not less than one (1) inch.

Signing. At least one copy of each brief shall be signed in ink, by the respondent or his duly authorized attorney, as prescribed in Rule VI.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of October 14, 1941.

By direction of the Commission.

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-9253; Filed, December 9, 1941; 10:29 a. m.]

#### PART 2—RULES OF PRACTICE

Pursuant to the authority contained in sec. 6, 38 Stat. 721; 15 U.S.C. 46, the Commission, on December 4, 1941, added a new section numbered 2.28 to its rules of practice, as follows:

§ 2.28 *Confidential records and information.* The records and files of the Commission, and all documents, memoranda, correspondence, exhibits and information of whatever nature coming into the possession or within the knowledge of the Commission or any of its officers or employees in the discharge of their official duties, are confidential, and none of such material or information may be disclosed, divulged, or produced for inspection or copying except under the following circumstances:

(a) Information concerning the activities of the Commission will be released from time to time under the direction or pursuant to the authority of the Commission.

(b) In proceedings instituted by the issuance of formal complaint, the pleadings, transcript of testimony, exhibits, and all documents received in evidence or made a part of the record therein shall be available for inspection and copying by the public at the convenience of the Commission.

(c) Documents, records and reports made public by the Commission, including stipulations to cease and desist, certain trade practice conference records, and certain papers filed under the Wool Products Labeling Act, shall be available for inspection and copying at the convenience of the Commission.

(d) Upon good cause shown, the Commission may by order direct that certain records, files, papers or information be disclosed to a particular applicant.

(1) Application by a member of the public for such disclosure shall be in writing, under oath, setting forth (i) the interest of the applicant in the subject matter, (ii) a description of the specific information, files, documents or other material inspection of which is requested, (iii) whether copies are desired, and (iv) the purpose for which the information or material, or copies, will be used if the application is granted. Upon receipt of such an application the Commission will take such action thereupon as it shall deem expedient in the public interest.

(2) In the event that confidential material is desired for inspection, copying or use by some agency of the Federal or a State government, a request therefor may be made by the administrative head of such agency. Such request shall be in writing, and shall describe the information or material desired, its relevancy to the work and function of such agency and, if the production of documents or records or the taking of copies thereof is asked, the use which is intended to be made of them. The Commission will consider and act upon such requests, hav-

ing due regard to the public interest and questions of expediency.

(e) In cases in which an officer or employee of the Commission has been lawfully served with a subpoena duces tecum, material designated herein as confidential shall be produced only when and as authorized by the Commission. Service of such a subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it shall deem advisable in the premises. If the officer or employee so served has not received instructions from the Commission prior to the return date of the subpoena, he shall appear in response thereto and respectfully decline to produce the documents or records subpoenaed (pointing out that he is not permitted to do so under this rule), and request a continuance pending action by or instructions from the Commission. If, notwithstanding, the court or other body orders the production of any of the material subpoenaed, the officer or employee shall immediately report the facts to the Commission.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of December 4, 1941.

By direction of the Commission.

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-9254; Filed, December 9, 1941; 10:29 a. m.]

[Docket No. 4576]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF TRIANGLE SALES COMPANY ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.99

(b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of radios, bed spreads, cameras, fountain pens or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with punch boards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, pull tabs, or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Triangle Sales Company et al., Docket 4576, December 4, 1941]



*In the Matter of Marion Allen, an Individual, Trading as Triangle Sales Company, and Alfred J. Landay, an Individual*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admitted all the material allegations of fact set forth in said complaint and stated that they waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondents, Marion Allen, individually and trading as Triangle Sales Company or trading under any other name, and Alfred J. Landay, an individual, either jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios, bed spreads, cameras, fountain pens or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to, or placing in the hands of, others punch boards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, pull tabs, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandising by means of a game of chance, gift enterprise, or lottery scheme.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-9250; Filed, December 9, 1941;  
10:28 a. m.]

[Docket No 4371]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

IN THE MATTER OF CHOCOLATE PRODUCTS  
COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6

(t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's chocolate syrup product, or any similar or like product sold under the name "Stillicious Vitamin A, B, D", or "Stillicious Vitamix", or under any other name or designation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of its said product, which advertisements represent, directly or by implication by means of pictorial representations or in any other manner, that chocolate drinks or beverages made by dairies or other producers with respondent's product are made with whole milk or milk, when such drinks or beverages are made with skim milk or skim and whole milk, or which advertisements represent that the vitamin content of its product helps to build resistance to colds and infection, prohibited; subject to the provision, however, that such order shall not prohibit respondent from using the term milk to describe the aforesaid drinks or beverages when such term is properly and accurately qualified. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Chocolate Products Company, Docket 4371 December 4, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1941.

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, evidence introduced before a duly appointed trial examiner of the Commission designated by it to serve in this proceeding and the stipulation as to the facts entered into by the attorney for the Commission and the attorney for the respondent, the report of the trial examiner thereon and brief filed on behalf of the Commission, and the Commission having made its findings as to the facts and its conclusion that the respondent, Chocolate Products Company, a corporation, has violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondent, Chocolate Products Company, a corporation, its officers, directors, agents, representatives and employees, jointly and severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its chocolate syrup product, or any similar or like product sold under the name "Stillicious Vitamin A, B, D", or "Stillicious Vitamix", or under any other name or designation, do forthwith cease and desist from directly or indirectly—

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mail, or by any means, in commerce, as "commerce" is defined in the Federal Trade Commission

<sup>1</sup> 6 F.R. 2115.

Act, which advertisement represents, directly, or by implication by means of pictorial representations or in any other manner, that chocolate drinks or beverages made by dairies or other producers with respondent's products are made with whole milk or milk, when such drinks or beverages are made with skim milk or skim and whole milk, or which advertisement represents that the vitamin content of respondent's product helps to build resistance to colds and infection: *Provided, however,* That this order shall not prohibit respondent from using the term milk to describe the aforesaid drinks or beverages when such term is properly and accurately qualified;

(2) Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any of the representations prohibited in Paragraph (1) hereof.

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

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-9251; Filed, December 9, 1941;  
10:28 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 269—FORMS, TRUST INDENTURE ACT OF 1939

AMENDMENT TO INSTRUCTIONS FOR USE OF FORM T-1 UNDER THE ACT<sup>1</sup>

An amendment to Form T-1 adopted by the Commission effective December 9, 1941, was filed with the Division of the Federal Register, The National Archives, on December 9, 1941, at 11:49 a. m., (F.R. Doc. 41-9275). Requests for copies should be addressed to the Securities and Exchange Commission.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 262—MISCELLANEOUS

AMENDING SECTION 262.16 (h) OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), § 262.16 (h) of the Regulations of the Railroad Retirement Board

<sup>1</sup> 5 F.R. 278, 6 F.R. 417.



under such Act (4 F.R. 1477) is amended, effective June 1, 1938, by Board Order 41-508 dated December 2, 1941, to read as follows:

§ 262.16 *Records and other papers of the Board; disclosure; service of process.*

(h) No document, and no information acquired solely by reason of any agreement, arrangement, contract, or request by or on behalf of the Board, relating to the gathering, preparation, receipt or transmittal of documents or information to, from or for the Board which is, by virtue of such agreement, arrangement, contract or request, in the possession of any person other than an employee of the Board, shall be produced, reproduced, or duplicated, disclosed or delivered by any person to any other person or tribunal (other than the Board or an employee thereof, or the person to whom the document or information pertains), whether in response to a subpoena or otherwise, except with the consent of the Board. Any person, upon receipt of any request, subpoena, or order calling for the production, disclosure, or delivery of such document or information shall notify the Board of the request, subpoena or order and shall take no further action except upon advice of the Board. Unless consent of the Board is given, the person shall respectfully decline to comply with the request, subpoena or order, basing his refusal upon the authority of this Regulation.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,  
*Secretary of the Board.*

DECEMBER 8, 1941.

[F. R. Doc. 41-9230; Filed, December 8, 1941; 1:50 p. m.]

**TITLE 29—LABOR**

**SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR**

**PART 2—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES**

**AMENDMENT TO THE REGULATIONS WITH RESPECT TO PAYROLL DEDUCTIONS FOR UNITED STATES DEFENSE BONDS, STAMPS, AND TAX SAVINGS NOTES**

*Authority for Regulation*

Pursuant to and by virtue of the authority conferred by section 2 of the act of June 13, 1934<sup>1</sup> and section 9 of Reorganization Plan No. IV, effective June 30, 1940, in accordance with section 4 of H. J. Res. 551 (Public Res. No. 75), approved June 4, 1940,<sup>2</sup> § 2.2 (c) of the Regulations of March 1, 1941,<sup>3</sup> is hereby

<sup>1</sup> Sec. 2, 48 Stat. 948, 40 U.S.C., Sup., 276 (c).  
<sup>2</sup> Sec. 9, 54 Stat. 1236; Sec. 4, 54 Stat. 231; 5 U.S.C., Sup., 133 (u).  
<sup>3</sup> 6 F.R. 1210.

amended by adding at the end of subparagraph (2) of § 2.2 (c), after the words "in writing and in advance," the following subdivision to be effective immediately upon filing with the FEDERAL REGISTER.

*Regulation*

§ 2.2 *Definitions.*

(c) \* \* \* (3) deductions for the purchase of United States Defense Bonds and Stamps and United States Tax Savings Notes: *Provided*, That neither the contractor nor subcontractor nor any person acting in his behalf directly or indirectly derives any benefit or profit from the transactions; and *Provided further*, That such deductions have been voluntarily agreed to by the employees in writing and in advance.

FRANCES PERKINS,  
*Secretary.*

[F. R. Doc. 41-9269; Filed, December 9, 1941; 11:33 a. m.]

**TITLE 32—NATIONAL DEFENSE**  
**CHAPTER VIII—EXPORT CONTROL**

**SUBCHAPTER C—ECONOMIC DEFENSE BOARD**

**EXPORT CONTROL SCHEDULE NO. 25**

By virtue of Executive Order No. 8712,<sup>1</sup> of March 15, 1941, Executive Order No. 8900,<sup>2</sup> of September 15, 1941, and Order No. 1,<sup>3</sup> of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Economic Defense Board, have determined that;

1. In addition to items previously listed in the several Export Control Schedules, effective December 23, 1941, all other articles and materials of any character or description whatsoever are determined to be forms, conversions, and derivatives of military equipment, or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, the exportation of which has been prohibited pursuant to the provisions of the several Proclamations issued pursuant to Section 6 of the Act of July 2, 1940.

2. Nothing in this order shall be construed to include articles or materials the exportation of which is governed by rules and regulations prescribed pursuant to Section 5b of the "Trading With The Enemy Act" approved October 6, 1917 (40 Stat. 415), as amended, or the "Narcotic Drugs Import and Export Act" approved February 9, 1909, as amended (21 U.S.C. sec. 182).

MILO PERKINS,  
*Executive Director.*

DECEMBER 9, 1941.

[F. R. Doc. 41-9266; Filed, December 9, 1941; 11:28 a. m.]

<sup>1</sup> 6 F.R. 1501.  
<sup>2</sup> 6 F.R. 5795.  
<sup>3</sup> 6 F.R. 4828.

**CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE**

[Recommendation No. 8, Supplement]

**PART 1504—PROCESSING AND REFINING**

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, § 1504.2 (Recommendation No. 8, dated August 23, 1941, 6 F.R. 5017) is hereby supplemented by adding a new section, § 1504.4, as follows:

§ 1504.4 *Base stock of aviation gasoline of 85.0 octane number or less.* All grades of gasoline used for aviation purposes having an octane number of 85.0 or less, as determined by the 1-C aviation method, shall be produced by the addition of tetraethyl lead to a clear gasoline having an octane number not greater than 67.0 as determined by the 1-C aviation method. (President's letter of May 28, 1941, to the Secretary of the Interior, 6 F.R. 2760)

RALPH K. DAVIES,  
*Acting Petroleum Coordinator for National Defense.*

DECEMBER 2, 1941.

F. R. Doc. 41-9248; Filed, December 9, 1941; 9:38 a. m.]

[Recommendation No. 14, Supplement]

**PART 1507—DISTRIBUTION**

**REGULATIONS GOVERNING PETROLEUM CONTAINERS, ETC.**

To the Subcommittees on Containers, designated pursuant to the direction of the Petroleum Coordinator, and to all persons using containers for petroleum or petroleum products:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

§ 1507.2 *Conservation of containers.* The Subcommittees on Containers shall obtain and analyze all pertinent and available facts, figures, and other data and shall prepare therefrom a plan for the conservation of all types of metal containers used in the transportation, storage, distribution, and marketing of petroleum and petroleum products by making possible the preservation of such containers for the maximum life and usefulness thereof, for effecting to the highest degree possible the efficient re-use of such containers in the petroleum industry, and for avoiding inefficient use and loss of time in the use of such containers.\*

\*§§ 1507.2 to 1507.9, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1507.3 *Standardization of containers.* The Subcommittees shall prepare

<sup>1</sup> 6 F.R. 5880.



a plan for the standardization of containers employed in the petroleum industry as to sizes and shapes, and as to gauges of metal and characteristics of other materials in so far as is consistent with the requirements of defense and other essential uses, such plan to cover the elimination in so far as practicable of the use of containers of odd sizes and the use of small containers where larger containers will provide a reasonable means of transporting, distributing, or marketing the products involved; and the Subcommittees shall obtain and analyze specifications currently prescribed for containers for use by agencies of the Federal Government and shall include in the plan called for in this section conclusions concerning the possible standardization of such specifications in conformity with those considered for use by the industry generally.\*

§ 1507.4 *Substitution of containers made of materials other than metal.* The Subcommittees shall prepare a plan for the use of containers for petroleum and petroleum products to be made of wood, paper, glass, or other available materials in place of containers made of metal, and for the substitution, in such metallic containers as are to be made for use in the petroleum industry, of such grade or grades of sheet metal as are most readily obtainable with the least conflict in the demand for sheet metals in the defense program, in so far as such substitutions may be made consistently with reasonable requirements of efficiency.\*

§ 1507.5 *Wooden barrels for export.* The Subcommittees shall prepare a plan for the substitution of wooden barrels for steel drums as containers for petroleum and petroleum products, particularly in export shipments in order to insure to the highest degree practicable that steel containers will not be lost to use by the industry.\*

§ 1507.6 *Effectuating plans.* The Subcommittees and all persons using containers for petroleum or petroleum products shall, upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense of any plan prepared pursuant to any of the preceding § 1507.2 to 1507.5, inclusive, and pursuant to the direction of the Petroleum Coordinator for National Defense, carry into effect such plan according to its terms, conditions, and intent.\*

§ 1507.7 *Survey of industry requirements.* Upon the approval of the plans prepared pursuant to §§ 1507.2 to 1507.5, inclusive, the Subcommittees shall make a survey of the minimum requirements of the industry for the several types of metal containers necessary to provide the petroleum requirements of defense needs and essential civilian uses over such period or periods as may be determined by the Subcommittees as appropriate to reflect the minimum demand for material for such purposes.\*

§ 1507.8 *Costs survey.* In the preparation of the plans pursuant to §§ 1507.2 to 1507.5, inclusive, and in carrying such plans into effect, the Subcommittees shall obtain, compile, and analyze facts figures, and other data showing such increases or decreases in costs as may be occasioned or realized in the execution of such plans. Reports shall be made to the Office of Petroleum Coordinator for National Defense covering such increases or decreases in costs in order that that Office and the Subcommittee may advise and consult with the Office of Price Administration or other appropriate Federal agency concerning the effect of such plans upon marketing costs.\*

§ 1507.9 *Meetings.* Meetings of the Subcommittees and representatives of the petroleum industry shall be held from time to time for the purpose of preparing the aforesaid plans and reports; and the Subcommittees shall meet from time to time with any committees established by the Office of Production Management or other Federal agency to study the problems involved in the container and other related industries. The Subcommittees and representatives of the petroleum industry shall, upon the approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, meet from time to time for the purpose of carrying into effect such plan in accordance with the foregoing provisions of this recommendation, including such means as may be appropriate to assist and encourage marketing branches of the industry to make the most widespread and efficient use of substitute and standardized containers.\*

RALPH K. DAVIES,  
Acting Petroleum Coordinator  
for National Defense.

DECEMBER 2, 1941.

[F. R. Doc. 41-9247; Filed, December 9, 1941; 9:38 a. m.]

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

### CHAPTER I—VETERANS' ADMINISTRATION

#### PART 1—GENERAL PROVISIONS

##### RELEASE OF INFORMATION CONCERNING CLAIMANTS AND BENEFICIARIES

###### § 1.328 *Schedule of fees:*

Written copies, per 100 words.....	\$0.25
Photostat copies, per sheet.....	.25
Certifications, each.....	.25

Post Office addresses furnished under § 1.311 (b) and (c-1)—In cases where the address is requested by a near relative of the veteran, the address (if permissible under § 1.311 (c-1)) may be furnished without charge. In the case of all other requests the fee charge, if any, will be determined upon the merits of each individual request. Information

furnished under § 1.323 shall be supplied without charge. (December 8, 1941) [Sec. 10, Pub. No. 866, 76th Congress]

[SEAL]

FRANK T. HINES,  
Administrator.

[F. R. Doc. 41-9231; Filed, December 8, 1941; 3:21 p. m.]

#### PART 2—ADJUDICATION: VETERANS' CLAIMS SERVICE REQUIREMENTS

§ 2.1001 *Persons included in the Acts in addition to commissioned officers and enlisted men.*

(k) *Members of training camps authorized by law.* Members of training camps authorized by section 54 of the National Defense Act, are included. Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, entitled to pension. Reserve officers and members of the enlisted reserves of the United States Army, Navy, or Marine Corps ordered to active duty including duty for training, are entitled to pension under Public No. 159, 75th Congress. On or after April 3, 1939 all officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the regular army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability in line of duty from disease or injury incurred while so employed shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by section 5, Public No. 18, 76th Congress. On and after September 26, 1941, reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by Public No. 262, 77th Congress. (December 9, 1941) [Pub. No. 262, 77th Congress]

#### PROOF OF RELATIONSHIP AND DEPENDENCY

§ 2.1057 *Conditions which determine dependency.* (a) Dependency will not be held to exist if the father or mother, or both, have an income sufficient to provide for their reasonable support and maintenance, including clothing and necessary medical treatment for themselves and members of the family under legal age, or of any age if mentally or physically incapacitated.



(b) In determining the amount of income in a given case, account will be taken of the net income from property of every character owned by the mother or father or other members of the family under legal age, and of the earnings received by such father or mother or such other members of the family under legal age. Account will not be taken of the incomes of other members of the family of legal age, but only of the actual contributions made by such members of the family.

(c) The fact that the veteran has made habitual contributions to his father or mother, or both, is not conclusive evidence that dependency existed.

(d) The fact that the father or mother or other member of the family is a beneficiary of any insurance granted under the War Risk Insurance Act or World War Veterans Act, 1924, as amended, or National Service Life Insurance Act, 1940, or is in receipt of pension or compensation under the laws administered by the Veterans' Administration or receives benefits under the World War Adjusted Compensation Act, as amended, or the Adjusted Compensation Payment Act, 1936 will be disregarded in determining dependency, as will also the receipt of any donations or assistance from charitable sources.

(e) The remarriage of a parent does not, per se, bar entitlement, but is prima facie evidence that dependency has ceased. (December 9, 1941) [Pub. No. 242, 77th Congress]

**PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION**

**SERVICE REQUIREMENTS**

*Persons Included, in Addition to Officers and Enlisted Men, Other Than Those Mentioned in the Act of July 14, 1862 and Other Controlling Laws*

§ 4.2006 *Public No. 2, 73d Congress.* (See also § 2.1001)

(c) Reserve officers and members of the enlisted reserves of the United States Army ordered to active duty for training purposes are also entitled to pension under Public No. 159, 75th Congress. However, such benefits shall not be payable prior to the date of claim or June 23, 1937, whichever is the later. In the event such a person is or becomes eligible for the benefits of the United States Employees Compensation Act (Public No. 179, 76th Congress, approved July 15, 1939 and Public No. 747, 76th Congress, approved July 18, 1940) and is also eligible for, or is in receipt of, a pension based upon military service, he shall elect which benefit to receive. On or after April 3, 1939 such reservists, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability in line of duty from disease or injury incurred while so employed shall be deemed to have been in the active military service during such

period and shall be entitled to the benefits provided by section 5, Public No. 18, 76th Congress. Reserve officers who may have a right to benefits under section 5, Public No. 18, 76th Congress, for disability incurred prior to July 15, 1939, who file claim within one year from July 18, 1940, have an election under Public No. 747, 76th Congress, but reserve officers who are entitled to benefits under section 5, Public No. 18, 76th Congress, for disability incurred on or subsequent to July 15, 1939, do not have such an election. On and after September 26, 1941, reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by Public No. 262, 77th Congress. (December 9, 1941) [Pub. No. 262, 77th Congress]

**AWARDS, AMENDMENTS, AND DISCONTINUANCES**

*Original Awards*

§ 4.2116 *Act of April 3, 1939 (Public No. 18, 76th Congress) and Act of September 26, 1941 (Public No. 262, 77th Congress).* Commencement shall be from the date determined by the Secretary of War, or by someone designated by him in the War Department. (December 9, 1941) [Pub. No. 262, 77th Congress]

*Apportionment*

§ 4.2221 *Public No. 18, 76th Congress (Act of April 3, 1939) and Public No. 262, 77th Congress (Act of September 26, 1941).* Retirement pay under these acts may not be apportioned. (December 9, 1941) [Pub. No. 262, 77th Congress]

**PART 5—ADJUDICATION: DEPENDENTS' CLAIMS**

§ 5.2595 *Payment of pension or compensation to a child when it reaches sixteen or eighteen years of age.* Pension or compensation to or for a helpless child will be continued from the child's eighteenth birthday, provided an allegation of helplessness is made prior to or within one year after the date on which the child attains the age of eighteen years and evidence thereof is received within one year from the date of request therefor by the Veterans' Administration. If no allegation of helplessness is made prior to or within one year after the child attains the age of eighteen years the pension or compensation on account of such helpless child will be continued from the date of receipt in the Veterans' Administration of a communication from or on behalf of the child, alleging helplessness, provided evidence thereof

is received within one year from the date of request therefor by the Veterans' Administration, otherwise pension or compensation will be continued on account of a helpless child only from the date of receipt in the Veterans' Administration of the evidence showing a condition of helplessness as defined in § 5.2596 (a). (See § 5.2616 (d)) (December 9, 1941) [48 Stat. 10; 38 U.S.C. 709]

[SEAL] FRANK T. HINES,  
*Administrator.*

[F. R. Doc. 41-9232; Filed, December 8, 1941; 3:21 p. m.]

**TITLE 46—SHIPPING**

**CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION**

[Order No. 175]

**EMERGENCY REGULATIONS**

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), an Executive Committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, was, after public notice, convened by the Acting Secretary of Commerce in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., on December 4, 1941, at which session the following regulations were adopted.

**SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS AND SHIPPING DURING EMERGENCY**

Subchapter O is amended by the addition of a new Part 155—*Licensed Officers and Certificated Men, Regulations During Emergency* reading as follows:

**PART 155—LICENSED OFFICERS AND CERTIFICATED MEN, REGULATIONS DURING EMERGENCY**

- Sec.
- 155.1 Definitions of terms.
  - 155.2 Third mate of ocean steam or motor vessels.
  - 155.3 Third assistant engineer of ocean steam or motor vessels, or both.
  - 155.4 Third assistant engineer of ocean steam vessels.
  - 155.5 Third assistant engineer of motor vessels.

§ 155.1 *Definitions of terms.* Certain terms used in the regulations of this part are defined as follows:

(a) *Emergency.* The term "emergency" means the Unlimited National Emergency proclaimed by the President on May 27, 1941.\*

\*§§ 155.1 to 155.5, inclusive, issued under the authority contained in R.S. 4405, 4417a, 4426, 4438, 4440, 4441, as amended, and 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 224, 228, 229, 367.

§ 155.2 *Third mate of ocean steam or motor vessels.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that

\*6 F.R. 2617.



provided by §§ 36.3-7 and 62.39 of this chapter:

(a) Twenty-two months sea service in the deck department of ocean vessels. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as a part of the required sea service, but not less than eighteen months shall be served at sea; or,

(b) Cadets of the U. S. Maritime Commission's cadet system, after having served twelve months at a Maritime Commission shore school together with ten months service on an ocean vessel; or,

(c) Cadets on active duty as midshipmen in the U. S. Navy, upon completion of twenty-two months service aboard a merchant or Naval vessel; or,

(d) Cadets at a State Maritime Academy, after serving six months in the deck department at sea together with sixteen months shore training.\*

§ 155.3 *Third assistant engineer of ocean steam or motor vessels, or both.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3-12, 62.53, 36.3-17, and 62.58 of this chapter:

(a) Twenty-two months sea service in the engine department of an ocean steam or motor vessel, one year of which must have been served as a qualified member of the engine department. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as a part of the required sea service, but not less than eighteen months shall be served at sea; or,

(b) Cadets of the U. S. Maritime Commission's cadet system, after having served twelve months at a Maritime Commission shore school together with ten months sea service in the engine department of an ocean steam or motor vessel; or,

(c) Cadets on active duty as midshipmen in the U. S. Navy, upon completion of twenty-two months service in the engine department of a steam or motor merchant or Naval vessel; or,

(d) State Maritime Academy engineering cadets who have completed six months aboard ship on training cruises together with sixteen months shore training.\*

§ 155.4 *Third assistant engineer of ocean steam vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3-12 and 62.53 of this chapter:

(a) Any person holding a license as motor engineer may be considered eligible to sit for the examination as Third Assistant Engineer of Ocean Steam Vessels of appropriate tonnage.\*

§ 155.5 *Third assistant engineer of motor vessels.* The following provision

is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3-17 and 62.58 of this chapter:

(a) Any person holding a license as steam engineer of ocean vessels may be considered eligible to sit for the examination as Third Assistant Engineer of Motor Vessels of appropriate tonnage.\*

Executive Committee, Board of Supervising Inspectors:

R. S. FIELD,  
Director, Chairman,  
GEORGE FRIED,  
U. S. Supervising Inspector,  
2d District, New York, New York.

R. E. COOMBS,  
U. S. Supervising Inspector,  
5th District, Cincinnati, Ohio.

Approved: December 9, 1941.

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

[F. R. Doc. 41-9267; Filed, December 9, 1941;  
11:30 a. m.]

### Notices

#### WAR DEPARTMENT.

[Contract No. W-ORD-473; Supp. 3]<sup>1</sup>

#### SUMMARY OF SUPPLEMENTAL CONTRACT PROVIDING FOR COST-PLUS-A-FIXED-FEE CONSTRUCTION TO FIXED-PRICE (LUMP SUM) CONSULTANT SERVICE AND COST-PLUS-A-FIXED-FEE OPERATION CONTRACT

CONTRACTOR: E. I. DU PONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Contract for: Architect-engineer and construction services to increase the capacity of the acid facilities in the plant covered by Contract No. W-ORD-473, as amended, so as to utilize fully the capacity of the TNT manufacturing units covered by said contract; to provide a unit for the manufacture of TNT demolition blocks; and to provide for certain optional operation.

Place: Wilmington, Illinois.

Estimated cost of designing, engineering, and construction under Title V: \$1,359,400.00.

Fixed-fee for designing, engineering, and construction under Title V: \$22,925.00.

Estimated Cost of Operation under Title II (Additional): For manufacture of TNT demolition blocks (optional) \* \* \* per pound.

Fixed-fee for Operation: For manufacture of TNT demolition blocks (optional) \* \* \* per pound.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances

<sup>1</sup>W-ORD-473 published in FEDERAL REGISTER November 13, 1940, Supp. 1 published April 29, 1941; Supp. 2 published July 18, 1941; 5 F. R. 4459, 6 F. R. 2171, 3534.

of which are sufficient to cover the cost of the same:

ORD 7398 P99 A0141-02  
ORD 6783 P99 A0141-02  
ORD 7399 P11-99 A1005-01  
ORD 50,174 P531-32 A0025-13  
ORD 50,199 P540-30 A0025-13

This supplemental contract,<sup>2</sup> entered into this 7th day of November 1941.

There is now in force between the parties hereto a certain contract which provides for the furnishing of consultant service in connection with the designing, equipping and construction of a plant for the manufacture of TNT and DNT, preparation for operation and operation of such plant, said contract being identified by the Government as "Contract No. W-ORD-473" dated September 13, 1940, and being hereinafter sometimes referred to as the "Original Contract."

Said contract has been amended by supplemental contracts dated October 17, 1940, and June 30, 1941, increasing the production of TNT and DNT, and providing for the production of tetryl and lead azide at said Plant, which are identified by the Government as "Contract No. W-ORD-473-Supp. 1", and "Contract No. W-ORD-473-Supp. 2, respectively.

The Government now desires to modify said Original Contract, as amended by said supplements, to provide for increasing the capacity of the acid facilities covered by said Original Contract, as amended, so as to utilize fully the capacity of the TNT manufacturing units covered by said contract; to provide a unit for the manufacture of TNT demolition blocks; and to provide for certain optional operation.

The parties hereto do mutually agree that the Original Contract, as amended, shall be and is hereby modified in the following particulars:

Change Article I-A, Title I, to read as follows:

ARTICLE I-A. *Description.* The construction project (hereinafter referred to as the "Plant") shall comprise a plant near Wilmington, Illinois, for the manufacture of trinitrotoluene (hereinafter referred to as "TNT"), dinitrotoluene (hereinafter referred to as "DNT"), and tetryl, the manufacturing facilities for which are hereinafter sometimes referred to as the "Original Lines"; lead azide (including the manufacture of sodium azide), the manufacturing facilities for which are hereinafter sometimes referred to as the "Additional Line"; and TNT demolition blocks, the manufacturing facilities for which, together with certain additional facilities for increased nitric acid production necessary for increased TNT production, are hereinafter sometimes referred to as the "Second Addition". The Plant shall have an estimated capacity of \* \* \* pounds of TNT, \* \* \* pounds of DNT, \* \* \* pounds of tetryl, \* \* \*

<sup>2</sup>Approved by the Under Secretary of War, November 18, 1941.



pounds of lead azide and \* \* \* pounds of TNT demolition blocks, per day of \* \* \* hours.

Change Section 2 of Article II-A, Title II, to read as follows:

2. As each of said Original Lines of the Plant is completed and ready for operation, the Contractor shall proceed to operate it for the production of TNT, DNT, and tetryl in the quantities set forth in this Article. The obligation of the Contractor to proceed with the necessary preparation for the subsequent operation of the Additional Line and/or of said Second Addition, including the training of key men for such operation, shall each be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. The Contractor shall, upon receipt of notice in writing from the Contracting Officer, proceed with the operation of said Additional Line and/or with the operation of said Second Addition, as the case may be, as the Contracting Officer shall direct from time to time in accordance with the provisions of Section 3 of this Article II-A.

Change Article II-B, Title II, to read as follows:

ART. II-B. *Estimates.* It is estimated that the total cost of the Contractor's performance under Title II of this contract under the Second Addition in producing TNT demolition blocks will be approximately \* \* \* per pound of TNT demolition blocks formed from TNT furnished by the Government, exclusive of Contractor's fee for such production.

Change Section 2, Article II-C, Title II, to read as follows:

2. A fixed-fee of \* \* \* per pound of TNT, \* \* \* per pound of DNT, \* \* \* per pound of tetryl, \* \* \* per pound of lead azide, and \* \* \* per pound of TNT demolition blocks formed from TNT furnished by the Government when such TNT, DNT, tetryl, lead azide and TNT demolition blocks have been manufactured hereunder in conformity with specifications.

Delete Article II-F of Title II.

Add the following as Paragraph (c) of Section 2, Article III-B, Title III:

(c) *Rental for contractor's equipment.* Rental as provided for in Section 6 of Article III-A of this Title III for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Change Section 3 of Article III-B, Title III to read as follows:

3. *Payment of the fixed-fees.* (a) The fixed-fee provided for in paragraph (c) of Section 1 of Article V-D, Title V hereof, shall be paid in partial payments, less ten percent (10%) of each such partial payment.

(b) The fixed-fees provided for in Section 2 of Article II-C of Title II, hereof, based on the quantities of TNT, TNT de-

molition blocks, DNT, tetryl and lead azide manufactured hereunder, shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

Add the following as Section 6 of Article III-B, Title III.

6. *Final payment.* Upon completion of the work under Title V and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title III hereof, and of the fees, less any sum that may be necessary to settle any unsettled claims for labor or materials, or any claims the Government may have against the Contractor.

Change Article III-C, Title III, to read as follows:

ART. III-C. *Advances.* 1. At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

Change Article III-D, Title III, to read as follows:

ART. III-D. *Termination by Government of the work under titles II and V.* 1. Should the Contractor at any time refuse, neglect, or fail to prosecute the work under Titles II and/or V with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under the above Titles, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

Add as Section 3 to Article IV-A, Title IV the following:

3. The title to all work under Titles II and V, completed or in the course of construction or manufacture, and to all finished or semi-finished products, shall be in the Government. Likewise, upon deliveries at the site of the work, or at an approved storage site, titles to all purchased materials, tools, machinery, equipment and supplies for which the Contractor shall be entitled to be reimbursed under Title III, shall vest in the Government.

Change Article IV-K, Title IV to read as follows:

2. *Changes.* The Contracting Officer may after consultation with the Contractor, by a written order and without notice to the sureties, require changes in or additions to the specifications for the manufacture of the TNT, TNT demolition blocks, DNT, tetryl, and lead azide, issue additional instructions, require additional work, within the limitations of the Plant, or direct the omission of work covered by Titles II and V.

Add Title V immediately following Title IV which Title V shall read as follows:

*Title V—Design, Engineering, Construction, and Equipping*

ART. V-A. *Description of second addition.* The Second Addition referred to in Article I-A, Title I hereof, comprises the additions, including the construction and the equipment therein, necessary to increase the capacity of the acid facilities of the Plant so as to provide for an increase in the production of TNT from \* \* \* pounds of TNT per day of \* \* \* hours to \* \* \* pounds of TNT per day of \* \* \* hours. Moreover said Second Addition is to include one complete unit for producing at least \* \* \* pounds of TNT demolition blocks per day of \* \* \* hours.

ART. V-B. *Statement of work.* The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work:

a. The Construction (including the procurement and installation of equipment therein) of the Second Addition described in Article V-A hereof, in accordance with the approved plans and specifications provided for hereinafter.

b. The furnishing of all architectural and engineering services covering the design, preparation of drawings, plans and specifications, and field engineering and supervision necessary for the efficient execution and coordination of the construction (including the procurement and installation of equipment therein) of said Second Addition as provided for hereunder.

ART. V-C. *Estimates.* It is estimated that the total cost of the work under this Title V will be approximately one million three hundred fifty nine thousand four hundred dollars (\$1,359,400.00), excluding the Contractor's fee but including the procurement and installation of production equipment.

ART. V-D. *Consideration.* As consideration for its undertaking under this Title V the Contractor shall receive the following:

a. Reimbursement for expenditures as provided in Title III, hereof.

b. Rental for Contractor's equipment as provided in Title III, hereof.

c. A fixed-fee in the amount of twenty two thousand nine hundred twenty five dollars (\$22,925.00) which shall constitute complete compensation for the Contractor's services, including profit.

The Government shall, if so requested by the Contractor, furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details,



standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and applicable to the design, construction, and equipping of said Second Addition.

All drawings, specifications, and blueprints are to become the property of the Government.

Except as herein provided the terms and conditions of the Original Contract, as amended, shall continue in full force and effect, and shall apply with equal force to the work added by this supplemental contract.

This contract is authorized by the following laws: Act of July 2, 1940 (Public No. 703, 76th Congress) and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-9239; Filed, December 9, 1941;  
9:36 a. m.]

[Contract No. W 535 ac-21992]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION,  
PIONEER INSTRUMENT DIVISION, BENDIX,  
NEW JERSEY

Contract for: \* \* \* Altimeters.  
Amount: \$1,686,830.00.

Place: Matériel Division, Air Corps,  
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities as listed below, the available balances of which are sufficient to cover cost of same:

AC 299 P 115-30 A 0021-13  
AC 32 P 12-30 A 0705-2  
AC 18 P 82-30 A 0705-2

This contract,<sup>1</sup> entered into this 15th day of October 1941.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* altimeters for the consideration stated one million six hundred eighty six thousand eight hundred and thirty dollars (\$1,686,830.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time

<sup>1</sup> Approved by the Under Secretary of War October 29, 1941.

specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries of such part or parts thereof as to which there has been delay.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-9240; Filed, December 9, 1941;  
9:36 a. m.]

[Contract No. W 535 ac-22734 (5960)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SPERRY GYROSCOPE COMPANY,  
INC., BROOKLYN, NEW YORK

Contract for: Automatic Pilots.  
Amount: \$37,534,980.00.

Place: Matériel Division, Air Corps,  
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

AC 34 P 12-30 A 0705-12  
AC 29 P 82-30 A 0705-12  
AC 299 P 111-30 A 0021-13

This contract,<sup>1</sup> entered into this 29th day of October 1941.

*Scope of this contract.* The contractor shall furnish and deliver Automatic Pilots for the consideration stated thirty-seven million five hundred thirty-four thousand nine hundred eighty dollars (\$37,534,980.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

<sup>1</sup> Approved by the Under Secretary of War, October 31, 1941.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Advance Payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty percentum (30%) of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

*Option.* The Government shall have options which it may exercise at any time and from time to time during the life of this contract, by the Contracting Officer giving written notice thereof to the Contractor to increase the quantities of the articles specified.

*Delays—Damages.* If the Contractor refuses or fails to make deliveries of the supplies within the time specified in Article 17 (b) or any extension thereof, the Government may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate the right of the Contractor to proceed with delivery of the supplies or such parts thereof as to which there has been delay.

*Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a) Act of July 2, 1940, Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-9241; Filed, December 9, 1941;  
9:36 a. m.]



[Contract No. W 535 ac-21976; 5793]

## SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE GLENN L. MARTIN COMPANY, BALTIMORE, MARYLAND

Contract for: Turret Assemblies, Spare Parts Thereof and Data.

Amount: \$19,007,247.50.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities as listed below, the available balances of which are sufficient to cover cost of same:

AC 299 P 111-30 A 0021-13

AC 32 P 12-30 A 0705-2

AC 18 P 82-30 A 0705-2

AC 30 P 85-30 A 0705-12

This contract,<sup>1</sup> entered into this 22nd day of October 1941.

**Scope of this contract.** The contractor shall furnish and deliver to the Government \* \* \* Turret assemblies, Spare Parts Thereof and Data for the consideration stated not exceeding nineteen million seven thousand two hundred forty seven dollars and fifty cents (\$19,007,247.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Advance payments.** Advance payments may be made from time to time for the supplies called for when the Secretary of War deems such action neces-

sary in the interest of National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty per centum (30%) of the contract price of the articles called for, and that such advance, if made, shall be made upon such terms and conditions and with such adequate securities as the Secretary of War shall prescribe.

**Manner of payment.** Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor, approved by the Contracting Officer.

**Title to property where partial payments are made.** The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government in its then condition forthwith upon the making of any such partial payment or payments.

**Fire insurance.** The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

**Special conditions reference additional facilities.** It is understood and agreed between the parties hereto that the General Electric Company (subcontractor under this contract) is to furnish electric control units for the turret assemblies called for under the terms of this contract, and it is further understood and agreed that said General Electric Company (subcontractor under this contract) will require certain plant facilities in addition to those now available to it in order to furnish said electric control units in sufficient time to permit the Contractor to meet the delivery schedules hereinbefore specified for turret assemblies and spare parts therefor. If an agreement satisfactory to the said General Electric Company (subcontractor under this contract) providing for the construction or acquisition of such facilities in an approximate amount of \$850,000.00 is not entered into and, if required, approved on or before \* \* \*, then, and in such event negotiations shall, at the written request of the Contractor delivered to the Contracting Officer, be entered into by and between the Contractor and the Contracting Officer for an amendment to such delivery schedule. If no agreement on such amendment be reached within \* \* \* days from the date of delivery of such request, then the Contractor shall have the right, at any time thereafter and prior to the execution and approval, if required, of an agreement providing for the facilities required as hereinbefore stated, to demand in writing of the Contracting Officer that the Government terminate this contract upon the terms and conditions stated in

Article 29 herein, and the Government agrees in such event to so terminate.

**Termination when contractor not in default.** If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

**Price adjustment.** The contract prices stated in this contract for turret assemblies and spare parts are subject to adjustments for changes in labor and material costs.

This contract authorized under the provisions of Section 1 (a) Act of July 2, 1940 Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-9242; Filed, December 9, 1941; 9:37 a. m.]

[Contract No. W-374-ORD-1178]

## SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL MOTORS CORPORATION, DETROIT, MICHIGAN

Contract for: Engines, internal combustion with spare parts.

Amount: \$3,597,956.08.

Place: Detroit Ordnance District, Detroit, Michigan.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 20303 P 2-30 A 1005-2

ORD 20303 P 2-30 A (1005) .105-2

This contract,<sup>1</sup> entered into this 8th day of September 1941.

**ARTICLE 1. Scope of this contract.** The contractor shall furnish and deliver engines, internal combustion with spare parts for the consideration stated, being a total of three million five hundred ninety-seven thousand nine hundred fifty-six and 08/100 dollars (\$3,597,956.08) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**ART. 2. Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**ART. 5. Delays—Damages.** If the contractor refuses or fails to make deliv-

<sup>1</sup> Approved by the Under Secretary of War October 31, 1941.

<sup>1</sup> Approved by the Chief of Ordnance November 21, 1941.



eries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**ART. 8. Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**ART. 19. Termination for the convenience of the government.** Should conditions arise which in the opinion of the Secretary of War, make it desirable that the contract be terminated, the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Office to the Contractor that the contract is terminated under this Article.

**ART. 26. Price adjustments.** The contract prices stated in Article I are subject to adjustments for changes in labor and materials costs.

This contract is authorized by the Act of July 2, 1940, (Public No. 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941, (Public No. 139—77th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-9243; Filed, December 9, 1941;  
9:37 a. m.]

[Contract No. W-740-Ord-2126]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WARD LA FRANCE TRUCK CORPORATION, ELMIRA HEIGHTS, N. Y.

Contract for: Trucks, Heavy, Wrecking.

Amount: \$1,826,535.53.

Place: Rochester Ordnance District, 1238 Mercantile Bldg., Rochester, New York.

The items to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement Authorities:

- (740) ORD 15,417 P 11-30 A (1005).105-01
- (740) ORD 20,256 P 2-30 A 1005-2
- (740) ORD 20,310 P 3-12 A 1005-2
- (740) ORD 20,357 P 11-30 A 1005-2
- (740) ORD 20,411 P 11-30 A 1005-2
- (740) ORD 20,668 P 6-30 A 1005-2
- (740) ENG 26 P 4-13 A 0905-2

the available balances of which are sufficient to cover cost of same.

This contract, entered into this 18th day of October 1941.

**Scope of this contract.** The contractor shall furnish and deliver trucks, heavy wrecking for the consideration stated of one million, eight hundred twenty-six thousand, five hundred thirty-five dollars and fifty-three cents (\$1,826,535.53).

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Quantity.** The Government reserves the right to increase the quantity on this contract by as much as \* \* \* % and at the unit price specified in Article 1, such option to be exercised within \* \* \* days from date of this contract.

**Termination for convenience of the Government.** Should conditions arise which, in the opinion of the Secretary of War, make it desirable that the contract be terminated the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this Article.

This contract entered into under authority of the Act of Congress approved July 2, 1940 (Public No. 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941 (Public No. 139—77th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-9244; Filed, December 9, 1941;  
9:37 a. m.]

<sup>1</sup> Approved by the Chief of Ordnance November 14, 1941.

[Contract No. W 670 ORD-1783]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: HERCULES POWDER COMPANY, WILMINGTON, DELAWARE

Contract for: Ignition & Propelling Powder.

Amount: \$2,073,438.39.

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Pennsylvania.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 15,634 P11-02A (1005).105-01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 28th day of July 1941.

**Scope of this contract.** The contractor shall furnish and deliver ignition and propelling powder for the consideration stated two million, seventy-three thousand, four hundred thirty-eight dollars and thirty-nine cents (\$2,073,438.39), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Termination when contractor not in default.** This contract is subject to termination by the Government at any time as its interest may require.

**Quantities.** The Government reserves the right to increase the quantity of this contract by as much as \* \* \* %, and at the unit price specified in Article 1, such option to be exercised within \* \* \* days from date of this contract.

<sup>1</sup> Approved by the Chief of Ordnance, November 21, 1941.



This contract is authorized by the following laws:

The Act of July 2nd, 1940 (Public No. 703, 76th Congress), as continued in effect by The Act of Congress approved June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-9245; Filed, December 9, 1941;  
9:38 a. m.]

[Contract No. W-271-ORD-600]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: DIAMOND T MOTOR CAR  
COMPANY, CHICAGO, ILLINOIS

Contract for: Half-Track Personnel  
Carriers, \* \* \* Spare Parts.  
Amount: \$4,498,706.16.

Place: Chicago Ordnance District, 38  
S. Dearborn St., Chicago, Illinois.

The \* \* \* Half-Track Personnel  
Carriers, \* \* \*, Sets of Spare Parts,  
to be obtained under this contract, are  
authorized by, are for the purpose set  
forth in, and are chargeable to the Pro-  
curement Authority ORD 15310 P11-30 A  
(1005).105-01, the available balance of  
which is sufficient to cover the cost of  
same.

This contract,<sup>1</sup> entered into this 27th  
day of September 1941.

*Scope of this contract.* The Con-  
tractor shall furnish and deliver \* \* \*  
track personnel carriers, \* \* \*  
spare parts for the consideration stated  
four million, four hundred ninety-eight  
thousand, seven hundred and six dollars,  
and sixteen cents (\$4,498,706.16) in strict  
accordance with the specifications, sched-  
ules and drawings, all of which are made  
a part hereof.

*Changes.* Where the supplies to be  
furnished are to be specially manufac-  
tured in accordance with drawings and  
specifications, the contracting officer may  
at any time, by a written order, and  
without notice to the sureties, make  
changes in the drawings or specifications,  
except Federal Specifications. Changes  
as to shipment and packing of all sup-  
plies may also be made as above provided.

*Delays—Damages.* If the contractor  
refuses or fails to make deliveries of the  
materials or supplies within the time  
specified in Article 1, or any extension  
thereof, the Government may by written  
notice terminate the right of the con-  
tractor to proceed with deliveries or such  
part or parts thereof as to which there  
has been delay.

*Payments.* The contractor shall be  
paid, upon the submission of properly  
certified invoices or vouchers, the prices  
stipulated herein for articles delivered  
and accepted or services rendered, less  
deductions, if any, as herein provided.  
Payments will be made on partial deliv-

eries accepted by the Government when  
requested by the contractor, whenever  
such payments would equal or exceed  
either \$1,000 or 50 percent of the total  
amount of the contract.

*Termination when contractor not in  
default.* This Contract is subject to  
termination by the Government at any  
time as its interests may require.

This contract is authorized by the Act  
of July 2, 1940 (Public, No. 703, 76th  
Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-9246; Filed, December 9, 1941;  
9:38 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-148]

IN THE MATTER OF STINEMAN COAL & COKE  
CO., REGISTERED DISTRIBUTOR, REGISTRA-  
TION No. 8745, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds  
it necessary, in the proper administra-  
tion of the Bituminous Coal Act of 1937  
(the "Act"), and the Bituminous Coal  
Code promulgated thereunder, to deter-  
mine

(a) whether or not Stineman Coal &  
Coke Company, Registered Distributor,  
Registration No. 8745, the respondent in  
the above-entitled matter, whose address  
is 1145 Broad Street Station Building,  
Philadelphia, Pennsylvania, has violated  
any provisions of the Act, the Code, any  
orders or regulations of the Division in-  
cluding the Marketing Rules and Regu-  
lations, Rules and Regulations for  
Registration of Distributors, and the  
Distributor's Agreement (the "Agree-  
ment"), dated May 15, 1939, executed by  
the respondent, pursuant to Order of the  
National Bituminous Coal Commission,  
dated March 24, 1939, in General Docket  
No. 12, which was adopted as an Order  
of the Bituminous Coal Division on July  
1, 1939; and

(b) whether or not the registration of  
said distributor should be revoked or  
suspended or other appropriate penalties  
should be imposed;

and for said purposes gives notice that  
it has information to the effect that:

2. The respondent, during the period  
from October 1, 1940 to April 1, 1941, vio-  
lated paragraphs (e) and (f) of the  
Agreement and Order 301 dated August  
8, 1940 by failing to file with the Division  
copies of invoices and credit memoranda  
as required by said Order 301.

It is therefore ordered, That a hearing  
pursuant to § 304.14 of the Rules and  
Regulations for the Registration of Dis-  
tributors to determine whether the reg-

istration of said distributor should be  
revoked or suspended, or other appro-  
priate penalties be imposed, be held on  
Jan. 9, 1942, at 10 a. m. at a hearing room  
of the Bituminous Coal Division at the  
U. S. Board of Tax Appeals, Washington,  
D. C.

It is further ordered, That Scott A.  
Dahlquist or any other officer or officers  
of the Bituminous Coal Division duly  
designated for that purpose shall preside  
at the hearing in such matter. The offi-  
cer so designated to preside at such hear-  
ing is hereby authorized to conduct said  
hearing, to administer oaths and affir-  
mations, examine witnesses, subpoena  
witnesses, compel their attendance, take  
evidence, require the production of any  
books, papers, correspondence, memo-  
randa, or other records deemed relevant  
or material to the inquiry, to continue  
said hearing from time to time, and to  
such places as he may direct by an-  
nouncement at said hearing or any ad-  
journd hearings or by subsequent notice  
and to prepare and submit proposed find-  
ings of fact and conclusions and the rec-  
ommendation of an appropriate order in  
the premises, and to perform all other  
duties in connection therewith author-  
ized by law.

Notice of such hearing is hereby given  
to said respondent and to all other par-  
ties herein and to all persons and entities  
having an interest in such proceeding.

Notice is hereby given that an answer  
to the charges contained herein must be  
filed with the Bituminous Coal Division  
at its Washington Office or with any one  
of the field offices of the Division, within  
twenty (20) days after date of service  
thereof on the respondent and that any  
respondent failing to file an answer  
within such period, unless otherwise or-  
dered shall be deemed to have admitted  
the said charges and to have consented  
to the entry of an appropriate order on  
the basis of the facts alleged.

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

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9255; Filed, December 9, 1941;  
10:31 a. m.]

[Docket No. B-60]

IN THE MATTER OF E. H. TURPIN AND J. H.  
TURPIN, ALSO KNOWN AS E. H. TURPIN  
AND J. H. TURPIN, INDIVIDUALLY AND AS  
CO-PARTNERS, DOING BUSINESS UNDER  
THE NAME AND STYLE OF E. H. & J. H.  
TURPIN, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint, dated September 24, 1941,  
pursuant to the provisions of sections 4 II

<sup>1</sup> Approved by the Chief of Ordnance, No-  
vember 10, 1941.



(j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 2, 1941, by Bituminous Coal Producers Board for District No. 8, a district board complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered,* That a hearing in respect to the subject matter of such complaint be held on January 12, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

*It is further ordered,* That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division, duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the

complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant,

whose address is Pineville, Kentucky, sold, between February 15, 1941 and May 30, 1941, coal produced by the defendant at the defendant's Ferndale Mine, Mine Index No. 1564, located in Bell County, Kentucky, to the purchasers, on the dates, in the sizes and quantities, and at the prices per net ton f. o. b. said mine as set out below.

Date sold 1941	Purchaser	Size sold	Weight in tons	Selling price per ton	Established minimum price per ton
Feb. 15	Kincaid & Jackson	S. G. 7	6	\$1.50	\$1.65
Mar. 10	do	S. G. 7	6	1.50	1.65
Mar. 15	C. L. Dunn	S. G. 4	1	2.35	2.45
Mar. 18	Kincaid & Jackson	S. G. 7	6	1.50	1.65
Mar. 25	do	S. G. 7	6	1.50	1.65
Do	do	S. G. 7	6	1.50	1.65
Apr. 21	Berg Pulp	S. G. 7	2 3/4	1.55	1.65
Do	do	S. G. 5	2 3/4	1.55	2.15
Do	do	S. G. 7	2 3/4	1.55	1.65
Do	do	S. G. 5	2 3/4	1.55	2.15
Apr. 25	Service Coal Co.	S. G. 7	4	1.55	1.65
Do	do	S. G. 5	4	1.55	2.15
Apr. 28	do	S. G. 7	8	1.55	1.65
Apr. 30	Dolan Hawkins	S. G. 7	9	1.55	1.65
Do	do	S. G. 7	7	1.55	1.65
May 1	Service Coal Co.	S. G. 7	8	1.55	1.65
May 2	Dolan Hawkins	S. G. 7	7	1.55	1.65
Do	do	S. G. 7	9	1.55	1.65
Do	Service Coal Co.	S. G. 7	8	1.55	1.65
May 5	Dolan Hawkins	S. G. 7	7	1.55	1.65
Do	do	S. G. 7	9	1.55	1.65
Do	Service Coal Co.	S. G. 7	2 1/2	1.55	1.65
Do	do	S. G. 8	2 1/2	1.55	1.90
May 7	do	S. G. 7	8	1.55	1.65
May 9	do	S. G. 8	8	1.55	1.90
May 14	Kincaid & Jackson	S. G. 7	5	1.55	1.65
Do	Service Coal Co.	S. G. 7	5	1.55	1.65
May 17	do	S. G. 7	4	1.55	1.65
Do	do	S. G. 5	4	1.55	2.15
May 19	Dixie Coal Co.	S. G. 8	2 1/2	1.55	1.90
May 20	Service Coal Co.	S. G. 7	8	1.55	1.65
May 21	Dixie Coal Co.	S. G. 7	5 1/2	1.55	1.65
May 22	Service Coal Co.	S. G. 7	8	1.55	1.65
May 23	do	S. G. 7	4	1.55	1.65
Do	do	S. G. 5	4	1.55	2.15
Do	do	S. G. 7	5	1.55	1.65
Do	Dixie Coal Co.	S. G. 7	5 1/2	1.55	1.65
Do	Service Coal Co.	S. G. 7	8	1.55	1.65
May 25	Dixie Coal Co.	S. G. 7	5 1/2	1.55	1.65
May 26	Service Coal Co.	S. G. 7	8	1.70	1.65
Do	do	S. G. 5	8	1.70	2.15
May 28	Service Coal Co.	S. G. 7	3	1.70	1.65
Do	do	S. G. 5	5	1.70	2.15
May 29	do	S. G. 7	3	.95	1.65
May 30	Horace Hyte	S. G. 7	5	1.55	1.65
Apr. 1 to May 1	Leslie Weller	S. G. 8	150	.75	1.90

Dated: December 6, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9256; Filed, December 9, 1941; 10:31 a. m.]

[Docket No. B-48]

IN THE MATTER OF SUN COAL COMPANY,  
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 9, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered,* That a hearing in respect to the subject matter of such complaint be held on January 26, 1942, at 10 a. m.

at a hearing room of the Bituminous Coal Division at the U. S. Post Office, Room 214, Knoxville, Tennessee.

*It is further ordered,* That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by an-



nouncement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, the Sun Coal Company, Knoxville, Tennessee, sold during the period from October 21, 1940 to March 10, 1941, both dates inclusive, approximately 8,242 tons of 6" block coal produced at its Sun Mine, Mine Index No. 453, which is located at or near Caryville, Tennessee, to numerous purchasers in various market areas, at prices ranging from \$3.25 to \$3.35 per net ton whereas the effective minimum prices were \$3.35 and \$3.45 per net ton f. o. b. the mine, respectively, as stated in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck. The defendant also sold in the manner described herein, approximately 7,425.95 tons of 2½" x 6" egg coal produced at the aforesaid mine at prices varying from \$2.65 to \$2.97 per net ton f. o. b. the mine, whereas the effective

minimum prices for such coal were \$2.85 to \$3.07 per net ton f. o. b. the mine, respectively, as more fully set out in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9257; Filed, December 9, 1941;  
10:31 a. m.]

[Docket No. B-87]

IN THE MATTER OF SNOWDEN COAL CO., A PARTNERSHIP, ALSO KNOWN AS LEE SNOWDEN, LUTHER BRYAN, JAMES BUTLER, NEWTON LANE, MILTON HALL, CHARLES DRAKE, SPENCER M. LOWE, RAYMOND ROUATT, LOUIE ROBERTS, MIKE TOPPAS, WILLIAM DRAKE, AND WILLIAM BIGG, CO-PARTNERS, TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF SNOWDEN COAL CO. (LEE SNOWDEN), CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 8, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 15, 1941, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 12, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regula-

tions Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendants, whose mine post office address is R. F. D. No. 3, (c/o Lee Snowden), Terre Haute, Indiana, violated (1) the Order of the Director entered in General Docket No. 19, dated October 7, 1940, by selling and delivering to various purchasers, during the period January 15 to 27, 1941, both dates inclusive, substantial quantities of coal produced by defendants at their Snowden Mine, Mine Index No. 1169, notwithstanding that minimum prices therefor had not been established by the Division; (2) section 4 II (e) of the Act by selling and delivering during the period January 28 to April 16, 1941, both dates inclusive, to various purchasers, a substantial quantity of 1¼" lump coal, produced by said defendants at said mine, at \$1.80 per net ton, f. o. b. the mine, whereas this coal is classified as Size Group 6 and is priced at \$2.20 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipment, as amended by Order of the Director entered in Docket No. A-542, dated January 28, 1941; (3) Orders of the Director Nos. 307 and 312 by failing to set forth on the truck tickets, sales slips, invoices or other memoranda or records, the actual sizes and prices per net ton and total amounts for the coal as herein set forth in (1) and (2); and (4) section 4 II (i) paragraph 8 of the Act, and Section XIII Rule 8 of the Marketing Rules and Regulations, by describing the coal referred



to in (1) and (2) hereof in the invoices, truck tickets, sales slips or other memoranda or records, as mine run coal (Size Group 7), whereas the actual size of such coal was 1 1/4" lump (Size Group 6).

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9256; Filed, December 9, 1941;  
10:32 a. m.]

[Docket No. B-15]

IN THE MATTER OF OAKLAND COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6934, RESPONDENT

ORDER RESCHEDULING HEARING

The above-entitled matter having been scheduled for hearing at Toledo, Ohio, on November 17, 1941, by Order of the Director dated October 9, 1941, and subsequently having been postponed by Order of the Director dated November 15, 1941, to a date and at a hearing room to be designated hereafter by an appropriate order; and

Lewis J. Gifford, President of the Oakland Coal Company, Toledo, Ohio, and Frank J. Reis, Secretary of the Gallant Lumber and Coal Company, Toledo, Ohio, heretofore having been duly served with subpoenas requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on January 12, 1942, at a hearing room of the Bituminous Coal Division at the Commodore Perry Hotel, Jefferson & Superior Streets, Toledo, Ohio.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, the Order Amending Notice of and Order for Hearing dated November 6, 1941, and the provisions of the Order, dated November 15, 1941, extending time of respondent to file answer to and including December 17, 1941, shall in all other respects remain in full force and effect; and

It is further ordered, That Lewis J. Gifford, President of the Oakland Coal Company, and Frank J. Reis, Secretary of the Gallant Lumber and Coal Company, appear before the designated officers at the time and place of hearing aforementioned.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9259; Filed, December 9, 1941;  
10:32 a. m.]

[Docket No. 1650-FD]

IN THE MATTER OF MARTIN C. ZWARD,  
DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division by the Bituminous Coal Producers' Board for District No. 2 pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Martin C. Zward, the defendant, a code member, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing in this matter having been held on June 17, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof, in Uniontown, Pennsylvania.

The Examiner having prepared and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated November 8, 1941, in which he found that the defendant sold for delivery by truck, during the period from November 1, 1940 to March 26, 1941, 2862 tons of run of mine coal, produced at the defendant's Zward Mine, located in Fayette County, Pennsylvania, of which 1436 tons were sold at \$1.50 per ton f. o. b. the mine and 1426 tons at \$1.75 per ton f. o. b. the mine; that no minimum prices had been established by the Division for coals produced at that mine; and that the amount of tax required to be paid by the defendant as a condition to reinstatement to membership in the Code, as provided in section 5 (c) of the Act, is \$1,813.31; and the Examiner having recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Martin C. Zward, be and it is hereby revoked and cancelled, effective ten days from the date hereof;

It is further ordered, That prior to any reinstatement of the defendant, Martin C. Zward, to membership in the Code, the defendant shall pay to the United States a tax in the amount of \$1,813.31 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9260; Filed, December 9, 1941;  
10:32 a. m.]

[Docket No. 1713-FD]

IN THE MATTER OF HOLCOMB COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND REVOKING CODE MEMBERSHIP

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on April 26, 1941, by the Bituminous Coal Producers Board for District No. 1, the complainant, against the Holcomb Coal Co., defendant, a code member in District 1, alleging wilful violation by the defendant of the Bituminous Coal Code and the rules and regulations thereunder, and requesting that the defendant's code membership be cancelled and revoked or that the Division, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing having been held before W. A. Cuff, a duly designated Examiner of the Division, in Clearfield, Pennsylvania;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in the above proceedings, dated November 3, 1941, recommending that an order be entered revoking the code membership of the defendant, Holcomb Coal Co.;

An opportunity having been afforded the parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed



Conclusions of Law of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

*It is further ordered*, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Holcomb Coal Co., be and the same hereby is revoked and cancelled;

*It is further ordered*, That, prior to any reinstatement of the defendant, Holcomb Coal Co., to membership in the Code, the defendant shall pay to the United States a tax in the amount of \$534.84 as provided in section 5 (c) of the Bituminous Coal Act of 1937;

*And it is further ordered*, That this order shall become effective fifteen (15) days from the date hereof.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9261; Filed, December 9, 1941;  
10:32 a. m.]

[Docket No. A-28]

PETITION OF DISTRICT BOARD NO. 13, CONCERNING THE COORDINATION OF MINIMUM PRICES FOR THE COALS OF DISTRICT NO. 9 AND DISTRICT NO. 13 IN CERTAIN MARKET AREAS

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING PERMANENT RELIEF

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 13, requesting the following reductions in the effective minimum prices for the coals of the Big Seam mines in Sub-district 1 of District 13 having Mine Index Nos. 30 to 78, inclusive: 15 cents in Size Group 1 for shipment into Market Areas 104, 114, 115, 116, 154, 155, 156, and 157; 15 cents in Size Group 2 for shipment into Market Areas 152 and 212; 10 cents in Size Group 2 for shipment into Market Area 153; 20 cents in Size Group 6 for shipment into Market Areas 152 and 153; and 25 cents in Size Group 6 for shipment into Market Area 212; and further requesting the following reductions in the minimum f. o. b. mine prices for the coals of the Sewanee Seam mines in Subdistrict 3 of District 13 for shipment into Market Areas 104 and 116 and points in Destination Group 3 of Market Area 115; 20 cents in Size Group 1, 10 cents in Size Group 6, 10 cents in Size Group 10, 10 cents in Size Group 11, 35 cents in Size Group 14; and, the following reductions in the minimum price f. o. b. mine for the Sewanee Seam coals of Subdistrict 3 of District 13 to Market Area 114: 20 cents in Size Group 1, 10 cents in Size Group 6, and 25 cents in Size Group 14;

<sup>1</sup> At the hearing petitioner withdrew its request with respect to Size Group 1.

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on December 9-10, 1940, before Charles S. Mitchell, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner, Charles S. Mitchell, having made and filed his Report, Proposed Findings of Fact, and Proposed Conclusions of Law, and Recommendation in this matter, dated November 3, 1941, recommending that the relief prayed for by District Board 13 in this matter be denied;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

*Now, therefore, it is ordered*, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

*It is further ordered*, That the relief prayed for by District Board 13 in this proceeding be, and the same hereby is, denied.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9262; Filed, December 9, 1941;  
10:33 a. m.]

[Docket No. 1716-FD]

IN THE MATTER OF JOHN F. KENNEY DOING BUSINESS AS BUFFALO & FREEPORT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 5026, RESPONDENT

ORDER SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937 and Section 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether John F. Kenney, doing business as Buffalo & Freeport Coal Company, a registered distributor, (Registration No. 5026), 522 White Building, Buffalo, New York, the respondent has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations, and the Agreement by Registered Distributor;

The respondent having filed an answer;

Pursuant to a Notice of and Order for Hearing dated July 18, 1941, a hearing

in this matter having been held on August 22, 1941, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Pittsburgh, Pennsylvania, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and at which the respondent appeared;

The preparation and filing of a report by the Examiner having been waived by the parties and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

*Now, therefore, it is ordered*, That the registration of the respondent, John F. Kenney, doing business as Buffalo & Freeport Coal Company, registered distributor (Registration No. 5026), be and it hereby is suspended for a period of sixty (60) days, beginning ten days from the date of this Order: *Provided, however*, That as a condition to reinstatement in accordance with Section 304.15 of the Distributors' Rules, the respondent submit at least five days prior to the expiration of the suspension period, an affidavit verifying that during the period of his suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration: *And provided further*, That the respondent be required to return to the vendors of coal to him all improperly collected discounts and that a statement by respondent that such refunds have been made shall be required to be included in the affidavit.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9263; Filed, December 9, 1941;  
10:33 a. m.]

[Docket No. 1711-FD]

IN THE MATTER OF J. C. ROMAN, DEFENDANT  
MEMORANDUM OPINION AND ORDER CORRECTING FINDINGS OF FACT CONCLUSIONS OF LAW, AND ORDER OF THE DIRECTOR

The Director, on November 3, 1941, issued, in the above-entitled proceedings, Findings of Fact, Conclusions of Law, and Opinion, and an Order Revoking and Cancelling Code Membership. The Director, in said Findings of Fact, Conclusions of Law, and Order found, *inter alia*, that the defendant herein had violated the Order of the Director in General Docket No. 19 by having sold coal, for which no effective minimum price had been established, during the period from January 8, 1941, to January 20, 1941. The prohibition provided by the Order of the Director in General Docket No. 19 against selling unpriced coal does not apply, with respect to coal produced and



prepared by new acceptants of the Bituminous Coal Code at the time of filing acceptance thereof, after thirty (30) days from the filing of such acceptance. In finding that the defendant had violated the Order of the Director in General Docket No. 19, January 8, 1941, the effective date of the defendant's code membership acceptance, was inadvertently inserted as the beginning of said 30-day period rather than December 7, 1940, the date when the defendant filed a code membership acceptance. Had the correct date been used, it would have been clear that the defendant did not violate the Order of the Director in General Docket No. 19. The Findings of Fact, Conclusions of Law, and Opinion, and Order Revoking and Cancelling Code Membership issued by the Director herein on November 3, 1941, should be corrected accordingly.

The violation by the defendant of the Order in General Docket No. 19 found by the Director was, however, but one of many violations found by the Director by the defendant of the Bituminous Coal Code and rules and regulations thereunder. Among other things, the Director found that the defendant violated section 4 II (e) of the Act, the Code, and the Schedule of Effective Minimum Prices for District No. 2 for Truck Shipments, by selling and delivering, during the period between January 31 and May 31, 1941, inclusive, 928.15 net tons of 2' x 0 and over, screenings produced at the Grillo Mine, Mine Index No. 1995, in the Pittsburgh Seam, Allegheny County, Pennsylvania, at prices below the effective minimum price established therefor, and the amount of tax which the Director found was required to be paid by the defendant as a condition to reinstatement to membership in the Code, \$796.35, was based solely upon this violation.

A review of the record herein is convincing that the penalty imposed upon the defendant for his violations of the Code and rules and regulations thereunder found by the Director, namely, revocation of code membership and the concomitant reinstatement tax of \$796.35, is fully warranted by the violations found by the Director other than relating to General Docket No. 19.

It therefore appears that the Findings of Fact, Conclusions of Law, and Opinion, and Order Revoking and Cancelling Code Membership issued by the Director on November 3, 1941, should be corrected with respect to the violations found by the Director concerning the Order of the Director in General Docket No. 19. It further appears that in all other respects said Findings of Fact, Conclusions of Law, Opinion, and Order should be unchanged and remain in full force and effect.

Now, therefore, it is hereby ordered, That all references contained in the Findings of Fact, Conclusions of Law, and Opinion of the Director issued herein

on November 3, 1941, to a violation by the defendant of the Order in General Docket No. 19, be and they hereby are, stricken.

It is further ordered, That the Order Revoking and Cancelling Code Membership, issued herein by the Director on November 3, 1941, be, and it hereby is, corrected by striking therefrom paragraph numbered (7).

It is further ordered, That in all other respects the Findings of Fact, Conclusions of Law, and Opinion of the Director and the Order Revoking and Cancelling Code Membership, issued herein on November 3, 1941, remain unchanged and that they remain in full force and effect. Dated: December 8, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9264; Filed, December 9, 1941;  
10:33 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Farm Security Administration.

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

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

#### Region VI—Arkansas

*Drew County.* Locality I—Townships of Bartholomew, Franklin, and Live Oak, \$2,028. Locality II—Townships of Bearhouse, Clear Creek, Collins, Cominto, Crook, Marion, Saline, Spring Hill, and Veasey, \$1,566.

*Johnson County.* Locality I—Townships of Stonewall, Lee, Grant, Ward, Prairie, Horsehead, King, Perry, Hickey, McKennon, Howell, Spadra, and Pittsburg, \$1,609. Locality II—Townships of Batson, Dickerson, Hill, Low Gap, Mulberry, Pilot Rock, Piney, Red Lick, and Sherman, \$1,171.

*Stone County.* Locality I—Townships of Bellmore, Blue Mountain, Cove, Franklin, Harris, Jones, Redstripe, Richwoods, Wallace, and Washington, \$1,398. Locality II—Townships of Bryan, Chalybeate Springs, Farris, Flag, Herd, Hixson, Liberty, Locust Grove, Northwest, Red River, Roasting Ear, Rorie, Smart, Sylamore, Timbo, Turkey Creek, Union, and Wilson, \$830.

The purchase price limits previously established for the counties above-mentioned are hereby canceled.

Approved: December 3, 1941.

[SEAL] C. B. BALDWIN,  
Administrator.

[F. R. Doc. 41-9268; Filed, December 9, 1941;  
11:31 a. m.]

## CIVIL AERONAUTICS BOARD.

[Docket No. 319]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR APPROVAL BY THE CIVIL AERONAUTICS BOARD, IF SUCH APPROVAL IS DEEMED NECESSARY, OF THE CONTROL OF AMERICAN EXPORT AIRLINES, INC., BY AMERICAN EXPORT LINES, INC., A COMMON CARRIER, UNDER SECTION 408 OF THE CIVIL AERONAUTICS ACT OF 1938

### NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 408 and 1001 of said Act, in the above-entitled proceeding, that oral argument for the sole purpose of determining whether in carrying out the mandate of the Court in *Pan American Airways Company v. Civil Aeronautics Board and American Export Airlines*, 121 F. (2d) 810 (C.C.A. 2nd, 1941), the Board should reopen the above proceeding for the purpose of receiving further evidence or should consider the case on the present record, is hereby assigned to be held on December 9, 1941, at 12:00 m. (Eastern Standard Time) in Room 5044 Commerce Building, 14th Street and Constitution Ave. NW., Washington, D. C., before the Board.

Dated: December 8, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 41-9229; Filed, December 8, 1941;  
12:22 p. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 4568]

IN THE MATTER OF ARNOLD THOMPSON AND JOYCE KITTINGER, INDIVIDUALLY AND AS COPARTNERS TRADING AS PAR-A-PAC COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Con-



gress (38 Stat. 717; 15 U. S. C. A., section 41).

*It is ordered*, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, December 11, 1941, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 1801, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

A. N. ROSS,  
*Acting Secretary.*

[F. R. Doc. 41-9249; Filed, December 9, 1941; 10:28 a. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

[File No. 70-443]

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF OKLAHOMA**

**NOTICE REGARDING FILING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than December 24, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Public Service Company of Oklahoma, an indirect subsidiary of The Middle

West Corporation, a registered holding company, has contracted to purchase from Central States Power & Light Corporation of Oklahoma, an indirect subsidiary of the Ogden Corporation, a registered holding company, a water system located in Allen, Oklahoma and to pay therefor the sum of \$10,000 plus and minus certain adjustments of the purchase price as provided for in the purchase contract.

Applicant states that the proposed purchase of the water system is an inseparable and necessary part of a transaction whereby Public Service Company of Oklahoma is purchasing at the same time from Central States Power & Light Corporation of Oklahoma its electric utility properties located in Allen, Calvin, and Atwood, Oklahoma, and that said acquisition is exempt from the provisions of the Public Utility Holding Company Act of 1935 by virtue of Rule U-41 of the Commission's Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 41-9270; Filed, December 9, 1941; 11:48 a. m.]

[File Nos. 1-3039, 1-2474]

**IN THE MATTER OF KINGDOM OF ROUMANIA AND KINGDOM OF ROUMANIA MONOPOLIES INSTITUTE 7% GUARANTEED EXTERNAL SINKING FUND GOLD BONDS, STABILIZATION AND DEVELOPMENT LOAN OF 1929, DUE FEBRUARY 1, 1959**

**ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the 7% Guaranteed External Sinking Fund Gold Bonds, Stabilization and Development Loan of 1929, due February 1, 1959, registered with the Commission by the Kingdom of Roumania and the Kingdom of Roumania Monopolies Institute; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 a. m. on Monday, December 29, 1941, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 41-9271; Filed, December 9, 1941; 11:48 a. m.]

[File No. 7-613]

**IN THE MATTER OF APPLICATION BY THE BALTIMORE STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO RUSTLESS IRON AND STEEL CORPORATION \$1 PAR VALUE COMMON STOCK**

**ORDER SETTING HEARING ON APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1941.

The Baltimore Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 a. m. on Wednesday, January 21, 1942, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue N.W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 41-9272; Filed December 9, 1941; 11:48 a. m.]



[File No. 70-189]

IN THE MATTER OF STONEWALL ELECTRIC COMPANY AND SHERIDAN COUNTY ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1941.

The Commission having heretofore on the 19th day of November, 1940 issued an order herein permitting declarations by Stonewall Electric Company to become effective regarding the issue and sale to the Rural Electrification Administration of promissory notes in the principal amount of \$74,000, the proceeds to be used for the construction of rural electric transmission, distribution and service facilities in the Counties of Johnson and Sheridan, Wyoming; and approving an application regarding the execution of a lease and option purchase agreement by Stonewall Electric Company to Sheridan County Electric Company in respect of the said electric facilities to be constructed by Stonewall; and

Stonewall Electric Company having filed a supplemental declaration in the form of an amendment to the original declarations herein, pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance of an additional note to the Rural Electrification Administration in the amount of \$4,700, the proceeds thereof to be used in completing the construction of such electric facilities; and

Said supplemental declaration having been filed on November 8, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said supplemental declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act;

*It is hereby ordered.* Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid supplemental declaration be, and hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9273; Filed, December 9, 1941; 11:48 a. m.]

[File No. 70-493]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of December, A. D. 1941.

Public Service Company of Indiana, Inc. (hereinafter referred to as "Service Company"), a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, having filed an application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereunder and Rules U-23 and U-50 thereof, regarding:

(a) The issue and sale by public bid, pursuant to Rule U-50, of \$42,000,000 principal amount of its first mortgage bonds, series D, 3½%, due December 1, 1971, and

(b) The issue and sale to two insurance companies and six banks (one of which, Continental Illinois National Bank and Trust Company of Chicago, is an affiliate within the meaning of the Act) of \$10,000,000 principal amount of serial notes payable serially beginning December 1, 1942, to and including December 1, 1950, at the rate of 2¼% per annum for those maturing up to and including June 1, 1947; 2¾% for those maturing up to and including June 1, 1949; and 3% for those maturing thereafter,

the proceeds of which will be used: (1) to call for redemption the now outstanding \$38,000,000 principal amount of Service Company's First Mortgage Bonds, Series A, 4%, due September 1, 1959; (2) to pay and retire \$8,800,000 principal amount of Service Company's Serial Debentures, 3½%, due March 1, 1942-September 1, 1949; (3) to pay and retire \$400,000 aggregate principal amount of Northern Indiana Power Company's Serial Notes, 3%, assumed by Service Company; (4) to pay \$396,923.05 aggregate principal amount of Central Indiana Power Company's Collateral Notes, 2.73%, which were issued to United States of America as evidence of loans and which have been assumed by Service Company; and (5) to aid the company in carrying out a proposed construction program; and

Service Company having requested that the Commission modify a condition imposed by its order dated March 27, 1941, in connection with the issue and sale of Service Company's Series B bonds (File No. 70-258) which in effect provides that in addition to maturities and sinking fund provisions applicable to its outstanding long-term debt Service Company shall retire by 1958 \$3,859,500 additional amount of its long-term debt; and

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein:

*It is ordered.* That said application as amended be and the same hereby is granted, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

(1) That Service Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby; jurisdiction is hereby reserved for this purpose;

(2) That, unless this condition be hereafter modified by the Securities and Exchange Commission or by any successor commission or regulatory authority of the United States of America having jurisdiction in the premises (and then to the extent only that such condition be so modified), Service Company shall, during the period commencing January 1, 1945, and ending December 31, 1951, provide for the retirement (in the manner set forth below) of \$1,750,000 aggregate principal amount of its long-term debt in addition to long-term debt in an aggregate principal amount equal to (i) the principal amount of long-term debt of Service Company outstanding at the time of the issue of the Series D Bonds of Service Company and bearing maturity dates falling within said period and (ii) the principal amount of Series B, Series C, and Series D Bonds of Service Company that Service Company is or will be obligated to retire through sinking fund payments. Within four months after the end of any given calendar year during said period Service Company shall have retired, pursuant to this term and condition, a cumulative amount of long-term debt as shown in the following table:

Calendar year:	Cumulative amount of long-term debt to be retired
1945	\$250,000
1946	500,000
1947	750,000
1948	1,000,000
1949	1,250,000
1950	1,500,000
1951	1,750,000

or, Service Company shall deposit with the Trustee under its First Mortgage Indenture, funds sufficient to redeem bonds equal to the amount by which the aforesaid cumulative amount shown opposite such calendar year exceeds the amount of long-term debt retired hereunder up to and including such calendar year. This condition is in lieu of and supercedes the condition respecting debt retirement imposed in our Order dated March 27, 1941, in connection with the issue of Series B Bonds by Service Company (File No. 70-258).

(3) That after January 1, 1943, and so long as any of the long-term debt of



Service Company outstanding upon the consummation of the transactions covered by the application and declaration in this File No. 70-433 shall be outstanding. Service Company shall not declare or pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Service Company make any other distribution on its common stock or purchase or otherwise retire any shares of its common stock out of net income unless the earned surplus of Service Company after making such declaration, payment, distribution, purchase, or retirement shall be not less than an accumulative amount equal to \$750,000 per calendar year beginning with the year 1943 and through the year in which such declaration, payment, distribution, purchase, or retirement is made: *Provided, however,* That the maximum amount of accumulated earned surplus required pursuant to this paragraph to remain after declaration or payment of

No. 239—4

such dividend or after such distribution, purchase, or retirement shall be \$7,500,000: *And provided, further,* That such earned surplus required to remain after declaration or payment of such dividends or after such distribution, purchase, or retirement may be reduced for the purpose of the above computation by the amount of (a) any surplus adjustments at any time after the creation of Service Company on September 6, 1941 (other than those referred to in paragraph (2) of the order entered by the Commission in File No. 70-181 on April 17, 1941), resulting from writing down or writing off the excess of carrying value of property, acquired by Service Company at the time of its creation from the corporation through whose consolidation Service Company was formed, over the original cost of such property when first devoted to public use, and (b) any other surplus adjustments otherwise properly applicable to earned surplus. The restrictions contained in this paragraph are intended

to bring about improvement in the debt ratios of Service Company, and such restrictions may be reduced or terminated in whole or in part, conditionally or unconditionally, by this Commission at any time upon application by Service Company in connection with the issuance and sale of additional common stock of Service Company or otherwise; subject, always, to the right of the Commission, in any proceeding under any provision of the Public Utility Holding Company Act of 1935 to make such orders, restrictions, or conditions as it may deem necessary or proper in the case. This condition is in lieu of and supersedes condition with respect to dividend restrictions numbered paragraph (3) in our Order of April 17, 1941.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 41-9274; Filed, December 9, 1941;  
11:49 a. m.]



