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*Washington, Friday, March 24, 1950*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10117

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE CARRIERS REPRESENTED BY THE WESTERN CARRIERS' CONFERENCE COMMITTEE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between the carriers represented by the Western Carriers' Conference Committee and certain of their employees represented by the Switchmen's Union of North America, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the Western Carriers' Conference Committee, or their employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
*March 20, 1950.*

[F. R. Doc. 50-2494; Filed, Mar. 22, 1950; 1:13 p. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter III—Foreign and Territorial Compensation

#### Subchapter B—The Secretary of State

[Departmental Reg. 108.104]

#### PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the date indicated:

1. Effective as of the beginning of the first pay period following March 18, 1950, paragraph (a) is amended by the addition of the following posts:

Frobisher Bay, Baffin Island, Canada.
Montero, Bolivia.

2. Effective as of the beginning of the first pay period following March 18, 1950, paragraph (b) is amended by the addition of the following post:

Valles, Mexico.

3. Effective as of the beginning of the first pay period following March 18, 1950, paragraph (c) is amended by the addition of the following posts:

Budapest, Hungary.
Goose Bay, Labrador, Canada.
Tel Aviv, Israel.

4. Effective as of the beginning of the first pay period following March 18, 1950, paragraph (a) is amended by the deletion of the following post:

Tel Aviv, Israel.

5. Effective as of the beginning of the first pay period following March 18, 1950, paragraph (c) is amended by the deletion of the following post:

Frobisher Bay, Baffin Island, Canada.

6. Effective as of the beginning of the first pay period following March 18, 1950, paragraph (d) is amended by the deletion of the following posts:

Budapest, Hungary.
Goose Bay, Labrador, Canada.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

JOHN E. PEURIFOY,
*Deputy Under Secretary.*

MARCH 17, 1950.

[F. R. Doc. 50-2506; Filed, Mar. 23, 1950; 10:22 a. m.]

## CONTENTS

### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

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## CODIFICATION GUIDE

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



## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[Amdt. 2]

### PART 603—BEANS, DRY EDIBLE

SUBPART—FARM ACREAGE ALLOTMENTS FOR 1950 CROP

The regulations, as amended, issued by the Acting Secretary of Agriculture with respect to farm acreage allotments for the 1950 crop of dry edible beans (15 F. R. 651, 1237) are further amended as follows:

1. Paragraph (c) of § 603.207 *Determination of usual acreage* is amended by

adding a new sentence at the end thereof so that the paragraph reads as follows:

(c) *Usual acreage.* The usual acreage shall be the historical acreage determined under paragraph (a) of this section, as adjusted under paragraph (b) of this section, or if all the years in the applicable period are eliminated or if no acreage data are available, the adjusted acreage appraised under paragraph (b) of this section. The usual acreage thus determined shall be changed to zero where the county committee determines that under the rotation system being followed on the farm no acreage will be planted to beans in 1950.

2. Section 603.208 *1950 farm dry edible bean acreage allotment* is amended by adding a new sentence at the end thereof so that the section reads as follows:

§ 603.208 *1950 farm dry edible bean acreage allotment.* The dry edible bean acreage allotment established for each farm or ownership tract, as the case may be, shall be determined by apportioning the 1950 State or county acreage allotment, as the case may be, after deduction of appropriate reserves for appeals and correction of errors, pro rata among all farms or ownership tracts on the basis of the usual acreage. If an appeal is filed in accordance with § 603.211 for reconsideration of an acreage allotment of zero resulting from the usual acreage being changed to zero as provided in § 603.207 (c), a revised acreage allotment shall be established for the farm based on the usual acreage prior to such change.

(Sec. 401, Pub. Law 439, 81st Cong.)

Issued this 21st day of March 1950.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 50-2455; Filed, Mar. 23, 1950; 8:46 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 229]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 227]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MICHIGAN, GEORGIA, KANSAS, OHIO AND DELAWARE

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 149, is amended to describe the counties in the defense-rental area as follows:

Oakland and Wayne Counties; and Macomb County, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Ypsilanti and the Township of Ypsilanti in Washtenaw County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 70, is amended to describe the counties in the defense-rental area as follows:

DeKalb County; Clayton County, except the City of Forest Park; Fulton County, except the City of Hapeville; and Cobb County, except the City of Marietta.

This decontrols the City of Forest Park in Clayton County, Georgia and the City of Hapeville in Fulton County, Georgia, portions of the Atlanta, Georgia, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 114e, is amended to describe the counties in the defense-rental area as follows:

That portion of Geuda Springs located in Sumner County.

This decontrols (1) the City of El Dorado in Butler County, Kansas, a portion of the Butler-Cowley, Kansas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Butler County, Kansas, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 228, is amended to describe the counties in the defense-rental area as follows:

Cuyahoga County, except the City of Bedford, and the Villages of Bay, Brecksville, Chagrin Falls, Gates Mills, Hunting Valley, Independence, Lyndhurst, North Olmsted, North Royalton, Orange, Pepper Pike and West View; and in Lake County, those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby, and Willoughby Township, except the Village of Wickliffe.

Lake County, other than Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby.

This decontrols the Village of Wickcliffe in Lake County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

5. Schedule A, Item 53, is amended to describe the counties in the defense-rental area as follows:

New Castle County, except the Town of St. Georges and that portion of New Castle County south of the Chesapeake and Delaware Canal.

This decontrols the Counties of Kent and Sussex, Delaware, the Town of St. Georges in New Castle County, Delaware, and that part of said New Castle County south of the Chesapeake and Delaware Canal, all portions of the Delaware Defense-Rental Area, based on a recommendation of the local Rent Advisory Board in accordance with section 204 (e) (4) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

Items 1 and 2 of this amendment shall be effective March 21, 1950, and Items 3, 4 and 5 of this amendment shall become effective March 22, 1950.

Issued this 21st day of March 1950.

TIGHE E. WOODS,
*Housing Expediter.*

[F. R. Doc. 50-2462; Filed, Mar. 23, 1950; 8:47 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 635]

WASHINGTON

REVOKING THE EXECUTIVE ORDER OF MAY 15, 1893 AND PARTIALLY REVOKING EXECUTIVE ORDER NO. 1661 OF DECEMBER 12, 1912, RESERVING CERTAIN PUBLIC LANDS FOR GOVERNMENT USE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, and the act of March 16, 1912, c. 60, 37 Stat. 74, it is ordered as follows:

1. The Executive order of May 15, 1893, reserving certain lands within the Townsite of Port Angeles, Washington for the uses of the Government, is hereby revoked.

2. Executive Order No. 1661 of December 12, 1912, reserving certain lands within the Townsite of Port Angeles, Washington, for various specified uses of the Government, is hereby revoked so far as it affects the following-described land:

WILLAMETTE MERIDIAN

T. 30 N., R. 6 W.,
Port Angeles Townsite, Block 32, lot 21, as shown on the supplemental plat of survey accepted October 18, 1949.

The area described contains 5,000 square feet.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

MARCH 18, 1950.

[F. R. Doc. 50-2443; Filed, Mar. 23, 1950; 8:45 a. m.]

[Public Land Order 636]

IDAHO

PUBLIC WATER RESERVE NO. 163

By virtue of the authority vested in the President by the act of June 25, 1910,

c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (43 U. S. C. 141, 142), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Idaho is hereby withdrawn from settlement, location, sale, and entry under the public-land laws and reserved, under the jurisdiction of the Secretary of the Interior, for public use for stock-watering purposes, such reservation to be known as Public Water Reserve No. 163:

BOISE MERIDIAN

T. 4 N., R. 17 E.,
Ketchum Townsite, in sec. 13, Block 70.

The area described contains approximately 1.50 acres.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

MARCH 18, 1950.

[F. R. Doc. 50-2444; Filed, Mar. 23, 1950; 8:45 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

PART 33—CENTRAL REGION

PART 34—SOUTHEASTERN REGION

EXPIRATION OF CODIFIED MATERIAL

Notice is hereby given that the regulations in the following documents expired of their own limitation on or before December 31, 1949:

PART 31—PACIFIC REGION

SUBPART—DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

§ 31.101 *Pheasant hunting permitted.* 14 F. R. 5747.

§ 31.102 *Bag limits.* 14 F. R. 5747.

SUBPART—LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

§ 31.199 *Pheasant hunting permitted.* 14 F. R. 6117.

SUBPART—TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

§ 31.346 *Pheasant hunting permitted.* 14 F. R. 6136.

PART 33—CENTRAL REGION

SUBPART—MUD LAKE NATIONAL WILDLIFE REFUGE, MINNESOTA

§ 33.121 *Deer hunting permitted.* 14 F. R. 5540.

§ 33.122 *Entry.* 14 F. R. 5540.

§ 33.123 *State hunting laws.* 14 F. R. 5540.

§ 33.124 *State cooperation.* 14 F. R. 5540.

PART 34—SOUTHEASTERN REGION

SUBPART—KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE, KENTUCKY

§ 34.60 *Hunting permitted.* 14 F. R. 6690.

§ 34.61 *Dogs.* 14 F. R. 6690.

Dated: March 20, 1950.

M. C. JAMES,
*Acting Director.*

[F. R. Doc. 50-2442; Filed, Mar. 23, 1950; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### [ 8 CFR, Part 121 ]

TREATY TRADERS

PERIOD OF TIME FOR WHICH ADMITTED; ANNUAL REPORT OF STATUS

DECEMBER 5, 1949.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following amendments of the rules relating to treaty traders. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1-1237, Temporary Federal Office Building X, Nineteenth and East Capitol Streets NE., Washington 25, D. C., written data, views, or arguments relative to these proposed amendments. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. Section 121.2, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

§ 121.2 *Period for which admitted.* A trader or dependent shall be admitted to the United States for so long a period as he maintains his status as a trader or dependent: *Provided*, That the period shall be deemed not to exceed the time during which the trader or dependent continues to fulfill all of the conditions of admission prescribed in § 121.3.

2. Paragraphs (b), (d), and (e) of § 121.3 are amended and a new paragraph (g) is added to that section so that taken with the introductory sentence those four paragraphs will read as follows:

§ 121.3 *Conditions of admission.* The conditions under which an alien may be admitted to the United States as a trader or dependent shall be that he:

* * * * *

(b) Agrees that he will not remain in the United States beyond the date 60 days prior to the end of the period during which he will be eligible for readmission to the country whence he came or for admission to some other country, as evidenced by a valid passport or other travel document; agrees to leave the United States as soon as he ceases to maintain his status as a trader or dependent; and establishes that he has the ability to leave,

* * * * *

(d) Presents whatever document or documents are required by the applicable Executive order or orders, or by Part 176 of this chapter or any other applicable regulations prescribing the documents to be presented by aliens entering the United States as traders or dependents, such document or documents to include, if required, evidence of compliance with all applicable provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451), relating to registration and fingerprinting.

(e) Furnishes bond on Form I-338 or Form I-638 in a sum of not less than $500 to insure that he will depart from the United States upon failure to comply with the conditions under which he is admitted, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board, and agrees to furnish such bond at any time subsequent to admission into the United States if required to do so by the appropriate district director.

* * * * *

(g) Agrees to make a report to the appropriate district director annually showing that he:

(1) Continues to be eligible for readmission to the country whence he came or for admission to some other foreign country; and

(2) Has fulfilled and will continue to fulfill all applicable conditions of admission prescribed by this section.

The provisions of this section shall be applicable to traders and dependents admitted into the United States on or after December 7, 1948.

3. Section 121.4, relating to extensions of stay, is revoked.

4. Paragraph (a) of § 121.5, *Arrest and deportation*, is amended to read as follows:

§ 121.5 *Arrest and deportation.* (a) An alien admitted as a trader or dependent shall be deemed to have remained in the United States for a period longer than that permitted under law and regulations within the meaning of section 14 of the Immigration Act of 1924 if he violates, or fails or ceases to fulfill, any of the conditions of his admission to or stay in the United States.

5. Paragraph (b) of § 121.6, *Effect of prior regulations*, is amended to read as follows:

(b) The provisions of this part shall not be applicable to cases of aliens who

were in the United States in the status of traders or dependents prior to December 7, 1948. Applicable regulations in effect prior to that date shall continue to be applicable to their cases: *Provided*, That any such aliens who have left the United States shall, upon seeking readmission as traders or dependents after December 7, 1948, be subject to the regulations in this part to the same extent that they would be if they were making original applications for admission.

6. Section 121.12 is amended to read as follows:

§ 121.12 *Maintenance-of-status report.* (a) A trader or dependent shall make an annual report as to his status to the appropriate district director, as required under § 121.3 (g). Such annual report shall be submitted on Form I–126 to the district director of the district in which he is engaged in trade or is staying at the time the report is submitted. All available data specified in Form I–126 shall be furnished by the applicant. The report shall be accompanied by the applicant's passport and by any visitor's permit (Form 257a or I–94) issued to him.

(b) After examination of the report on Form I–126 and accompanying documents and after making such inquiry as may be necessary, the district director shall make a decision as to whether or not the alien is complying with the conditions of his admission into the United States. Such decision shall be final, except that (1) the Commissioner may from time to time require certain classes of cases or individual cases to be submitted to him for review or for decision; and (2) if the trader or dependent has gone to another district the district director may send the case, with pertinent files and information, to the director of the other district for final action. The district director shall send to the trader or dependent written notice of the decision, accompanied by any passport and Form 257a or I–94 submitted with the report. If one of those forms is submitted with the report and the decision is favorable to the trader or dependent, notice of the decision may be given by placing on the from a signed endorsement, which shall include the date of the decision. If the decision is unfavorable to the trader or dependent, the district director making the decision shall take appropriate action with a view to enforcing the alien's departure or removal from the United States, and the notice to the alien of such decision shall include information as to the intended action.

(c) When the district director notifies a trader or dependent of the decision made under paragraph (b) of this section, he shall also notify the officer in charge at the port where the trader or dependent was admitted of the terms of the decision.

(d) If the officer in charge at the port of entry where the trader or dependent was admitted has not received any notice required under paragraph (c) of this section or has not ascertained and cannot ascertain that the trader or dependent has departed from the United States, such officer shall report the facts to the director of the district in which the alien is believed to be engaged in trade or is staying or shall take any other action necessary to insure that the trader or dependent either departs or is removed from the United States.

7. Section 121.14 is added as follows:

§ 121.14 *Printed instructions for traders and dependents.* To the extent practicable, traders and dependents shall at the time of their admission be given printed instructions showing the conditions of their admission and how they are expected to comply with immigration regulations while in the United States.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a))

A. R. MACKEY,
*Acting Commissioner of Immigration and Naturalization.*

Approved: March 18, 1950.

PEYTON FORD,
*Acting Attorney General.*

[F. R. Doc. 50–2457; Filed, Mar. 23, 1950; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR, Part 932 ]

[Docket No. AO–33–A14]

HANDLING OF MILK IN FORT WAYNE, IND., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Fort Wayne, Indiana, on January 31 and February 1, 1950, pursuant to notice thereof which was issued on January 24, 1950 (15 F. R. 466).

The hearing was called at the request of the Wayne Cooperative Milk Producers, Inc., which submitted certain proposed amendments to the existing order. Additional proposals were submitted by the Allen Dairy Products, Inc., a cooperative organization, by the Central Dairy, Inc., and by the Dairy Branch, Production and Marketing Administration.

The material issues of record related to proposals to:

1. Revise the definition of "other source milk";
2. Revise the definitions of "producer" and "marketing area";
3. Increase the Class I price differential 10 cents per hundredweight of milk in each month of the year;
4. Revise the provisions relating to interplant movements of producer milk by transfer and diversion and the classification of milk so moved; and
5. Apply a charge to other source milk utilized in Class I milk or Class II milk at the difference between the price of the class of use and the Class III price, for inclusion in the handler's total value of milk.

At the hearing counsel representing Central Dairy, Inc., Hoosier Condensed Milk Company, and Rose Hill Dairy, Inc., raised a question as to the relevancy of factual data made a part of the record and the hearing examiner limited such data to certain specified proposals contained in the notice of hearing. The examiner erred in thus purporting to limit the availability of factual information submitted in evidence. The officers charged with deciding the issues, in this type of proceeding, should have available to them all facts contained in the hearing record. They should not be compelled to disregard available facts, as if they did not exist, merely because they were received in evidence in connection with some other proposal. The examiner is, therefore, overruled and such evidence is made a part of the record for all purposes.

*Findings and conclusions.* (1) The definition of other source milk should be revised; the definition of Class II milk should be revised also.

A producers' cooperative association proposed revision of the definition of other source milk with respect to milk products received by a handler and disposed of by the handler in the same form.

The proponents contended that under the present definition of other source milk and the allocation provisions (classification section), milk used to produce an aerated cream product sold in the market is charged to the handler, in most instances, at a Class II price although the milk contained in such product is manufacturing milk not under the health inspection required of milk for fluid milk and cream purposes in Fort Wayne. Such a charge occurs because other source milk, including milk in such product, is deducted in sequence beginning with Class III milk in the handler's classification problem. The product in question is covered at present by the definition of Class II milk while other products included in other source milk which are received and disposed of by handlers in the same form are covered by the definition of Class III milk.

Since the product in question may be made from manufacturing milk, it is concluded that it should be redesignated as a Class III milk product. This change, together with a redefinition of other source milk, will eliminate a Class II milk price charge to the handler on a volume of producer milk equivalent to the amount of milk represented by such product. Also, a change in the reporting provisions should be made to remove the requirement that a handler report monthly his receipts of other source milk in the form of milk products covered by the definition of Class III milk which are disposed of in the form in which received without further processing or packaging by the handler.

(2) The definition of "producer" should be revised; the marketing area should be revised to include only the territory within the corporate limits of the city of Fort Wayne, Indiana.

It was proposed by a producers' cooperative association that the definition of "producer" be revised to include only those dairy farmers holding farm permits to produce milk qualified for disposition as fluid milk within the city of Fort Wayne. In this connection, revision of the definition of "marketing area" to limit such area to the city also was considered. At the present time, the marketing area covers the territory within the corporate limits of the city plus a 4-mile area immediately beyond the city boundaries (except New Haven, Indiana), and the definition of producer includes any dairy farmer "having certification issued by the appropriate health authority in the marketing area" to produce milk for disposition as fluid milk in such area. Proponents pointed to the recent entrance of milk not under Fort Wayne health department approval into the suburbs of Fort Wayne. It was contended that the lack of formal health requirements in the suburban portion of the marketing area permits lower quality milk to be sold there, and that the pooling of such milk with Fort Wayne approved milk, as is possible under the present order provisions, creates an inequity to the producer of Fort Wayne approved milk.

One handler testified in opposition to any contraction of the marketing area and to the proposed change in producer definition. This handler, operating a plant from which milk is distributed in the 4-mile suburban zone but not in the city of Fort Wayne, stated that the milk disposed of from such plant is Grade A, as designated by the city of Bluffton, Indiana, and should continue to be pooled on the basis of its comparable quality to Fort Wayne approved milk and because such milk is produced in essentially the same production area as milk approved for Fort Wayne. It was stated also that milk not necessarily meeting the inspection required of locally produced milk is utilized in Fort Wayne fluid milk plants as "other source" milk. It was testified further, however, by such handler that only one-third of the producers at his fluid milk plant would be eligible for Fort Wayne approval without substantial modification of their operations and that none of the plant's supply is available at this time for sale in the city of Fort Wayne. Only a relatively small percentage of milk at such plant is sold in the marketing area as Class I milk.

It is shown on the record that while the city of Fort Wayne applies a uniform inspection program covering all milk supplied to fluid milk plants from which bottled milk is distributed within the city there is no such uniform program for milk received at plants from which bottled milk is disposed of in the county, adjacent to the city. No formal inspection system is maintained by the county. Both milk meeting the "Grade A milk" inspection of another community (Bluffton, Indiana) outside the county and ungraded milk are being bottled and distributed in the 4-mile zone circling the city. Thus, all producers supplying milk for the marketing area are not required to meet comparable standards and the milk sold therein may vary widely in quality.

Certain additional information also appears pertinent to consideration of the problem presented. The Fort Wayne health department does not accept milk inspected of any other municipality even if labeled as "Grade A milk." Milk may not be transferred from a fluid milk plant not under Fort Wayne inspection to a Fort Wayne approved fluid milk plant, except under emergency permit. Further, the health officer of Fort Wayne testified that Fort Wayne plants have been advised that no supplies from any source other than regularly inspected producers may be received after January 1, 1950, except under an emergency permit.

The community of New Haven, Indiana, was removed from the prescribed marketing area in 1947 because the milk originating there did not meet the same health requirements as milk (Fort Wayne approved) sold generally throughout the remainder of the marketing area at that time. The record also discloses that a degraded Fort Wayne producer may keep his milk in the pool merely by transferring from a Fort Wayne fluid milk plant to a fluid milk plant from which milk is distributed in the suburban segment of the marketing area. Also, a milk shipper not under any municipal health inspection may have his milk pooled by supplying a plant from which ungraded milk is sold in such suburban area. The requirement on a producer that he be certified by an appropriate health authority in the marketing area to produce milk for fluid use has little significance when applied to communities in the marketing area other than Fort Wayne which do not maintain formal inspection requirements.

Under a market-wide pool all producers receive the same uniform price for their milk irrespective of the utilization made of such milk by the handler to whom they sell. Therefore, all milk similarly priced, pursuant to the order, should be generally available for sale as fluid milk in the principal communities of the marketing area. All producers of milk in this category may be said to contribute on substantially similar terms to the total supply of the marketing area. Milk of producers meeting City of Fort Wayne inspection standards may be placed in this category. Certain other milk, however, being distributed as fluid milk in the present marketing area is not permitted to be sold in the City of Fort Wayne, the only sizeable urban community under the regulation. Thus, under the present order some milk may share in the pool, and price benefits, which does not contribute on similar terms with Fort Wayne approved milk to the total market supply. This result creates an inequity to the Fort Wayne producer and provides him with strong reason to be discouraged from producing for the market. Furthermore, a substantial volume of milk not permitted to be sold in the principal segment of the marketing area has been allowed to be pooled and to fall into Class III uses because of limited sales outlets in the marketing area as Class I or Class II milk. This milk has had the effect of decreasing the uniform price to producers who furnish the major part of the market's supply. This should not be continued over an extended period of time. Although other source milk is permitted under certain conditions to be used in Fort Wayne fluid milk plants for Class I and Class II milk uses, it may be noted that such milk is not pooled with producer milk.

In view of the above, it is concluded that the market-wide pool should be confined to producer milk in fluid milk plants serving the City of Fort Wayne. The necessary contraction of the pool may be made by revising the definitions of "producer" and "marketing area" and such definitions have been revised to achieve this result.

(3) The Class I price differential should not be increased.

A producers' cooperative association proposed that the Class I price differential be increased 10 cents per hundredweight of milk in each month of the year. Proponents testified that (a) Fort Wayne Class I and uniform prices (and price differentials) usually have been lower than in other surrounding markets with milksheds overlapping that of Fort Wayne, (b) the adoption of Grade A milk ordinances in recent months in a number of markets in the proximity of Fort Wayne had forced such markets to pay higher prices than Fort Wayne to procure needed supplies of quality milk, (c) the proposed increase of 10 cents would tend to prevent undue shifting of milk supplies from the Fort Wayne market, (d) the cooperative has had difficulty keeping its membership satisfied with prices received, and (e) other source milk has been necessary for Class I and Class II milk purposes in each month of the past year as well as in previous years.

One handler testified in opposition to the proposed price increase, stating that (a) ample milk supplies have been attracted to the Fort Wayne market, (b) consumption has been maintained at the current price level, (c) the attraction of more milk to the market would threaten market stability, (d) the distribution, or allocation, of milk supplies among handlers has not been well adjusted to their individual needs, and (e) a reserve of 15 percent of producer milk would cover

monthly fluctuations in the needs of the fluid milk plant.

Although the record data on prices for Fort Wayne and other markets drawing milk from areas adjacent to or overlapping the Fort Wayne milkshed show that prices in Fort Wayne have been somewhat lower on the average during the past year than prices in such other markets, milk supplies received by Fort Wayne plants appear to be ample to satify the market's demand for fluid milk and cream at this time. On the basis of data for all fluid milk plants involved in the marketing area as currently defined, producer milk supplies were 41 percent higher in December 1949 than in December 1948. Class I sales, on the other hand, increased 18.5 percent in the same 12-month period. When adjustment is made for redefinition of "marketing area" and "producer," as set forth in the attached amendment, it is found that deliveries of milk having the approval of the Fort Wayne health department have increased more than 21 percent during the past year. If some milk has been induced to leave the market then the amount attracted to the market is even greater than the above figures indicate, since such figures reflect net increases in deliveries. It is recognized, as referred to by proponents, that other source milk has been utilized in Class I and Class II milk during most months of 1949. On the other hand, the producer milk represented in Class III milk was greatly in excess of the amount of other source milk substituted for producer milk in the higher-valued classes. There appears to be ample producer milk for all Class I and Class II uses if the allocation of supplies among handlers is improved. The latter appears feasible since 85–90 percent of the producer milk supply is marketed through cooperative associations. In view of these circumstances it is concluded that an increase in Class I price differential at this time would not be appropriate.

(4) The provisions governing interplant movements of milk should be revised.

A producers' association proposed that the order be clarified in regard to the meaning of the terms "diverted" and "diversion" as applied therein to the movement of milk between plants.

In support of this proposal it was testified that (a) in the past producers have been maintained on a handler's producer pay roll even though the milk they produced never was received in the handler's fluid milk plant; (b) if the order permits milk to be "diverted" in such manner, it is possible for some milk to be included in the market pool, and to benefit from the uniform price provisions, which may not be available at any time for use in a fluid milk plant; (c) prior to September 1949, when a new handler began routes in the suburbs of Fort Wayne, no milk had been diverted to nonfluid milk plants other than that handled through cooperative associations, and (d) it is not necessary for any handler selling in Fort Wayne proper to divert milk to nonfluid milk plants to find adequate outlets and none has adopted the practice of such diversion.

Certain handlers objected to any change in respect of diversions of milk from fluid milk plants on the primary ground that the proponent cooperative (which does not operate a fluid milk plant) would be allowed to divert milk to nonfluid milk plants, particularly to the manufacturing plant it operates, while proprietary handlers would be denied such privilege. It was contended also that the change, as proposed by producers, would deny a proprietary handler the privilege of selling producer milk to another handler for use in a fluid milk plant without receiving such milk in his own fluid milk plant, thus increasing the cost of handling milk sold between handlers.

It is concluded that the order should be clarified concerning the conditions under which producer milk may be moved to nonfluid milk plants. The provisions of the order should not permit the possibility that some milk may be included in the equalization pool which is not intended to perform a regular function as part of the needed supply of a fluid milk plant. On the other hand, it may be necessary at times for a handler to dispose of milk to a nonfluid milk plant, and in many such instances it may be more economical to move such milk without first receiving it in the handler's fluid milk plant. In view of the problem referred to in the testimony, it is determined that revision should be made to place a reasonable limitation on the amount of milk which may be disposed of in this manner. The need for diversion ordinarily is greater in the flush production months of the year. If all producer milk in Class III uses had been diverted in the flush production months of 1949 it would have represented a quantity equivalent to nearly 65 percent of the Class I milk volume of the market in the same period. It would not appear to be an unreasonable limitation to allow producer milk to be diverted to nonfluid milk plants in an amount up to 65 percent by volume of the Class I milk of the fluid milk plant from which it is diverted. Under this plan the quantity permitted to be diverted as producer milk would have a definite relationship to the volume requirements of the plant for Class I needs. The percentage figure employed for this purpose should permit adequate flexibility for fluid milk plants since it is related to the Class I and Class III volume relationships during the time of the year when the matter of surplus milk disposal is most troublesome. Such provision should not be applied, however, to milk handled by a cooperative association not operating a fluid milk plant. One such cooperative is involved in the Fort Wayne market. This association regularly furnishes several handlers (who receive approximately 65 percent of the total producer milk supply of the market) with their daily needs of milk in the specific quantities they desire and at the class prices provided in the order. Because of daily fluctuations in the supply needs of such handlers it is necessary that the producer milk not taken by such handlers on any given day be disposed of by the association to nonfluid milk plants. Such milk usually is received at the nonfluid milk plant operated by it. The position and function of a cooperative which operates in this manner varies from that of the proprietary handler, although the latter also may furnish supplies of milk to other handlers on occasion. Moreover, the fact of delivery by the cooperative to a nonfluid milk plant is the sole basis on which the cooperative becomes a handler with respect to such producer milk, and therefore milk so delivered is not "diverted" milk in the usual sense. In view of the above it is concluded that a requirement such as that placed on handlers operating fluid milk plants is reasonable under the circumstances and that such a requirement would not discriminate against them in favor of a cooperative association not operating a fluid milk plant which customarily moves milk to a nonfluid milk plant under the conditions outlined.

It is concluded further that a handler operating a fluid milk plant should be permitted, under the provisions on interhandler sales, to move milk into another handler's fluid milk plant without first receiving it in his own fluid milk plant or without being required to relinquish the producers of such milk to the second handler for purposes of payment for milk under the order. In order to provide administratively for this practice it is necessary, however, to require the selling handler to make a report of the sale transaction to the market administrator on or before the 5th day after the end of the delivery period involved.

In a previous decision of the Secretary it was stated that "It is therefore considered appropriate that producer milk diverted or transferred to a nonfluid milk plant operated by the handler for whose account it is diverted or transferred and there used in conjunction with other receipts, should be allocated to the lowest available class uses for which an equivalent amount of milk was used in or disposed of from the plant."

This action recognized the above-described situation of the cooperative in handling producer milk in excess of the day-by-day needs of the Fort Wayne market, which at that time could not be utilized in the nonfluid milk plant operated by such association for lack of manufacturing facilities. It is now evident, however, that such association operates both a manufacturing plant and a plant approved by the Cleveland, Ohio, health authorities to ship milk to Cleveland for fluid use, with the latter plant regulated under milk order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area. In order that the proper classification of producer milk received by the association may be achieved under these circumstances, it is concluded that such receipts by the association should be allocated to the available quantity of Class I milk (not including Class I milk under an order for another fluid milk marketing area) and any remaining balance of such producer milk should be allocated, in a similar manner, to Class II milk and Class III

milk in that sequence. In this connection it is concluded also that the other rules of classification governing interplant movements should apply to milk so handled by the cooperative as well as to proprietary handlers at their fluid milk plants.

(5) A provision to require a payment at the difference between the Class III price and the price of the class of use with respect to other source milk utilized in Class I or Class II milk should not be adopted.

It was proposed by a producers' cooperative association which distributes fluid milk as a handler in Fort Wayne that any handler purchasing other source milk and using such milk in Class I or Class II milk should pay into the pool a charge on such milk computed at the difference between the Class III milk price and the price of the class in which the milk was used.

Supporting testimony indicated the use of other source milk in the preferred classes by handlers in many months when sizeable quantities of producer milk have been classified as Class III milk. It was shown also that receipts of producer milk utilized in Class III milk in recent months has been sufficient to supply the needs for which other source milk was used in the higher classes. It was contended that the handler using other source milk in the higher-valued uses in these circumstances tends to enjoy a price advantage in purchasing, and that the uniform price to producers is reduced.

One handler testified in opposition to the proposed provision on the ground that it would serve as a penalty on the handler using other source milk in the higher-valued classes, making the total cost of such milk excessive.

It is fundamental under the order that handlers pay uniformly for producer milk according to the established classification plan. Also, when a sufficient quantity of such milk is available for Class I and Class II milk it is not reasonable to permit the use of other source milk in such classes with the result of forcing the downward classification of producer milk into Class III uses. However, it is felt that the other changes in the order discussed previously in this decision make unnecessary the provision suggested here. It is concluded, therefore, that such proposal should not be adopted at this time.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of both the Wayne Cooperative Milk Producers, Inc., and handlers who distribute a large percentage of the fluid milk disposed of in the marketing area.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreement and amendment to the order.* The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 932.1 (f) and substitute therefor the following:

(f) "Fort Wayne, Indiana, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the City of Fort Wayne, Indiana.

2. Delete § 932.1 (j) and substitute therefor the following:

(j) "Handler" means:

(1) Any person, including any cooperative association, who operates a fluid milk plant; and

(2) Any cooperative association not operating a fluid milk plant with respect to:

(i) Milk caused by it to be delivered from producers' farms to a fluid milk plant for which milk such association is authorized to receive payment; or

(ii) Milk certified by the appropriate health authority in the marketing area for disposition within the marketing area as fluid milk which such association caused to be delivered, for its account, to a nonfluid milk plant. Milk caused to be so delivered shall be deemed to be received by such association.

3. Delete § 932.1 (k) and substitute therefor the following:

(k) "Producer" means any person, except a producer-handler, having certification issued by the appropriate health authority in the marketing area to produce milk for disposition within the marketing area in the form of fluid milk who produces milk which is received during the delivery period (1) in a fluid milk plant, or (2) by a cooperative association not operating a fluid milk plant. This definition shall be deemed to include any such person whose milk has been received previously in a fluid milk plant but is caused to be delivered from a fluid milk plant to a nonfluid milk plant under the conditions and limitations set forth in § 932.6 (d); and milk so delivered shall be deemed to have been received at such fluid milk plant.

4. Delete § 932.1 (m) and substitute therefor the following:

(m) "Producer milk" means milk produced and handled under the conditions set forth in paragraph (k) of this section.

5. Delete § 932.1 (n) and substitute therefor the following:

(n) "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

6. Delete subparagraphs (1) and (2) of § 932.3 (a) and substitute therefor the following:

(1) The quantities of butterfat and the quantities of skim milk contained (i) in (or used in the production of) all receipts within such delivery period at a fluid milk plant of (*a*) producer milk, (*b*) skim milk and butterfat in any form from any other handler, and (*c*) other source milk, and (ii) in all producer milk caused to be delivered during such delivery period to a non-fluid milk plant for the account of a handler: *Provided*, That such handler shall report in connection with milk delivered under the conditions of § 932.6 (d) the quantities of butterfat and the quantities of skim milk contained in the milk of each producer individually;

(2) The product pounds of milk products received from any source other than a handler and disposed of in the same form, except milk products covered by the definition of Class III milk disposed of in the form in which received without further processing or packaging by the handler.

7. Delete § 932.4 (a) (2) and substitute therefor the following:

(2) All skim milk and butterfat in producer milk caused by a handler to be delivered for his account to a non-fluid milk plant.

8. Delete § 932.4 (b) (2) and substitute therefor the following:

(2) Class II milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as (i) cream or as any mixture containing cream and milk, or skim milk (not including ice cream mix disposed of pursuant to subparagraph (3) (iv) of this paragraph or any product disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product) containing not less than 6 percent of butterfat, and (ii) eggnog.

9. Delete § 932.4 (e) and substitute therefor the following:

(e) *Disposition to milk plants.* Skim milk or butterfat disposed of by a handler to other milk plants shall be classified as follows:

(1) As Class I milk if disposed of to the fluid milk plant of another handler (except a producer-handler) in the form of milk or skim milk, and as Class II milk if so disposed of in the form of cream, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the buying handler after the subtraction of other source milk pursuant to paragraph (g) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization: *And provided further*, That if milk is disposed of by a handler directly from the farm to the fluid milk plant of another handler, such milk shall be considered as a receipt by the selling handler if such handler notifies the market administrator of such transaction on or before the 5th day after the end of the delivery period in which it occurred;

(2) As Class I milk if disposed of to a producer-handler in the form of milk or skim milk, and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if disposed of, except as provided in subparagraph (4) of this paragraph, to a non-fluid milk plant not operated by the handler in the form of milk or skim milk, and as Class II milk if so disposed of in the form of cream, unless (i) the handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next higher-priced available use in accordance with the classes set forth in paragraph (b) of this section; and

(4) As Class I milk if disposed of in the form of milk to a milk plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator.

(5) As follows, if contained in producer milk caused to be delivered by a handler to a non-fluid milk plant operated by such handler:

(i) In accordance with its utilization in such non-fluid milk plant if there utilized; or

(ii) In accordance with subparagraphs (1), (2), (3), or (4) of this paragraph, if moved from such non-fluid milk plant to another milk plant:

*Provided*, That if the use in or disposition from the non-fluid milk plant of such handler is in conjunction with other receipts, the receipts of producer milk shall be allocated first to the available quantity of Class I milk (not including that classified as Class I milk under an order for another fluid milk marketing area) and any remaining balance of such receipts shall be allocated to the available quantities of Class II milk and of Class III milk in that sequence.

10. Add the following as § 932.6 (d):

(d) *Deliveries to non-fluid milk plants.* Milk certified by the appropriate health authority in the marketing area for disposition within the marketing area as fluid milk and delivered by the operator of a fluid milk plant for his account to a non-fluid milk plant without being received in such fluid milk plant shall be considered as producer milk only to the extent that the amount so delivered during the delivery period is not in excess of 65 percent of the amount of Class I milk of such fluid milk plant for the delivery period: *Provided*, That if the handler fails to report in the manner required by § 932.3 (a) (1) (ii) all milk so delivered by him shall be other source milk: *Provided further*, That milk so delivered in excess of the above-stated quantity shall be other source milk.

Filed at Washington, D. C., this 21st day of March 1950.

[SEAL] JOHN I. THOMPSON,
*Assistant Administrator.*

[F. R. Doc. 50-2465; Filed, Mar. 23, 1950; 8:48 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

IDAHO

NOTICE FOR FILING OBJECTIONS TO PUBLIC WATER RESERVE NO. 163 [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

MARCH 18, 1950.

[F. R. Doc. 50-2445; Filed, Mar. 23, 1950; 8:45 a. m.]

[1] See F. R. Document 50-2444, Title 43, Chapter I, Appendix, *supra*.

### Bureau of Reclamation

[No. 44]

PAYETTE DIVISION, BOISE PROJECT, IDAHO

PUBLIC NOTICE OF TERMS GOVERNING DELIVERY OF WATER FOR 1950 IRRIGATION SEASON

FEBRUARY 24, 1950.

1. On February 27 and March 9, 1948, public notices Nos. 38 and 39 were issued, one announcing the availability of water under the contract of October 3, 1927, between the United States and the Black Canyon Irrigation District, as amended by the contract of July 15, 1936, to the lands comprising the gravity areas of the Payette Division; the other announcing the rental charge, in addition to the construction charge against the land covered by public notice No. 38, for all lands to which water would be delivered for 1948. On September 14, 1949, public notice No. 41 was issued opening land to entry and announcing that water will be furnished therefor for the irrigation season of 1950. On March 25, 1949, public notice No. 42 was issued announcing terms governing delivery of water for the 1949 irrigation season. These notices were issued having regard for the provisions of the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto) prohibiting the delivery of water upon the completion of any new project or new division of a project until a contract approved by the Secretary of the Interior had been made with an irrigation district providing for payment by the district of all the costs of constructing and operating and maintaining the irrigation works.

2. Public notice No. 42 was issued for the purpose of providing a temporary arrangement for furnishing water to the lands of the District during the 1949 irrigation season. It is unlikely that an

amendatory repayment contract will be entered into between the District and the United States prior to the beginning of the irrigation season of 1950. Exercising my general supervisory authority over the works of the Payette Division, I have determined that, notwithstanding the inadequacy of the existing repayment contract and outside of the provisions of that contract, water will be furnished for the 1950 irrigation season only on a temporary rental basis as follows:

(a) For lands served by gravity canals in the Payette Division, the minimum rental charge for the 1950 irrigation season for water delivered to or for the farms by Government forces will be $3.80 per irrigable acre, said payment to be made by each landowner for his total irrigable area. Included in said water rental charge for lands served by gravity canals is a construction charge component of $1.70. If the total cost of operating and maintaining the works of the Payette Division (exclusive of the cost of power for irrigation pumping) for the year 1950 is less than, or equals, the amount paid by the District on the basis of $2.10 per irrigable acre, such construction component of $1.70 may be credited on the instalment that would have been due for 1950 under the contract of October 3, 1927, as amended, and public notice No. 38. The said minimum charge per irrigable acre shall be payable whether or not water is used and will entitle the water user to three acre-feet of water per irrigable acre for the 1950 irrigation season. Two dollars and ten cents per irrigable acre will be payable by the District in advance of the delivery of water, and $1.70 per irrigable acre will be payable, one-half on or before December 31, 1950, and one-half on or before July 1, 1951. Additional water will be furnished during the 1950 irrigation season at the rate of 90 cents per acre-foot, and shall be payable by each landowner to the District on or before December 20, 1950. Payments by the District to the United States for such excess water shall be made on or before December 31, 1950. The minimum charge on account of lands which do not receive water for the irrigation season of 1950 shall be payable by the District to the United States on or before December 31, 1950, and the District shall make the necessary assessments therefor against the lands involved.

(b) For the rental of water during the irrigation season of 1950 for new lands under the pump system of the Payette Division, in instances in which the progress of canal and lateral construction will permit the delivery of water, there will be a minimum charge of $2.10 per acre of land irrigated, payable by the District in advance of the delivery of water, upon a minimum area of 10 acres. On individual ownerships comprising less than 10 acres, however, payment shall be made upon the total irrigable area of such owners. Payment up to the total acreage in an ownership may be made by the District in advance of the delivery of water in multiples of 10 acres. For the advance payment of water rentals outlined above, the maximum of three acre-feet of water per irrigable acre will be furnished. Ninety cents per acre-foot will be charged for any water furnished to any tract or farm unit in these units in excess of three acre-feet per acre. The amount charged for such excess water will be payable by each individual landowner to the District on or before December 20, 1950, and charges for such excess water shall be paid by the District to the United States on or before December 31, 1950.

3. (a) For the new lands served by the pump system of the Payette Division, it is contemplated that for the irrigation season of 1951 a minimum water rental will be charged on at least 50% of the irrigable area of each privately owned tract, except that on individual ownerships of from 10 to 20 irrigable acres, payment shall be made for at least 10 acres, and on individual ownerships of 10 or less irrigable acres, payment shall be made in full for said acreage. The 1951 minimum water rental charge and the manner of payment will be announced prior to the beginning of the 1951 irrigation season.

(b) For the irrigation season of 1952, it is contemplated that lands served by water under the pump system of the Payette Division shall pay the minimum charge per irrigable acre as announced for that year for the total irrigable area of each privately owned tract, whether water is used or not.

4. The rates above established conform to those that would have prevailed had delivery been made pursuant to notices Nos. 38, 39 and 41 and gravity areas of the Payette Division.

5. The foregoing arrangements are a temporary expedient for the 1950 irrigation season only. The Bureau of Reclamation is now making an economic study and, based thereon, expects to propose a long-range repayment plan to the District's board of directors before the end of this irrigation season. The present arrangements are made with the understanding that all reasonable effort will be made by the Bureau of Reclamation and the District's board of directors to agree on a long-range repayment plan and to present it to the District's electors at the earliest possible date.

6. Water for Payette Division lands will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

7. Any charge, or any part thereof, required to be paid to the United States under this notice, and which remains unpaid after it shall become due and payable, shall be subject to, and there shall be paid a penalty at the rate of one-half per cent per month from the date of delinquency.

8. Individual landowners in the Payette Division will make their applications for water and the payments required by this public notice direct to the Black Canyon Irrigation District office, Notus, Idaho. Applications by the irrigation district for water and payments by the District to the United States on the basis of this public notice will be received at the office of the Bureau of Reclamation, 214 Broadway, Boise, Idaho.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

WILLIAM E. WARNE,
*Assistant Secretary of the Interior.*

[F. R. Doc. 50-2446; Filed, Mar. 23, 1950; 8:45 a. m.]

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[Public Notice No. 13]

## ROZA DIVISION, YAKIMA IRRIGATION PROJECT, WASHINGTON

### PUBLIC NOTICE ANNOUNCING THAT WATER WILL BE FURNISHED AND OPENING PUBLIC LANDS TO ENTRY

FEBRUARY 20, 1950.

Yakima Irrigation Project, Washington, Roza Division. Public notice announcing that water will be furnished and opening public lands to entry.

#### LANDS COVERED

SECTION 1. *Lands for which water will be furnished and for which entry may be made.* Water will be furnished on a rental basis for the irrigation season of 1951 and thereafter until further notice, and for the irrigation season of 1950 insofar as completion of construction will permit, for certain irrigable lands in the Roza Division of the Yakima Irrigation Project, as shown on approved farm unit plats on file in the office of the Yakima Project, Bureau of Reclamation, Federal Building, Yakima, Washington, and in the District Land Office at Spokane, Washington.

Application may be made in accordance with this notice, beginning at 2:00 p. m., March 21, 1950, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats.

The lands to which this notice pertains are described as follows:

PUBLIC LAND

WILLAMETTE MERIDIAN, WASHINGTON

| Farm unit No. | Section | Farm unit | Description | Total irrigable acres |
|---|---|---|---|---|
| | | | *Township 9 North, Range 24 East* | |
| 1 | 14 | F | Lot 3 | 48.5 |
| 2 | 14 | G | Lot 4 | 60.9 |
| | | | *Township 9 North, Range 26 East* | |
| 3 | 6 | B | Lot 9 | 91.2 |
| | | | *Township 11 North, Range 21 East* | |
| 4 | 22 | A | NE¼SE¼, NW¼SE¼ | 73.4 |
| 5 | 22 | B | NW¼NW¼, SW¼NW¼, NE¼SW¼, NW¼SW¼ | 88.5 |
| 6 | 22 | C | SW¼SW¼, SE¼SW¼ | 57.4 |
| 7 | 22 | D | SW¼SE¼, SE¼SE¼ | 68.5 |
| 8 | 26 | C | Lot 1, NE¼NE¼, SE¼NE¼ | 59.9 |
| 9 | 26 | D | NW¼NE¼, N½SW¼NE¼ | 54.9 |
| 10 | 26 | E | Lot 2, S½SW¼NE¼ | 43.7 |
| | | | *Township 13 North, Range 19 East* | |
| 11 | 24 | A | NW¼SE¼, SW¼SE¼, SE¼SE¼ | 76.6 |

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of

the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas of the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

PREFERENCE RIGHTS OF VETERANS OF WORLD WAR II

SEC. 3. *Nature of preference.* The law provides that when public lands are opened to entry preference shall be given to applications which are made by veterans of World War II (and in some cases by their wives or husbands or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans preference are set forth in section 4 of this notice.

Therefore, applications for farm units on public lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before 2:00 p. m., June 19, 1950.

In order to be eligible to receive farm units, all applicants, whether or not entitled to veterans preferance, must possess the necessary qualifications as to industry, experience, character, capital, and physical fitness (see section 8 of this notice) and (except for duly appointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veteran's preference.* The classes of persons who are entitled to the veterans preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of World War II, and have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard during the period prescribed in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 11 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps, or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veteran's preference even though such person thereafter resumes active military duty.

SEC. 6. *Submission of proof of veteran's status.* All applicants for certificates of qualification who claim veteran's preference must attach to their applications a complete photostatic or other copy (both sides) of their certificate of honorable discharge, or of an official document of their respective branch of the service which shows clearly an honorable discharge, as defined in section 5 of this notice, or constitutes evidence of other facts on which the claim for preference is based, and which clearly shows the period of service.

If the preference is claimed by a surviving spouse or on behalf of the minor child or children of a deceased veteran, proof of the relationship asserted and of the veteran's service and death must be attached to the application. If the preference is claimed by the spouse of a living veteran, proof of such relationship and of the veteran's service and written consent to the exercise of the preference right must be attached to the application.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 7. *Examining board.* An examining board of three members, including the Superintendent of the Yakima Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Yakima Project. The board will make careful investigations to verify the statements made by the applicants. Any false statements may constitute grounds for rejection of an application, cancellation of award or cancellation of an entry.

SEC. 8. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a reclamation farm unit. Applicants must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a non-irrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

(d) *Capital.* An applicant must possess at least $3,500 in excess of liabilities. Assets must consist of cash, property, or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. If the applicant proposes to convert items into cash, total cash value should be shown with a full explanation, in section 11 of the application blank. An applicant shall furnish in section 10 of the farm application blank a financial statement listing all of his assets and all of his liabilities.

SEC. 9. *References.* An applicant shall list in section 12 of the farm application blank the names, occupations, positions

or titles, and complete, current addresses of five persons who are qualified and willing to give their frank opinions as to the applicant's personal qualifications and farm experience. Persons named as references must be responsible citizens who are permanent residents in their communities.

At least one of these five persons must be an agricultural leader who now holds one or more of the following positions: County Agent; Farmers Home Administration County Supervisor; Production and Marketing Administration County Committeeman; Soil Conservationist; Vocational Agricultural Teacher; Manager or Agricultural Representative of an agricultural marketing or processing association or institution; loan officer or agricultural representative of a credit agency or institution in an agricultural community, or an officer of any recognized farm organization.

The other persons named as references shall be successful farmers who own or operate their own farms and are well known in the community where the farm experience was acquired.

Persons in occupations other than those listed in this subsection and relatives of the applicant are not acceptable.

SEC. 10. *Restriction on ownership of project lands.* Applicants for farm units must not hold or own, within any Federal reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns land in a Federal reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

SEC. 11. *Principal qualifications required by homestead laws.* All applicants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not have exhausted the right to make homestead entry on public land.

(c) Must not own more than 160 acres of land in the United States.

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family. Complete information concerning qualifications for homesteading may be obtained from District Land Offices or from the Bureau of Land Management, Washington 25, D. C.

WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 12. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached farm application blank. Additional application blanks may be obtained from the Bureau of Reclamation, Federal Building, Yakima, Washington; the Regional Director, Bureau of Reclamation, Post Office Box 937, Boise, Idaho, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank.

SEC. 13. *The filing of application and proof of veterans status.* An application for a certificate of qualification for a farm unit listed in this notice must be filed with the Project Superintendent, Bureau of Reclamation, Federal Building, Yakima, Washington, in person or by mail. No advantage will accrue to an applicant who presents an application in person.

Every application must be accompanied by proof of veterans status if veterans preference is claimed (see section 6 of this notice).

SEC. 14. *Applications become Department records.* Each application submitted, including corroborating evidence, will become a part of the permanent records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm, his discharge papers will be attached to his certificate of qualification (see section 23 of this notice) for submission to the Bureau of Land Management.

SEC. 15. *Importance of complete applications.* It shall be the sole responsibility of an applicant to submit a complete application, including the corroborating evidence required by this notice. Failure of an applicant to provide complete answers to all questions in the farm application blank within the periods specified in this notice, or failure to provide all other information required by this notice, will subject an application to rejection.

SELECTION OF QUALIFIED APPLICANTS

SEC. 16. *Priority of applications.* All applications will be classified for priority purposes and considered in the following order:

(a) *First Priority Group.* All complete applications filed prior to 2:00 p. m., June 19, 1950, which are accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

(b) *Second Priority Group.* All complete applications filed prior to 2:00 p. m., June 19, 1950, from applicants without veterans preference or which are not accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

(c) *Third Group.* All complete applications filed after 2:00 p. m., June 19, 1950, whether or not accompanied by proof of veterans preference. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 17. *Preliminary examination to determine first priority group, right of appeal.* Each application will be examined for the purpose of ascertaining (a) that the application is complete, and (b) that the applicant's right to veterans preference has been fully established. Any incomplete application will be rejected. Any applicant without veterans preference, or any applicant claiming veterans preference but failing to establish proof of qualification for such preference shall be placed in the second priority group.

In case of rejection or placement in the second priority group, the applicant shall be notified by the board by registered mail, with return receipt requested, of such rejection or placement; the reasons therefor, and of the right to appeal in writing to the Regional Director, Bureau of Reclamation. All appeals must be received in the office of the Superintendent of the Yakima Project, Federal Building, Yakima, Washington, within 15 days of the applicant's receipt of such notice, or in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Superintendent will forward the appeals promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application or placement in the second priority group. The Regional Director's decision on all appeals shall be final.

SEC. 18. *Public drawing.* After the expiration of the appeal periods fixed by the above-mentioned notices and after decision on all appeals, the board will conduct a public drawing of the names of the applicants remaining in the First Priority Group as defined in subsection 16 (a) of this notice. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than three times the number of farm units to be awarded) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be further examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 19. *Submission of corroborating evidence.* Sufficient number of applicants whose names were drawn will be notified by registered mail with return receipt requested to submit the information indicated in items (a) through (f) below. Such information must be received within 20 days of the applicant's receipt of such notice or within 30 days from the date when the notice was

mailed to the last-known address furnished by the applicant.

(a) A statement from an officer of a bank or other responsible and reputable credit agency, or other proof satisfactory to the board corroborating his statement of net worth. (See sec. 8 (d) of this notice.)

(b) References, on forms to be provided, from at least three of the five persons listed in section 12 of the application blank. The applicant will be responsible for seeing that the reference forms are completed and mailed to the board by the persons completing them. At least one of these statements must be from an agricultural leader as defined in section 9 of this notice. Each of the others must be from an agricultural leader or a successful farmer.

(c) In case the applicant is physically disabled or afflicted with any condition which makes his ability to perform normal farm labor questionable, a detailed statement of an examining physician which defines the limitation upon such ability and its causes. (See section 8 (c) of this notice.)

(d) If the applicant is not native-born, evidence of citizenship or of declared intention to become a citizen. (See section 11 (a) of this notice.)

(e) If the applicant is a married woman or a nonveteran under 21 years of age, evidence of status as head of a family. (See section 11 (d) of this notice.)

(f) If the applicant owns land on a Federal reclamation project, satisfactory evidence that all construction charges against such land have been paid. (See section 10 of this notice.)

SEC. 20. *Final examination.* After the information requested as outlined in section 19 of this notice has been received or the time for submitting such statements has expired, the board shall examine in the order drawn a sufficient number of applications to determine the applicants to whom certificates of qualification will be issued. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit, and (c) affording the applicant an opportunity to examine the farm units.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units then available. A certificate of qualification will not be issued to an applicant who owns more than 160 acres of land in the United States. Therefore, an applicant may be required by the examining board, prior to the issuance of a certificate of qualification, to submit evidence satisfactory to the board that he does not own more than 160 acres.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this notice, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director as prescribed in section 17 of this notice.

SELECTION OF FARM UNITS

SEC. 21. *Order of selection.* The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a successful applicant to exercise his right of selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 18 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the first Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

In the event, however, that a farm unit remains unentered at the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the expiration of the two-year period and who meets the qualifications prescribed by the notice, without regard to veterans preference.

SEC. 22. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 23. *Issuing certificate and filing homestead application.* After each qualified applicant has advised the board of his selection of a farm unit, the Project Superintendent, acting as secretary of the board, shall furnish to each such applicant, by registered mail or by delivery in person, a certificate of qualification stating that the applicant's qualifications to enter public land have been examined and approved by the board. Such certificate must be attached by the applicant to his homestead application when the application is filed at the District Land Office. Such homestead applications must be filed at the District Land Office, Spokane, Washington, within 15 days from the date of the receipt by the applicant of such certificate. Failure to make application for homestead entry within the period specified herein will render the application subject to rejection.

GENERAL PROVISIONS

SEC. 24. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 25. *Obligations imposed upon entrymen by district contracts*—(a) *Repayment obligations.* The lands covered by this notice are included in the Roza Irrigation District which has entered into two contracts with the United States. The contract of July 8, 1921, as amended, binds the District to repay to the United States an estimated cost of $2,500,000 for storage of Yakima River water in reservoirs of the United States and releases of stored and natural flow water designed to serve the irrigation needs of the District. The contract of December 13, 1935, as amended, binds the District to repay to the United States the costs of constructing irrigation works for the Roza Division of the Yakima Project and the annual costs of operating and maintaining such works. These contracts provide for repayment within forty (40) years after commencement of annual payments. Copies of these contracts are available for inspection in the project office, Bureau of Reclamation, Federal Building, Yakima, Washington.

The District has agreed to collect the necessary funds, for payment to the United States of its storage, construction, and operation and maintenance obligations, by the levy of assessments against district lands or the collection of toll charges from district landowners and entrymen. The District is now making regular payments to the United States on

its storage obligation, and the lands receiving the benefit of storage may be assessed therefor. Payments on the District's construction and operation and maintenance obligations have been commenced for blocks 1, 2, 3, and 4 on the basis of an estimated cost of such construction announced by the Secretary of the Interior. The current estimate of the costs of storage and the construction of irrigation works chargeable to the Roza Irrigation District is approximately $326 per irrigable acre of district land. Operation and maintenance charges are in addition to this.

(b) *Recordable contracts required.* Pursuant to the provisions of Article 28 of the contract of December 13, 1935, applicants for entry of public land will be required to execute and deliver a recordable contract which is designed to prevent land speculation based upon increased value of land resulting from irrigation. Such contract will provide that in case of the sale of land a portion of the sale price which exceeds the appraised value of the land shall be applied upon the project construction costs charged against the land.

(c) *Water rental charges.* While lands listed in this notice may be subject to storage charge assessments by the District, payment of construction costs allocable to these lands by reason of the District's obligation for the cost of distribution works is not required to be made until water has been officially announced by the Secretary as being available to these lands and an estimate of the distribution system construction charge per irrigable acre as to these lands has been announced. Until such announcements are made, irrigation water will be furnished to these lands upon payment of an annual water rental charge. The minimum water rental charge for the irrigation season of 1951 (from April 1 to October 31) will be announced before the commencement of said irrigation season. The minimum charge which has been announced for the irrigation season of 1950 is four dollars ($4.00) per acre for the irrigable area of each legal subdivision (40-acre tract) for which water service is requested and payment of such charge will entitle the water users to three (3) acre-feet of water per irrigable acre for the 1950 irrigation season. Additional water, if available, will be furnished during the 1950 irrigation season, upon request, at the following rates:

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|---|---|
| Fourth acre-foot per acre | $1.60 |
| Fifth acre-foot per acre | 2.00 |
| Sixth acre-foot per acre | 2.75 |

It is anticipated that the water rental charges for the 1951 irrigation season will be somewhat higher because of the addition of pumping charges. All water rental charges must be paid to the Roza Irrigation District in advance of the delivery of water. The full amount of the minimum charge for the 1951 irrigation season should be paid promptly as soon as the area of land in a farm unit to be irrigated in 1951 has been determined, in order to avoid any delay in the delivery of water.

In the event that a successful applicant desires irrigation water during the 1950 irrigation season, and it is available, he may obtain water service on the terms described above by making application therefor and payment of the minimum charge specified above to the Roza Irrigation District. The minimum charge for water service shall not be less than the minimum charge for ten (10) acres.

The water rental charges are intended to reimburse the United States for the operation and maintenance of project works which serve the Roza Irrigation District. Accordingly, they will be continued as operation and maintenance charges when payment of construction and storage charges is commenced.

SEC. 26. *Reservation of rights-of-way for public roads.* Rights-of-way along section lines and other lines shown in red on the farm unit plats described in section 1 of this notice are reserved for county, State, and Federal highways and access roads to the farm units shown on said farm unit plats.

SEC. 27. *Reservation of rights-of-way for publicly-owned utilities.* Rights-of-way are reserved for government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other government-owned facilities over and across the farm units above described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project.

SEC. 28. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries canceled.

SEC. 29. *Effect of relinquishment or cancellation.* In the event that any entry of public land made hereunder shall be relinquished by the entryman or canceled for any cause, other than by contest, the farm unit affected by such relinquishment or cancellation shall be disposed of as follows:

(a) If the entry is relinquished or canceled within two years after the date of the notice, such unit shall be offered without delay to the qualified applicant next in order of priority as established in the drawing who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of the notice. In the event that an award cannot be made to a qualified applicant, the unit shall be offered as prescribed in subsection (b) below.

(b) If an entry is relinquished or cancelled at any time after the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the effective date of the relinquishment or cancellation and who meets the qualifications prescribed by the notice without regard to veterans preference.

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

WILLIAM E. WARNE,
*Assistant Secretary of the Interior.*

[F. R. Doc. 50-2447; Filed, Mar. 23, 1950; 8:45 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 4161]

TRANS AMERICAN AIRWAYS, INC., ET AL.

NOTICE OF HEARING

In the matter of the Revocation of Letter of Registration No. 1760 issued to Trans American Airways, Inc., Letter of Registration No. 810 issued to Great Lakes Airlines, Inc., Letter of Registration No. 1519 issued to Golden Airways, Inc., and the alleged unauthorized air transportation activities and operations of Edward Ware Tabor and Sky Coach Airtravel, Inc.

Notice is hereby given that, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 412, 1001, 1002 (b) and 1002 (c) thereof, a hearing in the above-entitled proceeding is assigned to be held on April 17, 1950 at 10:00 a. m., e. s. t., in Room E-214, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues involved in this proceeding, particular attention will be directed to the following matters and questions:

1. Have Respondents or any of them violated or are Respondents or any of them violating sections 401 (a) and 412 of the Civil Aeronautics Act of 1938, as amended, or either of said sections and/or Parts 242 and 291 of the Board's Economic Regulations or either of said Parts?

2. If any such violations are established as to the Respondents Trans American Airways, Inc., Great Lakes Airlines, Inc., and Golden Airways, Inc., or any of them, were or are such violations knowing and willful?

3. If any such violations are established on the part of Trans American Airways, Inc., Great Lakes Airlines, Inc., and Golden Airways, Inc., or any of them, whether knowing and willful or otherwise, should the Board issue to those Respondents or any of them an order to cease and desist or other order to compel compliance with the applicable provisions of the Act or Parts 242 and 291 of the Board's Economic Regulations?

4. If any such knowing and willful violations are established should the respective Letters of Registration heretofore issued by the Board to the Respondents Trans American Airways, Inc., Great Lakes Airlines, Inc., and Golden Airways, Inc., or any of them be revoked?

5. If any such violations are established on the part of either or both

Respondents Edward Ware Tabor and Sky Coach Airtravel, Inc., should the Board issue an order directing either or both those Respondents to cease and desist from engaging in air transportation within the meaning of section 401 (a) of the act?

For further details as to the matters involved reference may be made to the Motion for Institution of Enforcement Proceedings, the order to show cause (serial Number E-3469) adopted by the Board on October 25, 1949, the report of prehearing conference and other papers contained in the docket of this proceeding.

Dated at Washington, D. C., March 20, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-2464; Filed, Mar. 23, 1950; 8:48 a. m.]

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[Docket No. 4333]

LINEE AEREE ITALIANE, S. A., FOREIGN AIR CARRIER PERMIT

NOTICE OF HEARING

In the matter of the application of Linee Aeree Italiane, S. A., pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between Rome, Italy and New York, New York, via the intermediate points Dublin or Shannon Airport (Foynes), Ireland, Gander, Newfoundland, and Boston, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 1001 and 1102 of said act, that public hearing in the above-entitled proceeding is assigned to be held on March 30, 1950, at 10:00 a. m., e. s. t., in Room 5040, Department of Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement in force between the United States and Italy.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before March 30, 1950, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., March 20, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-2463; Filed, Mar. 23, 1950; 8:47 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8001, 8685, 8830, 9130, 9222]

UNITY CORP., INC. (WTOD), ET AL.

ORDER CONTINUING HEARING

In re applications of Unity Corporation, Inc. (WTOD), Toledo, Ohio, Docket No. 8001, File No. BP-5071; the Midwestern Broadcasting Company, Toledo, Ohio, Docket No. 8685, File No. BP-6421; the Toledo Blade Company, Toledo, Ohio, Docket No. 8830, File No. BP-6534; the Rural Broadcasting Company of Ohio, Oak Harbor, Ohio, Docket No. 9130, File No. BP-6758; Radio Corporation of Toledo, Toledo, Ohio, Docket No. 9222, File No. BP-7057; for construction permits.

The Commission having under consideration a petition filed March 6, 1950, by the Rural Broadcasting Company of Ohio, Oak Harbor, Ohio, requesting that the further hearing on the above-entitled applications now scheduled for April 10, 1950, in Washington, D. C., be continued indefinitely;

It appearing, that the applicants are unable to determine to what extent, if at all, they would interfere with other stations on the channel 1470 kc., because of an uncertain situation existing with regard to the directional antenna of Station WMBD, Peoria, Illinois, which is assigned the frequency 1470 kc., 1 kw. N., 5 kw. D., using a directional antenna; that on December 8, 1949, the Commission granted the application of WMBD, Peoria, Illinois (File BMP-4739), for modification of construction permit; that on December 28 and 29, 1949 petitioner and other parties to the above-entitled proceeding filed petitions for rehearing directed against the action of the Commission December 8, 1949, granting said application of Station WMBD, Peoria, Illinois; that to date no action has been taken on any of said petitions; that the Commission's action upon said petitions will have a material effect upon the engineering testimony to be presented by petitioner and other applicants to this proceeding and also upon the decision of the petitioner and other applicants as to whether or not they will amend site and antenna specifications; and

It further appearing, that all parties to the proceeding and Commission Counsel have been served with notice of the filing of said petition, that the time within which objections thereto might have been filed has expired, and no such objections have been filed; that good and sufficient cause for the requested continuance has been shown in the petition;

*It is ordered*, This 15th day of March 1950 that the petition be, and it is hereby, granted, and the hearing in the above-entitled proceeding be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F. R. Doc. 50-2508; Filed, Mar. 23, 1950; 9:25 a. m.]

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[Docket No. 9496]

VERMILION BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Vermilion Broadcasting Corporation, Danville, Illinois, for construction permit; Docket No. 9496, File No. BP-7114.

The Commission having under consideration a petition, filed March 10, 1950, by the applicant, requesting a 60-day continuance of the hearing herein presently scheduled for March 27, 1950, in Washington, D. C., in order that the applicant may resolve certain interference and site problems and in order that it may obtain the engineering and other assistance of a stockholder, director and vice-president, who is presently out of the country; and

It appearing that no opposition to this petition has been filed by the parties or Commission counsel;

*It is hereby ordered*, This 17th day of March 1950, that the petition be and it is hereby granted and the hearing herein is hereby continued to May 29, 1950, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F. R. Doc. 50-2507; Filed, Mar. 23, 1950; 9:25 a. m.]

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## FEDERAL TRADE COMMISSION

[Docket No. 5629]

BRANDWEIN SPORTSWEAR, INC.

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

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*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 and receipt of evidence begin on Tuesday, March 28, 1950, at ten o'clock in the forenoon of that day e. s. t., in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and evi-

dence on behalf of the respondent. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

Issued: March 13, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
*Secretary.*

[F. R. Doc. 50-2458; Filed, Mar. 23, 1950; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24964]

MAGAZINES FROM KOKOMO, IND., TO THE WEST

APPLICATION FOR RELIEF

MARCH 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, for and on behalf of carriers parties to the tariffs listed below.

Commodities involved: Magazines or periodicals, also magazine parts or sections or newspaper supplements, carloads.

From Kokomo, Ind.

To: Denver, Colo., Kansas City, Mo., Omaha, Nebr., Minneapolis, Minnesota Transfer and St. Paul Minn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: B. T. Jones' tariff I. C. C. No. 4238, Supplement 9. B. T. Jones' tariff I. C. C. No. 3907, Supplement 107.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-2449; Filed, Mar. 23, 1950; 8:46 a. m.]

[4th Sec. Application 24965]

PULPBOARD FROM GEORGETOWN, S. C., TO WHIPPANY, N. J.

APPLICATION FOR RELIEF

MARCH 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1018.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Georgetown, S. C.

To: Whippany, N. J.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1018, Supplement 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-2450; Filed, Mar. 23, 1950; 8:46 a. m.]

[4th Sec. Application 24966]

COPPER FROM ARIZONA TO NORTH CLAYMONT, DEL.

APPLICATION FOR RELIEF

MARCH 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company for itself and on behalf of carriers parties to AT&SF, tariff I. C. C. No. 14489.

Commodities involved: Copper, carloads.

From: Clarkdale, Ariz.

To: North Claymont, Del.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: AT&SF, tariff I. C. C. No. 14489, Supplement 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-2451; Filed, Mar. 23, 1950; 8:46 a. m.]

[4th Sec. Application 24967]

VARIOUS COMMODITIES FROM, TO, AND BETWEEN THE SOUTH

APPLICATION FOR RELIEF

MARCH 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

From, to, and between points in the south.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-2452; Filed, Mar. 23, 1950; 8:46 a. m.]

[4th Sec. Application 24968]

COPPER FROM ARIZONA TO THE EAST

APPLICATION FOR RELIEF

MARCH 21, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. P. Haynes, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 1482.

Commodities involved: Copper and other smelter products, carloads.

From: Points in Arizona and Mexico.

To: North Claymont, Del.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: J. P. Haynes' tariff I. C. C. No. 1482, Supplement 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 50-2453; Filed, Mar. 23, 1950; 8:46 a. m.]

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[Rev. S. O. 562, King's I. C. C. Order 16-A]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 16, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 16 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., March 20, 1950.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 20, 1950.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 50-2448; Filed, Mar. 23, 1950; 8:46 a. m.]

No. 57——3

## UNITED STATES MARITIME COMMISSION

MEMBER LINES OF ATLANTIC CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH COMMISSION FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement No. 7840-12, between the member lines of the Atlantic Conference, modifies the basic agreement of said conference (No. 7840) by adding a new clause providing that a party organizer who secures for any one outward sailing a party of 20 or more round trip passengers paying full adult fares may, under specified conditions, be given one free round-trip passage for himself or his representative acting as bona fide party conductor. Agreement No. 7840 covers the establishment of the Atlantic Conference the purpose of which is to promote and cultivate transatlantic travel, maintain cooperation among the member lines, establish and maintain equitable fares, regulate commissions, coordinate action, harmonize policies and regulate conditions generally for or in connection with the transportation of passengers in the trade between all ports of European, Mediterranean, and Black Sea countries, also the ports of Morocco, Madeira and the Azores Islands—and all ports on the east coast of North America (United States, Canada and Newfoundland), also United States Gulf ports.

Agreement No. 7701-1, between Moore-McCormack Lines, Inc., and United Fruit Company, amends Article 1 of Agreement 7701 to include Kingston, Jamaica, in the trading area. Agreement No. 7701 covers transportation of cargo under through bills of lading from specified Pacific Coast ports of the United States and Canada to specified ports in the Caribbean Sea, with transshipment at Cristobal, C. Z.

Agreement No. 5680-3, between the member lines of the Pacific/Straits Conference, amends the basic agreement of said conference (No. 5680), (a) to provide for a more up-to-date description of the territorial scope of the agreement by substituting the designation "Colony of Singapore and Federation of Malaya" for the designation "Straits Settlements and/or Port Swettenham, F. M. S."; (b) to clarify the voting requirements; (c) to provide that any regular member line whose service has been suspended for 180 days shall lose all voting rights; (d) to include a more complete admission provision; and (e) to provide that a withdrawing regular member shall not, after service of notice of withdrawal, have a vote on any Conference matter which is to continue in effect after the effective date of its resignation. Agreement No. 5680 covers the establishment and maintenance of agreed rates and charges for or in connection with the transportation of all cargo in the trade from Pacific Coast ports of the United States and Canada (including all cargo originating at, moving through or transhipped at said ports and transported on the vessels of the parties to this agreement) to ports in the Straits Settlements and/or Port Swettenham, F. M. S.

Agreement No. 5200-I, between the member lines of the Pacific European Conference, provides for the waiving of penalty assessments for failure to maintain minimum sailing requirements during the first six months of the year 1950. Agreement No. 5200 covers the establishment, regulation, and maintenance of agreed rates and charges for or in connection with the transportation of all cargo from the Pacific Coast of the United States to Great Britain, Northern Ireland, Irish Free State, Continental, Baltic and Scandinavian ports and to base ports in the Mediterranean Sea and to transhipment ports in the Mediterranean Sea, Adriatic Sea, Black Sea, West, South, and East Africa, British India and Iraq.

Interested parties may inspect these agreements and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C., and may submit to the Commission within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 21, 1950, at Washington, D. C.

By the Commission.

[SEAL] R. L. MCDONALD, *Assistant Secretary.*

[F. R. Doc. 50-2456; Filed, Mar. 23, 1950; 8:46 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

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

[Vesting Order 14431]

MARIA HECKEN

In re: Bank account owned by Maria Hecken, also known as Marie Hecken. F-28-3515-E-1.

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

1. That Maria Hecken, also known as Marie Hecken, whose last known address is Loc Stasse I, Koln-Kalk, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Franklin Savings Bank, Eighth Avenue and 42d Street, New York, New York, arising out of a Savings Account, account number 569180, entitled Michael R. Heck in trust for Maria Hecken, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maria Hecken, also known as Marie Hecken, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2466; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14435]

DIEDRICH MURKEN

In re: Bank account owned by Diedrich Murken. F-28-7022-E-1, F-28-7022-C-1.

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

1. That Diedrich Murken, whose last known address is Ritterhude 250, Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the property described as follows:

a. That certain debt or other obligation owing to Diedrich Murken, by lawyers Trust Company, 16 Court Street, Brooklyn, New York, arising out of a checking account entitled Diedrich Murken—National of Germany—Blocked Account, maintained at the branch office of the aforesaid bank located at 203 Montague Street, Brooklyn 2, New York, and any and all rights to demand, enforce, and collect the same, and

b. That certain debt or other obligation owing to Diedrich Murken, by Topken and Farley, 250 Park Avenue, New York 17, New York, in the amount of $300.66, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce, and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2467; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14436]

FUJI NAKAMURA

In re: Bank account owned by Fuji Nakamura. F-39-6590-E-1.

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

1. That Fuji Nakamura, whose last known address is c/o S. Tako, No. 51 of 1758, Toyosato-cho, Asahi-Ku, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Fuji Nakahura, by Emigrant Industrial Savings Bank, 51 Chambers Street, New York, New York, arising out of a savings account, account number 1,287,786, entitled Fuji Nakamura, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2468; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14439]

ALEXANDER SAKOWSKI

In re: Debt owing to Alexander Sakowski, also known as Alexsander Sakowski and as Alexander Julius Hermann Sakowski. F-28-30667.

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

1. That Alexander Sakowski, also known as Alexsander Sakowski and as Alexander Julius Hermann Sakowski, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $710.00, as of November 4, 1949, representing a portion of funds on deposit in an account entitled Svenska Handelsbanken "Special Account U", General Ruling #6 Account, Stockholm, Sweden, maintained with the aforesaid bank, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverabl to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alexander Sakowski, also known as Alexsander Sakowski, and as Alexander Julius Hermann Sakowski, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

a national of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on March 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2469; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14443]

ELIZABETH A. P. BACK

In re: Rights of Elizabeth A. P. Back, also known as Elizabeth A. C. Back, et al., under insurance contract. File No. F-28-24646-H-1.

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

1. That Elizabeth A. P. Back, also known as Elizabeth A. C. Back, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lydia Back, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2875227-B, issued by the Metropolitan Life Insurance Company, New York, New York, to Lydia Back, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the said Elizabeth A. P. Back, also known as Elizabeth A. C. Back be treated as a national of a designated enemy country (Germany);

5. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lydia Back, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2470; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14444]

WILHELM KASPAR BAUER

In re: Rights of Wilhelm Kaspar Bauer under insurance contract. File No. D-28-6772-H-1.

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

1. That Wilhelm Kaspar Bauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 11395847A, issued by the Metropolitan Life Insurance Company, New York, New York, to Martin Bauer, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2471; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14445]

KLARA M. C. DIETEL

In re: Rights of Klara M. C. Dietel under insurance contracts. File Nos. F-28-30638-H-1, H-2.

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

1. That Klara M. C. Dietel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policy Nos. 545 983 M and 102 301 453, issued by the Metropolitan Life Insurance Company, New York, New York, to Klara Dietel, together with the right to demand, receive, and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2472; Filed, Mar. 23, 1950; 8:49 a. m.]

[Vesting Order 14446]

CHARLOTTE HÄSSLER

In re: Rights of Charlotte Hässler, under insurance contract. File No. F-28-24399-H-1.

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

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

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 13 975 880, issued by the Metropolitan Life Insurance Company, New York, New York, to Richard Koetz, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2473; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14448]

IDA LEMKE

In re: Rights of Ida Lemke under insurance contract. File No. F-28-26867-H-1.

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

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

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 448958, issued by the National Life Insurance Company, Montpelier, Vermont, to Herbert Lemke, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2474; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14449]

ERNA LIESSMANN

In re: Rights of Erna Liessmann under insurance contract. File No. F-28-8961-H-1.

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

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

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 204974, issued by the West Coast Life Insurance Company, San Francisco, California, to Rudolf Liessmann, together with the right to demand, receive, and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2475; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14450]

HENRIETTE MANGST ET AL.

In re: Rights of Henriette Mangst et al under insurance contract. File No. F-28-26689-H-1.

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

1. That Henriette Mangst, Gertrud Kick, Martha Kick, Ernst Kick, Werner Kick and Helmut Kick, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to the persons named in subparagraph 1 hereof under a contract of insurance evidenced by Certificate No. D-116703-B, issued by the Mutual Benefit Life Insurance Company, Newark, New Jersey, to Friedrich A. Kick, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2476; Filed, Mar. 23, 1950; 8:49 a. m.]

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[Vesting Order 14451]

FUSATO MARUTANI

In re: Rights of Fusato Marutani under insurance contract. File No. F-39-5978-H-1.

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

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

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 574,992, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Fusato Marutani, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceeds for collection against branch offices and legal reserves maintained in the United States),

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2477; Filed, Mar. 23, 1950; 8:50 a. m.]

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[Vesting Order 14452]

MASAO OSHIMA

In re: Rights of Masao Oshima under insurance contract. File No. F-39-4490-H-1.

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

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

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 11,902,582, issued by the New York Life Insurance Company, New York, New York, to Misako Oshima (Sato), together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2478; Filed, Mar. 23, 1950; 8:50 a. m.]

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[Vesting Order 14453]

HEDWIG PAULINE ROGGE ET AL.

In re: Rights of Hedwig Pauline Rogge, nee Herold, et al., under insurance contract. File No. F-28-21246-H-1.

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

1. That Hedwig Pauline Rogge, nee Herold, Erika Marie Hoffmann, nee Rogge and Walter Rogge, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Hermann Rogge, Sr., deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9 356 277, issued by the New York Life Insurance Company, New York, New York, to Hermann Rogge, together with the right to demand, receive, and collect said net proceeds,

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

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Hermann Rogge, Sr., deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on March 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2479; Filed, Mar. 23, 1950; 8:50 a. m.]

[Vesting Order 14472]

AUGUST GOEGLEIN

In re: Estate of August Goeglein, deceased. File No. D-28-12713; E. T. sec. 16891.

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

1. That Johann Heinrich Hasel, Maria Karolina Graf, Heinrich Ernst Hasel, Heinrich Friedrich Hasel, August Karl Hasel, Wilhelm Gottlob Hasel, Gottfried Karl Rieck, Waltraud, Hildegaard Rieck, Marie Elise Majer, also known as Marie Elise Mayer, Heinrich Friedrich Ehrmann, Maria Frieda Marquardt, Friedrika Lina Ehrmann, Emma Elsa Werrlein, Maria Emma Meier, Otto August Ehrmann, August Friedrich Hartnagel, August Ernst Hartnagel, Wilhelmine Karolina Sauber, Paulina Emma Ackermann, Ernest Koehnlein, Frieda Paulina Maag, and Wilhelmina Else Naser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Johann Georg Hasel, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Elizabeth Hasel, deceased, of Maria Karolina Koehnlein, deceased, and of Johann George Hasel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of August Goeglein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Margarete Beyrer, as Executrix, acting under the judicial supervision of the County Court of Barron County, Wisconsin;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and Johann Georg Hasel, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Elizabeth Hasel, deceased, of Maria Karolina Koehnlein, deceased, and of Johann Georg Hasel, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on March 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2480; Filed, Mar. 23, 1950; 8:50 a. m.]

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[Vesting Order 14473]

WILLIAM (WILHELM) RIETHMULLER

In re: Estate of William (Wilhelm) Riethmuller, deceased. File No. D-28-10952; E. T. sec. 16963.

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

1. That Mrs. Curt Lohoff, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of William or Wilhelm Riethmuller, deceased, is property payable or deliverable to, or claimed by, the aforesaid national, of a designated enemy country (Germany);

3. That such property is in the process of administration by James D. Moore, as administrator, acting under the judicial supervision of the County Court of Bergen County, Probate Division, New Jersey;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2481; Filed, Mar. 23, 1950; 8:50 a. m.]

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[Vesting Order 14474]

EMELIE ZAUG

In re: Estate of Emelie Zaug, deceased. File No. D-28-12791; E. T. sec. 16967.

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

1. That Fanny Evertz, formerly Fanny Hahn, whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Emelie Zaug, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Anna Oehler, as Administratrix C. T. A., acting under the judicial supervision of the Surrogate's Court of Ulster County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on March 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Acting Director,*
*Office of Alien Property.*

[F. R. Doc. 50-2482; Filed, Mar. 23, 1950; 8:50 a. m.]