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Washington, Thursday, July 9, 1942

## The President

### EXECUTIVE ORDER 9193

AMENDING EXECUTIVE ORDER No. 9095  
ESTABLISHING THE OFFICE OF ALIEN  
PROPERTY CUSTODIAN AND DEFINING ITS  
FUNCTIONS AND DUTIES AND RELATED  
MATTERS

By virtue of the authority vested in me by the Constitution, by the First War Powers Act, 1941, by the Trading with the enemy Act of October 6, 1917, as amended, and as President of the United States, it is hereby ordered as follows:

Executive Order No. 9095 of March 11, 1942,<sup>1</sup> is amended to read as follows:

1. There is hereby established in the Office for Emergency Management of the Executive Office of the President the Office of Alien Property Custodian, at the head of which shall be an Alien Property Custodian appointed by the President. The Alien Property Custodian shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, the Alien Property Custodian may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this Executive Order.

2. The Alien Property Custodian is authorized and empowered to take such action as he deems necessary in the national interest, including, but not limited to, the power to direct, manage, supervise, control or vest, with respect to:

(a) any business enterprise within the United States which is a national of a designated enemy country and any property of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of owner-

ship or control of any such business enterprise, and any interest of any nature whatsoever in such business enterprise held by an enemy country or national thereof;

(b) any other business enterprise within the United States which is a national of a foreign country and any property of any nature whatsoever 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 of any such business enterprise, and any interest of any nature whatsoever in such business enterprise held by a foreign country or national thereof, when it is determined by the Custodian and he has certified to the Secretary of the Treasury that it is necessary in the national interest, with respect to such business enterprise, either (i) to provide for the protection of the property, (ii) to change personnel or supervise the employment policies, (iii) to liquidate, reorganize, or sell, (iv) to direct the management in respect to operations, or (v) to vest;

(c) any other property within the United States owned or controlled by a designated enemy country or national thereof, not including in such other property, however, cash, bullion, moneys, currencies, deposits, credits, credit instruments, foreign exchange and securities except to the extent that the Alien Property Custodian determines that such cash, bullion, moneys, currencies, deposits, credits, credit instruments, foreign exchange and securities are necessary for the maintenance or safeguarding of other property belonging to the same designated enemy country or the same national thereof and subject to vesting pursuant to section 2 hereof;

(d) any patent, patent application, design patent, design patent application, copyright, copyright application, trademark or trademark application or right related thereto in which any foreign country or national thereof has any interest and any property of any nature whatsoever (including, without limitation, royalties and license fees) payable or held with respect thereto, and any interest of any nature whatsoever held

## CONTENTS THE PRESIDENT

	Page
<b>EXECUTIVE ORDER:</b>	
Alien Property Custodian Office, establishment order amended .....	5205
<b>REGULATIONS</b>	
<b>ALIEN PROPERTY CUSTODIAN:</b>	
Yamanaka and Co., Ltd., vesting order .....	5207
<b>BITUMINOUS COAL DIVISION:</b>	
Minimum price schedules, relief granted, etc.:	
District 1 .....	5213
District 13 .....	5214
<b>BUREAU OF ANIMAL INDUSTRY:</b>	
Meat inspection, regulations amended .....	5208
<b>CIVIL AERONAUTICS BOARD:</b>	
Charter trips for special services by air carriers; approval, reports required .....	5208
Stock ownership of affiliates of air carriers, reports .....	5208
<b>FEDERAL COMMUNICATIONS COMMISSION:</b>	
Applications relating to certain stations, construction, etc. ....	5251
Supervision of certain broadcasts .....	5251
<b>FISH AND WILDLIFE SERVICE:</b>	
Fishing regulations for wildlife refuges:	
Conconully, Washington .....	5252
Creedman Coulee, Montana .....	5253
Lenore Lake, Washington .....	5252
Thief Valley, Oregon .....	5252
<b>HOME OWNERS' LOAN CORPORATION:</b>	
Bulletins:	
Accounting section .....	5210
Loan service division .....	5209
Purchase and supply section .....	5210
<b>INTERNAL REVENUE BUREAU:</b>	
Income tax under Internal Revenue Code, miscellaneous amendments .....	5210
Social Security and carriers taxes, amendments .....	5211
Taxes on employment by carriers; individuals serving railway-labor organizations, amendment .....	5212

(Continued on next page)

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





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## CONTENTS—Continued

	Page
<b>NATIONAL PARK SERVICE:</b>	
Restrictions on dogs, cats; park admission fees.....	5246
<b>OFFICE OF DEFENSE TRANSPORTATION:</b>	
Motor vehicle racing prohibition, effective date amended....	5251
<b>OFFICE OF PRICE ADMINISTRATION:</b>	
Beef and veal carcasses and wholesale cuts, amendment 1 to maximum price regulation 169.....	5222
Cotton products, amendment 5 to maximum price regulation 118.....	5224
Fabrics, woven decorative; maximum price regulation 39....	5243
Gasoline rationing regulations.....	5225
<b>SECURITIES AND EXCHANGE COMMISSION:</b>	
Remuneration of broker in over-the-counter sales.....	5209
Solicitation of purchases on exchange, termination of exemption provisions.....	5209
<b>TREASURY DEPARTMENT:</b>	
Values of foreign moneys.....	5215
<b>WAR PRODUCTION BOARD:</b>	
Fine writing papers, limitation order L-120.....	5216
Gasoline rationing, delegation of authority to OPA.....	5216
<b>WAR SHIPPING ADMINISTRATION:</b>	
Uniform bill of lading.....	5246
<b>NOTICES</b>	
<b>FEDERAL COMMUNICATIONS COMMISSION:</b>	
Telegraph service investigation.....	5255
<b>INTERSTATE COMMERCE COMMISSION:</b>	
Virginian Railway Co., traffic rerouting order vacated....	5255
<b>RURAL ELECTRIFICATION ADMINISTRATION:</b>	
Allocation of funds for loans (10 documents).....	5254, 5255

## CONTENTS—Continued

	Page
<b>SECURITIES AND EXCHANGE COMMISSION:</b>	
New Bedford Gas and Edison Light Co. and New England Gas and Electric Association, applications granted....	5255
Northwestern Illinois Utilities, et al., declarations effective....	5256
<b>TREASURY DEPARTMENT:</b>	
Bonds of 1949-51, offering.....	5253
<b>WAR DEPARTMENT:</b>	
Issue and use of United States currency in Hawaii.....	5254

therein by any foreign country or national thereof;

(e) any ship or vessel or interest therein, in which any foreign country or national thereof has an interest; and

(f) any property of any nature whatsoever which is in the process of administration by any person acting under judicial supervision or which is in partition, libel, condemnation or other similar proceedings and which is payable or deliverable to, or claimed by, a designated enemy country or national thereof.

When the Alien Property Custodian determines to exercise any power and authority conferred upon him by this section with respect to any of the foregoing property over which the Secretary of the Treasury is exercising any control and so notifies the Secretary of the Treasury in writing, the Secretary of the Treasury shall release all control of such property, except as authorized or directed by the Alien Property Custodian.

3. Subject to the provisions of this Executive Order, all powers and authority conferred upon me by sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended, are hereby delegated to the Secretary of the Treasury or any person, agency, or instrumentality designated by him; *provided, however*, that when any property or interest, not belonging to a foreign government or central bank, shall be vested by the Secretary of the Treasury, such property or interest shall be vested in, and dealt with by, the Alien Property Custodian upon the terms directed by the Secretary of the Treasury. Except as otherwise provided herein, this Executive Order shall not be deemed to modify or amend Executive Order No. 8389, as amended,<sup>2</sup> or the President's Proclamation of July 17, 1941,<sup>3</sup> or Executive Order No. 8839, as amended,<sup>4</sup> or the regulations, rulings, licenses and other action taken thereunder, or in connection therewith.

4. Without limitation as to any other powers or authority of the Secretary of the Treasury or the Alien Property Custodian under any other provision of this Executive Order, the Secretary of the Treasury and the Alien Property Custodian are authorized and empowered, either jointly or severally, to prescribe from time to time, regulations, rulings,

and instructions to carry out the purposes of this Executive Order. The Secretary of the Treasury and the Alien Property Custodian each shall make available to the other all information in his files to enable the other to discharge his functions, and shall keep each other currently informed as to investigations being conducted with respect to enemy ownership or control of business enterprises within the United States.

5. The Alien Property Custodian is authorized to issue appropriate regulations governing the service of process or notice upon any person within any designated enemy country or any enemy-occupied territory in connection with any court or administrative action or proceeding within the United States. The Alien Property Custodian also is authorized to take such other and further measures in connection with representing any such person in any such action or proceeding as in his judgment and discretion is or may be in the interest of the United States. If, as a result of any such action or proceeding, any such person obtains, or is determined to have, an interest in any property (including money judgments), such property, less an amount equal to the costs and expenses incurred by the Alien Property Custodian in such action or proceeding, shall be subject to the provisions of Executive Order No. 8389, as amended, *provided, however*, that this shall not be deemed to limit the powers of the Alien Property Custodian under section 2 of this Order; and *provided further*, that the Alien Property Custodian may vest an amount of such property equal to the costs and expenses incurred by the Alien Property Custodian in such action or proceeding.

6. To enable the Alien Property Custodian to carry out his functions under this Executive Order, there are hereby delegated to the Alien Property Custodian or any person, agency, or instrumentality designated by him all powers and authority conferred upon me by section 5 (b) of the Trading with the enemy Act, as amended, including, but not limited to, the power to make such investigations and require such reports as he deems necessary or appropriate to determine whether any enterprise or property should be subject to his jurisdiction and control under this Executive Order. The powers and authority conferred upon the Alien Property Custodian by Executive Order No. 9142<sup>5</sup> shall be administered by him in conformity with the provisions of this Executive Order.

7. In the exercise of the authority herein delegated, the Alien Property Custodian shall be subject to the provisions of Executive Order No. 8839 of July 30, 1941, and shall designate a representative to the Board of Economic Warfare in accordance with section 6 thereof.

8. All records and other property (including office equipment) of the Treasury Department which are used primarily in the administration of powers and duties to be exercised by the Alien Property Custodian, and such personnel as is used

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

<sup>3</sup> 6 F.R. 3555.

<sup>4</sup> 6 F.R. 3823, 4795.

<sup>5</sup> 7 F.R. 2985.



primarily in the administration of such powers and duties and which was hired by the Treasury Department after September 1, 1941 (including officers whose chief duties relate to the administration of such powers and duties), as the Secretary of the Treasury and the Alien Property Custodian shall jointly certify for transfer, shall be transferred to the Office of the Alien Property Custodian. In the event of disagreement concerning the transfer of any personnel, records, or property, the determination shall be made by the Director of the Bureau of the Budget, pursuant to the formula here prescribed. Any personnel transferred pursuant to this Executive Order shall be transferred without loss of such Civil Service status or eligibility therefor as they may have.

9. This Executive Order shall not be deemed to modify or amend Executive Order No. 8843 of August 9, 1941,<sup>6</sup> and the regulations, rulings, licenses and other action taken thereunder. Any and all action heretofore taken by the Secretary of the Treasury or the Alien Property Custodian, or by any person, agency, or instrumentality designated by either of them, pursuant to sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended, or pursuant to prior Executive Orders, and any and all action heretofore taken by the Board of Governors of the Federal Reserve System pursuant to Executive Order No. 8843 of August 9, 1941, are hereby confirmed and ratified.

10. For the purpose of this Executive Order:

(a) The term "designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Italy, Japan, Bulgaria, Hungary and Rumania) and any other country with which the United States is at war in the future. The term "national" shall have the meaning prescribed in section 5 of Executive Order No. 8389, as amended, *provided, however*, that persons not within designated enemy countries (even though they may be within enemy-occupied countries or areas) shall not be deemed to be nationals of a designated enemy country unless the Alien Property Custodian determines: (i) that such person is controlled by or acting for or on behalf of (including cloaks for) a designated enemy country or a person within such country; or (ii) that such person is a citizen or subject of a designated enemy country and within an enemy-occupied country or area; or (iii) that the national interest of the United States requires that such person be treated as a national of a designated enemy country. For the purpose of this Executive Order any determination by the Alien Property Custodian that any property or interest of any foreign country or national thereof is the property or interest of a designated enemy country or national thereof shall be final and conclusive as to the power of the Alien Property Custodian to exercise any of the power or authority conferred upon

me by section 5 (b) of the Trading with the enemy Act, as amended.

(b) The term "business enterprise within the United States" shall mean any individual proprietorship, partnership, corporation or other organization primarily engaged in the conduct of a business within the United States, and any other individual proprietorship, partnership, corporation or other organization to the extent that it has an established office within the United States engaged in the conduct of business within the United States.

11. The Secretary of the Treasury or the Alien Property Custodian, as the case may be, shall, except as otherwise agreed to by the Secretary of State, consult with the Secretary of State before vesting any property or interest pursuant to this Executive Order, and the Secretary of the Treasury shall consult with the Secretary of State before issuing any Order adding any additional foreign countries to section 3 of Executive Order No. 8389, as amended.

12. Any orders, regulations, rulings, instructions, licenses or other actions issued or taken by any person, agency or instrumentality referred to in this Executive Order, shall be final and conclusive as to the power of such person, agency or instrumentality to exercise any of the power or authority conferred upon me by sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended; and to the extent necessary and appropriate to enable them to perform their duties and functions hereunder, the Secretary of the Treasury and the Alien Property Custodian shall be deemed to be authorized to exercise severally any and all authority, rights, privileges and powers conferred on the President by sections 3 (a) and 5 (b) of the Trading with the enemy Act of October 6, 1917, as amended, and by sections 301 and 302 of Title III of the First War Powers Act, 1941, approved December 18, 1941. No person affected by any order, regulation, ruling, instruction, license or other action issued or taken by either the Secretary of the Treasury or the Alien Property Custodian shall be entitled to challenge the validity thereof or otherwise excuse his actions, or failure to act, on the ground that pursuant to the provisions of this Executive Order, such order, regulation, ruling, instruction, license or other action was within the jurisdiction of the Alien Property Custodian rather than the Secretary of the Treasury or vice versa.

13. Any regulations, rulings, instructions, licenses, determinations or other actions issued, made or taken by any agency or person referred to in this Executive Order, purporting to be under the provisions of this Executive Order or any other proclamation, order or regulation, issued under sections 3 (a) or 5 (b) of the Trading with the enemy Act, as amended, shall be conclusively presumed to have been issued, made or taken after appropriate consultation as herein required and after appropriate certification in any case in which a certification is

required pursuant to the provisions of this Executive Order.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
July 6, 1942.

[F. R. Doc. 42-6502; Filed, July 8, 1942;  
12:06 p. m.]

## Regulations

### TITLE 8—ALIENS AND NATIONALITY

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

##### PART 502—VESTING ORDERS

[Vesting Order 25]

YAMANAKA AND COMPANY, LTD.

VESTING OF CERTAIN CORPORATE STOCKS

§ 502.25 *Vesting Order 25.* Under the authority of section 5 (b) of the Trading with the Enemy Act of October 6, 1917 (50 USCA App. § 5 (b)), as amended by sec. 301 of the First War Powers Act, 1941 (Pub. L. No. 354, 77th Cong., 1st Sess. (Dec. 18, 1941) § 301), and pursuant to Executive Order No. 9095 of March 11, 1942, the undersigned, finding upon investigation that the property herein described is the property of Nationals of a Foreign Country designated in Executive Order No. 8389, as amended, as defined therein, and that the action herein taken is in the public interest, hereby directs that such property including any and all interest therein shall be and the same hereby is vested in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

Shares of stock registered in the name of and owned by Yamanaka and Company, Ltd., Osaka, Japan, in the three subsidiary corporations the names of which appear after the descriptions of such shares, respectively, as follows:

(a) 4,000 shares of no par value common capital stock of Yamanaka and Company, Inc., 680 Fifth Avenue, New York, New York.

(b) 400 shares of \$25 per value common capital stock of Yamanaka and Company, Inc., 846 North Michigan Avenue, Chicago, Illinois.

(c) 150 shares of no par value common capital stock of Yamanaka and Company, Inc., 424 Boylston Street, Boston, Massachusetts.

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

<sup>6</sup> 6 F. R. 4035.



Any person not a national of a foreign country designated in Executive Order No. 8389, as amended, claiming any interest in any or all of such property and/or any person asserting any claim as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form No. APC-1 within one year from the date of this order, or within such further time as may be allowed by the Alien Property Custodian.

Executed at Washington, D. C., on June 16, 1942.

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-6472; Filed, July 8, 1942;  
10:22 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry

#### Subchapter A—Meat Inspection Regulations

#### PART 31—INSPECTION DURING THE PRESENT WAR AT CERTAIN MEAT PACKING ESTABLISHMENTS ENGAGED IN INTRASTATE COMMERCE ONLY

[Amendment 16 to B. A. I. Order 211,  
Revised]

#### ORDER AMENDING MEAT INSPECTION REGULATIONS

Pursuant to the authority conferred upon the Secretary of Agriculture by the Act of Congress approved June 10, 1942 (Public Law 602, 77th Cong. 2d Session), Title 9, Chapter 1, Subchapter A, Code of Federal Regulations (B. A. I. Order 211, Revised), as amended, is hereby further amended, effective July 1, 1942, by adding the following new part:

Part 31—Inspection During the Present War at Certain Meat Packing Establishments Engaged in Intrastate Commerce Only.

§ 31.1 *Extension of B. A. I. Order 211, revised.* For the duration of the present war and not exceeding 6 months after the termination thereof, Title 9, Chapter 1, Subchapter A, Code of Federal Regulations [B. A. I. Order 211, Revised], as amended, is extended to apply to slaughtering, meat canning, salting, packing, rendering, and similar establishments, engaged in intrastate commerce only, at which a substantial quantity of meat or meat food product is prepared for purchase by Federal agencies when formal request is made to the Secretary of Agriculture by the proprietor or operator of the establishment: *Provided*, That the construction, equipment, facilities, and sanitation of the establishment are acceptable, under the said subchapter, for conducting and maintaining emergency inspection. (Pub. Law 602, 77th Cong.)

Done at Washington, D. C., this 7th day of July 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-6488; Filed, July 8, 1942;  
11:37 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 229]

#### PART 239—CHARTER TRIPS FOR SPECIAL SERVICES

#### CHARTER TRIPS FOR SPECIAL SERVICES BY AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of July, 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 (f) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective July 10, 1942, § 239.1 of the Economic Regulations is hereby amended in its entirety to read as follows:

§ 239.1 *Charter trips for special services by air carriers holding certificates of public convenience and necessity—(a) Approval required for special service.* No air carrier holding a certificate of public convenience and necessity shall operate any charter trip or other special service (except flights originating and terminating in the territory comprised of Mexico, Central America, South America, and the countries and islands in the Caribbean area) either between points named in its certificate or otherwise, unless it shall have first secured approval thereof by the Military Director of Civil Aviation or his designee, or unless authorized by such further regulations as the Board may from time to time promulgate.

(b) *Reports required for flights originating and terminating in Mexico, Central America, South America, and Caribbean area.* Each charter trip or other special service originating and terminating in the territory comprised of Mexico, Central America, South America, and the countries and islands in the Caribbean area shall be reported to the Civil Aeronautics Board on or before the tenth day of the month following the date of its termination. The report shall contain the following information with respect to each flight:

1. The date.
2. The points served.
3. The number of miles flown (including the return flight).
4. The time required (including the time for return flight).
5. The aircraft equipment employed.
6. The purpose of the flight including the name of persons requesting the flight and a description of the cargo and passengers carried.
7. A statement indicating to what extent the flight interfered with scheduled operations of the air carrier.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-6493; Filed, July 8, 1942;  
11:54 a. m.]

[Regulations, Serial No. 230]

### PART 280—FORMS AND APPLICATIONS

#### REPORTS OF STOCK OWNERSHIP OF AFFILIATES OF AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of July, 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (c) thereof, and finding that its action is desirable in the public interest and is necessary and appropriate to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Board hereby makes and promulgates the following regulation:

§ 280.2 *Reports of stock ownership of affiliates of air carriers—(a) Definition of affiliate of air carrier.* For the purposes of this section a person shall be deemed to be an affiliate of an air carrier if it has direct or indirect control over such air carrier, or if it has the power to exercise control over such air carrier.

(b) *Stock reports by affiliates.* Except as provided in paragraph (c), every affiliate of an air carrier shall submit on or before January 25 of each year:

(1) A report showing, as of the preceding December 31, (i) The names and addresses of each of its stockholders or members holding more than 5 per centum of the entire capital stock or capital, as the case may be, of such affiliate, together with the name and address of any person for whose account, if other than the holder, such stock is held, (ii) The number of shares, and percentage of the total shares issued, held by each such stockholder, and indicating whether such shares are voting, non-voting, common, or preferred; and

(2) A report setting forth, as of the preceding December 31, a description of the shares of stock or other interests held by the affiliate, or for its account, in any common carrier, air carrier, foreign air carrier, or any person engaged in any phase of aeronautics, and a description of the shares of stock or other interests held by the affiliate, or for its account, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, common carriers, air carriers, foreign air carriers, or persons engaged in any phase of aeronautics, indicating:

(i) The name of the issuing company,  
(ii) Whether such stock or other interest is voting, non-voting, common or preferred, convertible or non-convertible (if convertible an explanation of the option shall be set forth),  
(iii) The par and book value of such stock or other interests held by the affiliate or for its account, and the amount pledged, unpledged, and held in fund and deposit accounts, and

(iv) The total amount of stock or other interests (by class and issue) having voting or conversion rights, which have been actually issued by the issuing company and are outstanding (whether or not held by the affiliate reporting hereunder). If



convertible, an explanation of the option shall be set forth, and the total amount convertible shall be stated.

(c) *Exception for air carriers.* The reports required in paragraph (b) need not be filed as of December 31 of any year by any such affiliate if it is an air carrier required to file a report, as of December 31 of the same year, pursuant to section 407 (b) of the Act.

(d) *Effective date.* This regulation shall become effective on the 3d day of August, 1942. (Secs. 205 (a), 407 (c), 52 Stat. 984, 1000; 49 U.S.C., 425 (a), 487 (c))

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-6492; Filed, July 8, 1942;  
11:54 a. m.]

TITLE 17—COMMODITY AND  
SECURITIES EXCHANGES

Chapter II—Securities and Exchange  
Commission

PART 240—RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE UNDER THE ACT RELATING TO SOLICITATION OF PURCHASES ON AN EXCHANGE TO FACILITATE A DISTRIBUTION OF SECURITIES

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, hereby:

1. Amends paragraph (d) (3) of § 240.10b-2 [Rule X-10B-2] to read as follows:

§ 240.10b-2 *Solicitation of purchases on an Exchange to facilitate a distribution of securities.*

(d) \* \* \*

(3) The provisions of this exemption shall terminate at the close of business on January 31, 1943, unless the Commission otherwise determines.

2. And declares the special offering plans of the New York Stock Exchange, New York Curb Exchange, and San Francisco Stock Exchange, as now effective, to be effective until the close of business on January 31, 1943, unless the Commission otherwise determines, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may send at least ten days' notice to any of said Exchanges terminating the effectiveness of their respective plans.

Effective July 8, 1942

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6478; Filed, July 8, 1942;  
10:34 a. m.]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

RULE RELATING TO THE REMUNERATION WHICH MAY BE RECEIVED BY AN AFFILIATED PERSON OF A REGISTERED INVESTMENT COMPANY ACTING AS BROKER IN CONNECTION WITH OVER-THE-COUNTER SALES OF SECURITIES TO, OR BY, SUCH REGISTERED COMPANY OR ANY CONTROLLED COMPANY

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly by section 17 (e) (2) (c) and 38 (a) thereof, and deeming such action appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, hereby adopts the following § 270.17e-1 [Rule N-17E-1]:

§ 270.17e-1 *Remuneration permitted affiliated persons of registered investment companies acting as brokers in over-the-counter transactions.* The commission, fee or other remuneration from any source of any person subject to section 17 (e) of the Investment Company Act of 1940 [Sec. 17 (e), 54 Stat. 816; 15 U.S.C. 80a-17] for acting as broker in connection with any sale referred to in paragraph (2) (c) thereof may exceed one per cent of the sale price of the securities sold if such remuneration does not exceed:

(a) In the case of securities which are listed or admitted to unlisted trading privileges on one or more national securities exchanges, the lowest broker's commission which any exchange upon which the securities are traded fixes as a minimum for effecting such a transaction on such exchange, or

(b) In the case of securities which are not listed or admitted to unlisted trading privileges on any national securities exchange, the lowest broker's commission which is fixed as a minimum for effecting a transaction in listed securities of a similar type, of an equal number of units and at the same price on any national securities exchange located in the same city as the principal office of the broker, or if there is no such exchange located in that city, then on any national securities exchange located in the nearest city where a national securities exchange is located:

*Provided,* That where a broker represents both purchaser and seller in the same transaction, the remuneration shall not be greater than the minimum commission prescribed by the appropriate exchange for either a purchase or a sale. [Rule N-17E-1, effective July 8, 1942]

(Sec. 17 (e), 54 Stat. 816; 15 U.S.C. 80a-17; Sec. 38 (a), 54 Stat. 841; 15 U.S.C. 80a-38)

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6479; Filed, July 8, 1942;  
10:36 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 81]

PART 402—LOAN SERVICE DIVISION

MISCELLANEOUS CREDITS

Amending Part 402, Chapter IV, Title 4 of the Code of Federal Regulations.

Section 402.22-3 of the Code of Federal Regulations is revoked.

Section 402.22-1 is amended to read as follows:

§ 402.22-1 *Application of miscellaneous credits.* The Regional Manager, with the advice of Regional Counsel, may permit the payment of taxes, assessments, other levies and charges and ground rents, attorneys' fees, insurance adjusters' fees, surveys, appraisal fees, cost of reconditioning and charges or expenses necessary in connection with the consummation of the particular transaction before directing the application of any part of the funds referred to in § 402.22 (a).

When the home owner's written direction for the application of funds to taxes or other items is required and has not already been given, such written direction shall be obtained.

*Excess Funds to Home Owner*

"In cases where the consideration (whether land, interest therein, enhancement in value thereof, or funds) exceeds the amount by which the value of the Corporation's security is reduced or diminished and the home owner has requested that any such excess consideration which is represented by cash or part thereof be retained by him or turned over to him for his own use, the Regional Manager may grant the request. In cases where such excess does not exist, and the amount requested does not exceed \$100.00, or where there is an excess and the amount requested does not exceed the excess by more than \$100.00, the Regional Manager may grant the home owner's request that such portion of the cash proceeds be retained by or turned over to him, provided the Regional Manager determines that such allowance is necessary for the completion of the transaction, and that the Corporation's interest would not be adversely affected. Where the circumstances are exceptional and the amount requested by the home owner is in excess of that which the Regional Manager is authorized to grant, and the Regional Manager recommends that the request of the home owner be allowed, he shall forward the file, together with a summary of the case and his recommendation, with the opinion of the Regional Counsel, to the General Manager for direction.

Section 402.22-2 is amended to read as follows:

§ 402.22-2 *Other application of miscellaneous credits.* Miscellaneous credits shall be applied in accordance with Article 800-26 of the Manual. All miscellaneous credits of \$25.00 or less shall be



applied as repayments, unless in individual cases the Regional Manager or the Control Supervisor specifically directs other application. All other miscellaneous credits shall be applied only upon specific direction of the Regional Manager or the Control Supervisor and should apply generally to the principal of a home owner's account in proportion to the reduction of security. However, it is recognized that the source of miscellaneous credits, the condition of the home owner's account and other circumstances of each case may warrant other application of these funds. Although it is not generally contemplated to use miscellaneous credits as prepayments of any account, such application may be warranted in unusual cases.

**Reamortization.** Where miscellaneous credits are so applied as to materially reduce the unmatured principal indebtedness, the home owner may request and the Regional Manager or the Control Supervisor may direct a reamortization of the loan balance within the remaining life of the loan or sales instrument, or the home owner may apply for an extension if the time required for repayment of the loan balance is greater than the remaining life of the present loan or sales instruments, subject to the provisions of § 402.10 (a) and (b).

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

(Effective July 6, 1942)

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 42-6491; Filed, July 8, 1942;  
11:49 a. m.]

[Bulletin 79]

#### PART 408—ACCOUNTING SECTION

Amending Part 408, Chapter IV, Title 24 of the Code of Federal Regulations.

The last sentence of the second paragraph of § 408.00 (h) is amended to read as follows:

**Application of remittances.** The authority granted herein may also be exercised by the Regional Manager or the Loan Service Control Supervisor, with the advice of Regional Counsel.

Section 408.00 (1) is amended by the addition of the following sentence at the end thereof:

**Miscellaneous credits.** Such application may also be directed by the Regional Manager or the Loan Service Control Supervisor, with the advice of the Regional Counsel.

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

(Effective July 6, 1942)

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 42-6490; Filed, July 8, 1942;  
11:49 a. m.]

[Bulletin 78]

#### PART 410—PURCHASE AND SUPPLY

Amending Part 410, Chapter IV, Title 24 of the Code of Federal Regulations.

Section 410.06 is amended to read as follows:

§ 410.06 **Sale of expendable and non-expendable property.** Sale of non-expendable property and sale or other disposition of expendable property (including waste paper) may be made by the Director of the Purchase and Supply Section with the prior approval of the General Manager. The provisions of this Section shall not apply to obsolete forms or to law books, law periodicals, law publications, and like materials for law libraries.

The second paragraph of § 410.07-1,<sup>1</sup> including subparagraphs (1) and (2), is amended to read as follows:

**Authorization to incur expense.** Such purchases and the making and executing of such contracts for the use of the Corporation in the Home and Field Offices, involving a cost of more than \$500, shall be approved by the General Manager when for the use of any department, division or section of the Corporation except the Legal Department, as provided in § 406.17 of Part 406.

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

(Effective July 1, 1942)

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 42-6489; Filed, July 8, 1942;  
11:49 a. m.]

#### TITLE 26—INTERNAL REVENUE

##### Chapter I—Bureau of Internal Revenue

[T. D. 5160]

##### Subchapter A—Income and Excess-Profits Taxes

##### PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

##### AMENDMENTS PURSUANT TO PUBLIC DEBT ACTS OF 1941 AND 1942

In order to conform Part 19, Title 26, Code of Federal Regulations, 1940 Sup. [Regulations 103] to the provisions of section 4 of the Public Debt Act of 1941, as amended by section 6 of the Public Debt Act of 1942 (Public Law 510, 77th Congress), approved March 28, 1942, such regulations are amended as follows:

1. The following is inserted immediately preceding § 19.22 (b) (4)-1:<sup>2</sup>

PUBLIC DEBT ACT OF 1942 (APPROVED MARCH 28, 1942)

Sec. 6. Section 4 of the Public Debt Act of 1941 (Public, Numbered 7, Seventy-seventh Congress, first session), is hereby amended to read as follows:

Sec. 4\* (a) Interest upon obligations, and dividends, earnings, or other income from

<sup>1</sup> 5 F.R. 1066.

<sup>2</sup> 6 F.R. 1287.

shares, certificates, stock, or other evidences of ownership, and gain from the sale or other disposition of such obligations and evidences of ownership issued on or after the effective date of the Public Debt Act of 1942 by the United States or any agency or instrumentality thereof shall not have any exemption, as such, and loss from the sale or other disposition of such obligations or evidences of ownership shall not have any special treatment, as such, under Federal tax Acts now or hereafter enacted; except that any such obligations which the United States Maritime Commission or the Federal Housing Administration had, prior to March 1, 1941, contracted to issue at a future date, shall when issued bear such tax-exemption privileges as were, at the time of such contract, provided in the law authorizing their issuance. For the purposes of this subsection a Territory, a possession of the United States, and the District of Columbia, and any political subdivision thereof, and any agency or instrumentality of any one or more of the foregoing, shall not be considered as an agency or instrumentality of the United States.

(b) The provisions of this section shall, with respect to such obligations and evidences of ownership, be considered as amendatory of and supplementary to the respective Acts or parts of Acts authorizing the issuance of such obligations and evidences of ownership, as amended and supplemented.

(c) Nothing contained herein shall be construed to amend or repeal sections 114 and 115 of the Revenue Act of 1941.

2. Section 19.22 (b) (4)-2 is amended to read as follows:

§ 19.22 (b) (4)-2 **Dividends from shares and stock of Federal agencies or instrumentalities—** (a) **Issued prior to March 28, 1942.** Section 26 of the Federal Farm Loan Act of July 17, 1916 (39 Stat. 380, 12 U.S.C., 1940 ed., 931), provides that Federal land banks and national farm-loan associations, including the capital and reserve or surplus therein and the income derived therefrom, shall be exempt from taxation, except taxes upon real estate. Section 7 of the Federal Reserve Act of December 23, 1913 (38 Stat. 258, 12 U.S.C., 1940 ed., 531), provides that Federal reserve banks, including the capital stock and surplus therein and the income derived therefrom, shall be exempt from taxation, except taxes upon real estate. Section 5 (h) of the Home Owners' Loan Act of 1933 (48 Stat. 133, 12 U.S.C., 1940 ed., 1464 (h)) provides that shares of Federal savings and loan associations shall, both as to their value and the income therefrom, be exempt from all taxation (except surtaxes, estate, inheritance, and gift taxes) imposed by the United States. Under the above-mentioned provisions, income consisting of dividends on stock of Federal land banks, national farm-loan associations, and Federal reserve banks is not, in the case of stock issued prior to March 28, 1942, subject to the income tax; and income consisting of dividends on share accounts of Federal savings and loan associations is not, in the case of shares issued prior to March 28, 1942, subject to the normal tax on income. For taxability of such income in the case of such stock or shares issued on or after March 28, 1942, see section 6 of the Public Debt Act of 1942 and paragraph (b) of this section. For the time at which a stock or share is issued within



the meaning of this section, see paragraph (b) of this section.

Regardless of the exemption from income tax of dividends paid on the stock of Federal reserve banks, dividends paid by member banks are treated like dividends of ordinary corporations.

Dividends on the stock of the central bank for cooperatives, the production credit corporations, production credit associations, and banks for cooperatives, organized under the provisions of the Farm Credit Act of 1933, constitute income to the recipients, subject to both the normal tax and surtax (see section 63 of the Farm Credit Act of 1933 (48 Stat. 267, 12 U.S.C., 1940 ed., 1138c)).

(b) *Issued on or after March 28, 1942.* By virtue of the provisions of section 6 of the Public Debt Act of 1942, the tax exemption provisions set forth in paragraph (a) with respect to income consisting of dividends on stock of the Federal land banks, national farm-loan associations, and Federal reserve banks, or on share accounts of Federal savings and loan associations, are not applicable in the case of dividends on such stock or shares issued on or after March 28, 1942.

For the purposes of this section, a stock or share is deemed to be issued at the time and to the extent that payment therefor is made to the agency or instrumentality. The date of issuance of the certificate or other evidence of ownership of such stock or share is not determinative if payment is made at an earlier or later date. Where old stock is retired in exchange for new stock of a different character or preference, the new stock shall be deemed to have been issued at the time of the exchange rather than when the old stock was paid for. This paragraph may be illustrated by the following examples:

*Example (1).* A, the owner of an investment share account, consisting of 10 shares, in a Federal savings and loan association, has a single certificate issued prior to March 28, 1942, evidencing such ownership. In order that A may dispose of half of such shares, the association at his request issues, after March 27, 1942, two five-share certificates in substitution for the 10-share certificate. The shares evidenced by the two new certificates are deemed to have been issued prior to March 28, 1942, the shares having been paid for prior to such date.

*Example (2).* The X Bank, a member of a Federal reserve bank, owns 50 shares of Federal reserve bank stock, evidenced by a single stock certificate issued prior to March 28, 1942. On December 31, 1942, the X Bank reduces the amount of its capital stock as a result of which it is required to reduce the amount of its Federal reserve bank stock to 40 shares. It surrenders the 50-share certificate to the Federal reserve bank and receives a new 40-share certificate. The 40 shares evidenced by such certificate are deemed to have been issued prior to March 28, 1942. On December 31, 1943, the X Bank increases the amount of its capital stock as a result of which it is required to purchase 10 additional shares of the Federal reserve bank stock. The Federal reserve bank issues a 10-share certificate evidencing ownership of the new shares. Of the 50 shares then

owned by the X Bank, 40 were issued prior to March 28, 1942, and 10 were issued after March 27, 1942.

*Example (3).* A, the owner of a savings share account, in the amount of \$100, in a Federal savings and loan association, has a passbook containing a certificate issued prior to March 28, 1942, evidencing such ownership. Subsequent to March 27, 1942, A deposits \$10,000 in the account. With respect to the \$10,000 deposit, the share is deemed to have been issued after March 27, 1942.

3. Section 19.22 (b) (4)-3 is amended to read as follows:

§ 19.22 (b) (4)-3 *Interest upon notes secured by mortgages executed to Federal agencies or instrumentalities.* Section 26 of the Federal Farm Loan Act of July 17, 1916 (39 Stat. 380, 12 U.S.C., 1940 ed., 931), and section 210 of such Act, as added by section 2 of the Act of March 4, 1923 (42 Stat. 1459, 12 U.S.C., 1940 ed., 1111), provide that first mortgages executed to Federal land banks, joint-stock land banks, or Federal intermediate credit banks, and the income derived therefrom, shall be exempt from taxation. Accordingly, income consisting of interest on promissory notes held by such banks and secured by such first mortgages is not subject to the income tax.

4. Section 19.22 (b) (4)-4, as amended by Treasury Decision 5040, approved February 28, 1941, is amended as follows:

A. By inserting after the fifth paragraph of paragraph (a) the following new paragraph:

Section 26 of the Federal Farm Loan Act of July 17, 1916 (39 Stat. 380, 12 U.S.C., 1940 ed., 931), and section 210 of such Act, as added by section 2 of the Act of March 4, 1923 (42 Stat. 1459, 12 U.S.C., 1940 ed., 1111), provide that farm-loan bonds issued by Federal land banks and joint-stock land banks and debentures issued by Federal intermediate credit banks, with the income therefrom, shall be exempt from taxation. Accordingly, interest from such farm-loan bonds or debentures is not subject to the income tax.

B. By inserting "debentures," immediately following "bonds," in the first sentence of paragraph (b) and by inserting at the end of paragraph (b) the following new paragraph:

In the case of obligations issued as the result of a refunding operation, as, for example, where a corporation exchanges bonds for previously issued bonds, the refunding obligations are deemed, for the purposes of this section, to have been issued at the time of the exchange rather than at the time the original bonds were issued.

(Sec. 6 Public Debt Act of 1942 (Public Law 510, 77th Cong.) and sec. 3791 (a) (2) Internal Revenue Code (53 Stat. 467; 26 U.S.C., 3791 (a) (2)))

[SEAL] GUY T. HELVERING,  
Commissioner of Internal Revenue.

Approved: July 6, 1942.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-6468; Filed, July 7, 1942; 4:08 p. m.]

[T. D. 5162]

Subchapter D—Social Security and Carriers Taxes

REGULATIONS AMENDED

In order to conform Part 400, Title 26, Code of Federal Regulations [Regulations 90] only as made applicable to the Internal Revenue Code (53 Stat., Part 1; 26 U.S.C.) by Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup. [Treasury Decision 4885] relating to the Federal unemployment tax for the calendar year 1939; Part 401 of such Title 26 [Regulations 91], relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act (49 Stat. 636; 42 U.S.C., 1001 to 1011, inclusive); such Regulations 91 as made applicable to the Internal Revenue Code by such Treasury Decision 4885; Part 402 of such Title 26, 1940 Sup. [Regulations 106], relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code; 53 Stat. 175, 1381; 26 U.S.C., 1940 ed., 1400 to 1432, inclusive); and Part 403 of such Title 26, 1940 Sup. [Regulations 107], relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code; 53 Stat. 183, 1387; 26 U.S.C., 1940 ed., 1600 to 1611, inclusive), to the Act approved April 8, 1942 (Public Law 520—77th Congress), such regulations are amended as follows:

1. By inserting the following caption and provision of law immediately preceding article 13 of Regulations 91, as amended by § 401.13, Title 26, Code of Federal Regulations [Treasury Decision 4801], and by § 401.13 of such Title 26, 1940 Sup. [Treasury Decision 5027]; by inserting such caption and provision of law immediately preceding article 13 of Regulations 91 as so amended and as made applicable to the Internal Revenue Code by 4085 Chapter I, note, of such Title 26, 1939 Sup. [Treasury Decision 4885]; and by inserting such caption and provision of law immediately preceding § 402.216 of Regulations 106:

SECTION 14 OF THE ACT APPROVED APRIL 8, 1942 (PUBLIC LAW 520—77TH CONGRESS)

The first proviso in subsection (d) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended to read as follows: "Provided, however, That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an



assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable."

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, and as if it had been part of the Carriers Taxing Act of 1937 (50 Stat. 435) when that Act was enacted on June 29, 1937 \* \* \*

2. By inserting the following caption and provision of law immediately preceding article 206 (8), Regulations 90 only as made applicable to the Internal Revenue Code by Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup. [Treasury Decision 4885], added by 4931 § 400.206 (8) of such Title 26, 1939 Sup. [Treasury Decision 4931], and as amended by § 400.206 (8) of such Title 26, 1940 Sup. [Treasury Decision 5028]; and by inserting such caption and provision of law immediately preceding § 403.216 of Regulations 107:

SECTION 15 OF THE ACT APPROVED APRIL 8, 1942  
(PUBLIC LAW 520—77TH CONGRESS)

The first proviso in subsection (e) of section 1 of the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended, is hereby amended to read as follows: "Provided, however, That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the

total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case the Board may prescribe such other formula as it finds to be equitable."

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Railroad Unemployment Insurance Act when that Act was enacted on June 25, 1938 \* \* \*

(Sec. 808 Social Security Act (49 Stat. 638; 42 U.S.C., 1008), secs. 1429, 1609, and 3791 Internal Revenue Code (53 Stat. 178, 188, 467; 26 U.S.C., 1429, 1609, 3791), and secs. 14 and 15 Public Law 520—77th Cong.)

[SEAL] GUY T. HELVERING,  
Commissioner of Internal Revenue.

Approved: July 6, 1942.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-6470; Filed, July 7, 1942;  
4:08 p. m.]

[T. D. 5161]

PART 410—EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE CARRIERS TAXING ACT OF 1937

TAXES ON EMPLOYMENT BY CARRIERS

In order to conform Part 410, Title 26, Code of Federal Regulations [Regulations 100], relating to the employers' tax, employees' tax, and employee representatives' tax under the Carriers Taxing Act of 1937 (50 Stat. 435; 45 U.S.C., 1940 ed., 261 to 273, inclusive), and such regulations as made applicable to the Internal Revenue Code (53 Stat., Part 1; 26 U.S.C., 1940 ed.) by Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup. [Treasury Decision 4885], to section 14 of the Act approved April 8, 1942 (Public Law 520—77th Congress), each of such regulations is amended as follows:

1. Immediately preceding § 410.1, Title 26, Code of Federal Regulations [article 1], the following is inserted:

SECTION 14 OF THE ACT APPROVED APRIL 8, 1942 (PUBLIC LAW 520—77TH CONGRESS)

The first proviso in subsection (d) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended to read as follows: "Provided, however, That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer

conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to paragraph (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable."

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, and as if it had been part of the Carriers Taxing Act of 1937 (50 Stat. 435) when that Act was enacted on June 29, 1937: *Provided, however,* That no interest or penalties shall accrue or be deemed to have accrued for the failure to make returns under, or pay taxes levied by, sections 1500 and 1520, respectively, of said Internal Revenue Code and sections 2 and 3, respectively, of said Carriers Taxing Act of 1937 with respect to the compensation of employees of any local lodge or division or of any general committee of a railway-labor-organization employer earned prior to the enactment of this amendment, if (1) the headquarters of such a local lodge or division was not located in the United States, or (2) all, or substantially all, the individuals constituting the membership of such a local lodge or division were employees of an employer not conducting the principal part of its business in the United States, or (3) the individuals represented by such a general committee were employees of an employer not conducting the principal part of its business in the United States, or (4) the service to such a general committee was rendered outside the United States, or (5) the office or headquarters of the individual rendering service to such a general committee was not located in the United States and if such returns are made and such taxes are paid within the time allowed for making returns and paying taxes with respect to the first calendar quarter beginning after the enactment of this amendment.

2. Section 410.3 (a), Title 26, Code of Federal Regulations [article 3 (a)] as amended by § 410.3 (a) of such Title 26, 1940 Sup., [Treasury Decision 5017], is amended by striking out the seventh and eighth paragraphs thereof and by inserting in lieu of such paragraphs the following:

If an individual performs services for an employer (other than a local lodge or division or a general committee of a railway-labor-organization employer) which does not conduct the principal part of its business within the United States, such individual shall be deemed to be in the service of such employer only to the extent that he performs services for it in the United States. Thus, with respect to services rendered for such employer outside the United States, such individual is not in the service of an employer.



If an individual performs services for an employer (other than a local lodge or division or a general committee of a railway-labor-organization employer) which conducts the principal part of its business within the United States, he is in the service of such employer whether his services are rendered within or without the United States. In the case of an individual, not a citizen or resident of the United States, rendering services in a place outside the United States to an employer which is required under the laws applicable in such place to employ, in whole or in part, citizens or residents thereof, such individual shall not be deemed to be in the service of an employer with respect to services so rendered.

3. Section 410.3 (b), Title 26, Code of Federal Regulations, [article 3 (b)] as amended by § 410.3 (b) of such Title 26, 1940 Sup., [Treasury Decision 5017], is stricken out and the following inserted in lieu thereof:

(b) *Employees of local lodges or divisions of railway labor organizations.*

(1) An individual is in the service of a local lodge or division of a railway-labor-organization employer (see § 410.2 (f), Title 26, Code of Federal Regulations [article 2 (f)] only if:

(i) All, or substantially all, the individuals constituting the membership of such local lodge or division are employees of an employer conducting the principal part of its business in the United States; or

(ii) The headquarters of such local lodge or division is located in the United States. (See section 14 of the Act approved April 8, 1942 (Public Law 520—77th Congress), set forth preceding § 410.1 of such Title 26, 1942 Sup. [article 11.]

(2) An individual in the service of a local lodge or division is not an employee within the meaning of the law and these regulations unless, on or after August 29, 1935, he was either:

(i) In the service of a *carrier*; that is, on or after August 29, 1935, the individual must have been subject to the continuing authority of a carrier to supervise and direct the manner of the performance of services being rendered by such individual for compensation (see § 410.3 (a) of such Title 26 and 1940 Sup. and 1942 Sup. [paragraph (a) of this article]; or

(ii) In the "employment relation" to a *carrier*; that is, the individual on or after August 29, 1935, in accordance with established rules and practices in effect on the carrier, was on furlough subject to call for service within or without the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability. However, an individual shall not be deemed to be in the "employment relation" to a carrier unless during the last pay-roll period in which he rendered service to it, he was with respect to that service "in the service of an employer" (see § 410.3 (a) of such Title 26 and 1940

Sup. and 1942 Sup. [paragraph (a) of this article]).

(For definition of "carrier," see § 410.2 (a) of such Title 26 [article 2 (a)].)

(c) *Employees of general committees of railway labor organizations.* An individual is in the service of a general committee of a railway-labor-organization employer (see § 410.2 (f), Title 26, Code of Federal Regulations [article 2 (f)] only if:

(1) He is representing a local lodge or division described in § 410.3 (b) (1) of such Title 26, 1942 Sup. [paragraph (b) (1) of this article]; or

(2) All, or substantially all, the individuals represented by such general committee are employees of an employer conducting the principal part of its business in the United States; or

(3) He acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer. In such case, if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only a part of his remuneration for such service shall be regarded as compensation (see § 410.5 of such Title 26 and 1940 Sup. and 1942 Sup. [article 5]). The part of his remuneration regarded as compensation shall be in the same proportion to his total remuneration as the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to section 1 (c) of the Railroad Retirement Act of 1937, as amended, shall be applicable. (See section 14 of the Act approved April 8, 1942 (Public Law 520—77th Congress), set forth preceding § 410.1 of such Title 26, 1942 Sup. [article 11.]

(4) Section 410.5 Title 26, Code of Federal Regulations [article 5], as amended by § 410.5 of such Title 26, 1940 Sup. [Treasury Decision 5029], is amended by adding at the end thereof the following:

(See section 14 of the Act approved April 8, 1942 (Public Law 520—77th Congress), set forth preceding § 410.1, Title 26, Code of Federal Regulations, 1942 Sup. [article 1] and see also § 410.3 (c) of such Title 26, 1942 Sup. [article 3 (c)] for special provisions relating to the compensation of certain general chairmen or assistant general chairmen of a general committee of a railway-labor-organization employer.)

(5) Sections 410.803, 410.804, and 410.805 (a), Title 26, Code of Federal Regulations [articles 803, 804, and 805 (a)] are amended by adding at the end of each such article the following new paragraph:

(See, however, section 14 of the Act approved April 8, 1942 (Public Law 520—77th Congress), set forth preceding

§ 410.1, Title 26, Code of Federal Regulations, 1942 Sup. [article 1] for special provisions relating to interest and penalties in the case of certain local lodges and divisions and general committees of railway-labor-organization employers.)

(Sec. 12 Carriers Taxing Act of 1937 (50 Stat. 440; 45 U. S. C., 1940 ed., 272), secs. 1535 and 3791 of the Internal Revenue Code (53 Stat. 183, 467; 26 U. S. C., 1940 ed., 1535, 3791), and sec. 14 of the Act approved April 8, 1942 (Public Law 520—77th Congress))

[SEAL] GUY T. HELVERING,  
Commissioner of Internal Revenue.

Approved: July 6, 1942.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-6469; Filed, July 7, 1942;  
4:08 p. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter III—Bituminous Coal Division

#### PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

[Docket No. A-1454]

##### ORDER PROVIDING FOR FINAL RELIEF

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

On May 29, 1942, 7 F.R. 4377, an Order Granting Temporary and Conditionally Final Relief having been issued in Docket No. A-1454 in which, *inter alia*, the shipping point of Brockway, Pennsylvania on the Pennsylvania Railroad was assigned to the Bona #2 Mine, Mine Index No. 745, of John Bona, for rail shipments, as requested by petitioner;

On June 23, 1942, petitioner having filed with the Bituminous Coal Division a document designated "Motion to Amend the Above Entitled Petition," in which it was stated that John Bona was unable to obtain a loading facility at Brockway, Pennsylvania for his mine, and which requested a shipping point at Hyde, Pennsylvania, on the Pittsburg, Shawmut and Northern Railroad for the Bona #2 Mine for rail shipments;

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the matter as hereinafter set forth and for a consideration of the "Motion to Amend the Above Entitled Petition" as a Motion to Amend the Order of May 29, 1942, in this matter;

No petitions of intervention having been filed with the Division to the "Motion to Amend the Above Entitled Petition;"

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That § 321.7 (*Alphabetical list of code members*) in the Order Granting Temporary Relief and Con-



ditionally Providing for Final Relief in Docket No. A-1454, dated May 29, 1942, be amended to assign the shipping point of Hyde, Pennsylvania, on the Pittsburg, Shawmut and Northern Railroad to the Bona #2 Mine (Mine Index No. 745) of John Bona instead of Brockway, Pennsylvania, on the Pennsylvania Railroad, and to assign this mine to Freight Origin Group No. 118 instead of 120.

Dated: July 7, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6484; Filed, July 8, 1942;  
10:44 a. m.]

PART 333—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 13

[Docket No. A-1330, Part II]

Findings of fact, conclusions of law, memorandum opinion and order in the matter of petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division") on February 23, 1942, by District Board No. 13, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"). The petitioner requested the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13 which had not heretofore been established.

The petitioner proposed prices for all shipments except truck and for truck shipments, for the coals of the Brewer No. 2 Mine (Mine Index No. 1473) in the Gholson Seam, in which seam prices had not been established for any other mines. The petitioner also proposed a price of \$2.43 per ton for coals of the three Lee Powell mines (Hillcrest Coal Company) (Mine Index Nos. 331, 755, and 1454), for railroad fuel use when sold to the A B & C Railroad. By Order dated March 25, 1942, 7 F.R. 2520, temporary relief was given as requested.<sup>1</sup> In that Order a price of \$2.43 per ton was established for coal sold to the A B & C Railroad for railroad fuel use.

Pursuant to appropriate orders and after notice to interested persons, a hearing in this matter was held on May 6, 1942, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.<sup>2</sup>

All interested persons were afforded an opportunity to be present, adduce evi-

<sup>1</sup>These four mines were included in a group of mines in District No. 13, for which prices were originally proposed in Docket No. A-1330. Severance of that portion of that Docket which affected these four mines was ordered so as to enable a separate consideration thereof.

<sup>2</sup>A hearing originally set for April 28, 1942, before Examiner E. J. Hayes was postponed by Orders of the Acting Director and set for May 6, 1942, Examiner W. A. Cuff being designated Examiner vice E. J. Hayes.

dence, cross-examine witnesses, and otherwise be heard. District Board No. 13 appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

At the hearing, a motion was made by the petitioner that that portion of Docket No. A-1330, Part II, relating to the Brewer No. 2 Mine (Mine Index No. 1473) be withdrawn therefrom, without prejudice, for the reason that the Brewer No. 2 Mine had closed and was unlikely to reopen. Uncontroverted evidence clearly indicated that this was so. In agreement with the position taken by the petitioner, I find, therefore, that the motion should be granted and the temporary price classifications and minimum prices established for the Brewer No. 2 Mine (Mine Index No. 1473) for all shipments except truck, and for truck shipments, should be terminated.

The general railroad fuel price in District 13 is \$2.20 per ton. This price applies to the vast majority of mines in the district for sale to all railroads, including the A B & C Railroad. Petitioner attempts to justify a \$2.43 price here on the basis of past sales and of generally increased costs. The record does show that Hillcrest Coal Company has sold a few cars of railroad fuel to the A B & C Railroad at a price of \$2.43. However, whether or not this sale was one merely for test purposes—which it appears to be—it is not the function of the Act of underwrite—as a minimum price—a price which is obtainable in a strong market. The standards for establishing minimum prices are set forth in the Act and they are to be followed. And the upward revision of the minima because of increased costs is a matter to be resolved in General Docket No. 21 on a price area and not an individual mine basis.

Upon the basis of the evidence, I find and conclude, therefore, that the request for the establishment of a minimum price of \$2.43 for the coals of the Mary Frances Mine (Mine Index No. 331), the Big Four Mine (Mine Index No. 755), and the Mary Ann Mine (Mine Index No. 1454) for railroad locomotive fuel use for the A B & C Railroad should not be granted.

On the basis of the foregoing Findings of Fact, I conclude that the established \$2.20 price effectuates the purposes of section 4 II (a) and (b) of the Act.

Now, therefore, it is ordered, That the price classifications and minimum prices established for the coals of the Brewer No. 2 Mine of the Paul Isbell Company (Mine Index No. 1473) for all shipments except truck, and for truck shipments be, and the same are hereby, terminated.

It is further ordered, That the request of the petitioner, District Board No. 13, for the establishment of a minimum price of \$2.43 for the coals of the Mary Frances Mine (Mine Index No. 331), the Big Four Mine (Mine Index No. 755), and the Mary Ann Mine (Mine Index No. 1454) of Lee Powell (Hillcrest Coal Company), for railroad locomotive fuel use, for the A B & C Railroad, be, and the same hereby is, denied.

It is further ordered, That the temporary price of \$2.43 established by an Order, dated March 25, 1942, for the coals of the Mary Frances Mine (Mine Index No. 331), the Big Four Mine (Mine Index No. 755, and the Mary Ann Mine (Mine Index No. 1454), for locomotive fuel use, for the A B & C Railroad be, and the same is hereby, terminated; and a price of \$2.20 be, and the same is hereby, established as follows:

Commencing forthwith § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: July 2, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

DISTRICT NO. 13

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

PRICES F. O. B. MINES FOR SHIPMENT TO ALL RAILROADS AND FOR EXCLUSIVE USE OF RAILROADS

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R. The following prices apply on coal for use in railroad locomotives and power-house plants. For station heating, use in dining cars, or other uses than stated above commercial prices as listed in other sections of this price schedule shall apply.

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
JEFFERSON COUNTY, ALA.					
331	Powell, Lee (Hillcrest Coal Co.)	Mary Frances	1	Lower Nunnally	
755	Powell, Lee (Hillcrest Coal Co.)	Big Four	1	Upper Nunnally	
1454	Powell, Lee (Hillcrest Coal Co.)	Mary Ann	1	Upper Nunnally	

Shipping Point: Parkwood, Ala. (For railroad fuel only.) Railroad: AB&C.  
These mines shall have a price of \$2.20 to the AB&C Railroad only for all sizes customarily furnished railroads for Locomotive Fuel.

[F. R. Doc. 42-6483; Filed, July 8, 1942; 10:44 a. m.]



**TITLE 31—MONEY AND FINANCE:**  
**TREASURY**

**Chapter 1—Monetary Offices**

[1942 Department Circular No. 1]

**PART 129—VALUES OF FOREIGN MONIES**

JULY 1, 1942.

**§ 129.5 Calendar year 1942.**

(c) *Quarter beginning July 1, 1942.*  
Pursuant to section 522, title IV, of the  
Tariff Act of 1930, reenacting section 25  
of the Act of August 27, 1894, as amended,  
the following estimates by the Director  
of the Mint of the values of foreign mon-  
etary units are hereby proclaimed to be  
the values of such units in terms of the  
money of account of the United States

[Values of foreign monetary units at par as regards gold units; nongold units have no fixed par with gold]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentine Republic	Peso	\$1.6325	Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929.
Australia	Pound	8.2397	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium	Belga	1.695	By decree of Mar. 31, 1926. One belga equals 5 Belgian francs. The Anglo-Belgian financial agreement of June 7, 1940, fixed the rate of exchange of the Belgian franc and the franc of the Belgian Congo at 176.55 francs for 21 sterling.
Bolivia	Boliviano	6180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Milreis	9900	Based on official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1939.
British Honduras	Dollar	1.6931	Conversion of notes suspended.
Bulgaria	Lev	0.122	Exchange control established Oct. 15, 1931.
Canada	Dollar	1.6931	Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933.
Chile	Peso	2000	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for 1 gold peso.
China	Yuan		Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1s. 2½d., or about 29½¢ U. S., per yuan.
Hong Kong	Dollar		Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 8, 1935; exchange fund created to control exchange rate.
Colombia	Peso	5714	Obligation to sell gold suspended Sept. 24, 1931. New gold content of .6424 grams of gold ¾ fine established by monetary law of Nov. 19, 1933, effective Nov. 30, 1935.
Costa Rica	Colon	7879	Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1922.
Cuba	Peso	1.0000	By law of May 25, 1924.
Czechoslovakia	Koruna	4337	Conversion of notes into gold suspended Sept. 29, 1931.
Denmark	Krone	1.6931	U. S. money is principal circulating medium.
Dominican Republic	Dollar	1.6931	Conversion of notes into gold suspended Feb. 9, 1932.
Ecuador	sucre	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Egypt	Kroon (100 piasters)	4033	Conversion of notes into gold suspended Oct. 12, 1931.
Finland	Markka	0.426	Conversion of monetary law of Oct. 1, 1926, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies.
France	Franc	4033	Exchange control established July 13, 1931.
Germany	Reichsmark		

that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1942, expressed in any such foreign monetary units: *Provided, however*, That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the tariff act of 1930.

(SEAL)  
**D. W. BELL,**  
*Acting Secretary of the Treasury.*

Country	Monetary unit	Value in terms of U. S. money	Remarks
Great Britain	Pound Sterling	\$8.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece	Drachma	0.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala	Quetzal	1.6931	Conversion of notes into gold suspended Mar. 4, 1933.
Haiti	Gourde	2000	National bank notes redeemable on demand in U. S. dollars.
Honduras	Lempira	8466	Gold exports prohibited Mar. 27, 1933; lempira circulates as equivalent of half of U. S. dollar.
Hungary	Pengo	2961	Exchange control established July 17, 1931.
India [British]	Rupee	6180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster		Piaster pegged to French franc at the rate of 1 piaster = 10 French francs; conversion of notes into gold suspended Oct. 2, 1936.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	0.0526	New gold content of 46.77 milligrams of fine gold per lire established by monetary law of Oct. 5, 1936.
Japan	Yen	8440	Embargo on gold exports Dec. 13, 1931.
Latvia	Lat		Currency pegged to sterling Sept. 28, 1939, at 2.522 lat = £100; on Sept. 13, 1939, a law was passed providing that if the pound sterling should depreciate by more than 8 percent with respect to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on the rate of other monetary units circulating medium.
Lithuania	Dollar	1.6931	British money is principal circulating medium.
Mexico	Lira	1.693	Free export of gold suspended Oct. 1, 1935.
Netherlands and colonies	Guilder (florin)	6806	Decrease of Aug. 28, 1938, left the monetary unit, the peso, to be later defined by law. Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1939; gold export prohibition repealed by decree June 28, 1938; Netherlands financial agreement of June 14, 1940, established the official rate of exchange between the Netherlands Indies guilder and the pound sterling at 7.60 guilders for £1 sterling. By act of September 23, 1940, the Netherlands Indies Volksraad decided, subject to later ratification by law, that the Java Bank shall fix the value of its stocks of gold coin and bullion at Fl. 2.12 per kilogram fine. Newfoundland and Canadian notes legal tender. Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1934; exchange regulations Dec. 1931. Embargo on gold exports Nov. 13, 1931. Conversion of notes into gold suspended Sept. 29, 1931. U. S. money is principal circulating medium. Paraguay and paper 28, 1932. Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936. Conversion of notes into gold suspended May 15, 1932. By act approved Mar. 16, 1935. Exchange control established Apr. 27, 1934. Gold exchange standard suspended Dec. 31, 1931. Exchange control established May 18, 1932. Conversion of notes into gold suspended Oct. 7, 1931. British pound sterling and Straits dollar and half dollar legal tender. Conversion of notes into gold suspended Sept. 29, 1931. Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 130 and 215 milligrams of this gold. Conversion of notes into gold suspended May 11, 1932. 100 piasters equal to the Turkish Lira; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930. Conversion of notes into gold suspended Dec. 28, 1932. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .88018 grams of pure gold per peso established by monetary law of Jan. 12, 1938. Exchange control established Dec. 12, 1936. Exchange control established Oct. 7, 1931.

[P. R. Doc. 42-6486; Filed, July 8, 1942; 11:21 a. m.]

JULY 1, 1942



## TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

## Subchapter A—General Provisions

## PART 903—DELEGATIONS OF AUTHORITY

[Amendment 2 to Supplementary Directive 1 H]

FURTHER AUTHORIZATION OF OFFICE OF PRICE ADMINISTRATION IN GASOLINE RATIONING

Section 903.9, Supplementary Directive 1 H,<sup>1</sup> is hereby amended to read as follows:

§ 903.9 *Further delegation of authority to the Office of Price Administration with reference to rationing of gasoline.*<sup>2</sup>

(a) In order to permit the efficient rationing of gasoline, the authority delegated to the Office of Price Administration in § 903.1, Directive No. 1, is hereby extended to include the following:

(1) The exercise of rationing control over the sale, transfer, delivery or other disposition of gasoline by any person to any consumer, in cases in which such consumer is within the limitation area, and over the use of gasoline by any such consumer: *Provided*, That such authority shall not include the power to limit or restrict the quantity of gasoline obtainable by the Army, Navy, Marine Corps, or Coast Guard of the United States, or by government agencies or other persons to the extent to which they acquire gasoline for export to and consumption or use in any foreign country; and

(2) The requiring of the delivery of such coupons, certificates or other evidence as the Office of Price Administration may prescribe, as a condition to the sale, transfer, delivery or other disposition of gasoline by any person to any other person in cases in which either person is within the limitation area.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of gasoline to, or acquisition or use of gasoline by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this Supplementary Directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person wherever located, involved directly or indirectly in the sale, transfer, delivery, or other disposition of gasoline to or from any point in the limitation area, or to, from or within a State included in whole or in part in such area, and

(2) To require any person, wherever located, who is involved, directly or indirectly, at any stage in the distribution of gasoline which is ultimately sold, transferred, delivered or otherwise disposed of in the limitation area (whether by such person or by other persons), or is used in the limitation area, to comply with any rule, regulation or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

(d) As used in this supplementary directive, the term "gasoline" means any liquid fuel used for the propulsion of motor vehicles, aircraft or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzene, benzol, and naphtha; the term "person" means any individual partnership, corporation, association, governmental or government agency, and any other organized group or enterprise; the term "consumer" means any person who uses gasoline for any purpose, including use as a component part of any manufactured article, material, or compound; and the term "limitation area" means the entire eastern part of the continental United States up to and including all of the counties of Wayne, Ontario and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair, and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe, and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole and Decatur in the State of Georgia; and Gadsden, Liberty, and that part of Franklin which lies east of the Apalachicola River in the State of Florida.

(e) The authority delegated by paragraphs (a) (b) and (c) of this supplementary directive may also be exercised within or with respect to the entire area within fifty (50) miles of the limitation area.

(f) This supplementary directive shall become effective July 9, 1942.

(E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; E.O. 9125, Apr. 7, 1942, 7 F.R. 2719; Sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess., and by Pub. No. 507, 77th Cong., 2d Sess.; WPB Dir. No. 1, Jan. 24, 1942, 7 F.R. 562; Supp. Dir. No. 1 H, May 11, 1942, 7 F.R. 562, 3478; WPB Reg. No. 1, Jan. 26, 1942, 7 F.R. 561, as amended Mar. 14, 1942, 7 F.R. 2126.)

Issued this 8th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6499; Filed, July 8, 1942; 11:56 a. m.]

## Subchapter B—Division of Industry Operations

## PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

APPENDIX TO SCHEDULE III TO LIMITATION ORDER NO. L-120<sup>1</sup>

## FINE WRITING PAPERS

## Rag Content Bond Paper

## (i) Grades.

25 percent rag content  
50 percent rag content  
75 percent rag content  
100 percent rag content  
Extra 100 percent rag content

(ii) *Sizes*, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

For white and ivory:	For colors:
17 x 22	17 x 22
17 x 28	22 x 34
19 x 24	24 x 38
22 x 34	28 x 34
24 x 38	
28 x 34	
34 x 44	

Typewriter sizes may be made in the 25%, 50%, and 100% rag content grades.

(iii) *Substance weights* (per 500 sheets 17 x 22): 13, 16, 20, and, for 100% rag content, check and safety base stock only, 24. Typewriter sizes may be manufactured in substance weights 11, 13, 16 and 20.

(iv) *Colors*. White, ivory and six other colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content* (if containing wood pulp): At least 5% in substance weights 13 and 16, at least 7% in substance weight 20.

(vi) *Special name watermark*. In "making orders" for at least 2,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each watermark is at least 2,000 pounds. None otherwise.

(vii) *Exceptions*:

(1) *Special sizes*. On "making orders" for at least 2,000 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color and that there is at least 2,000 pounds of each sheet size.

(2) *Special colors*. In "making orders" for at least 10,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each color is at least 10,000 pounds.

(3) *Extra 100% rag content*. Unrestricted in any respect.

(viii) *Remarks*. It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes

<sup>1</sup>7 F.R. 5124.

<sup>1</sup>7 F.R. 3478, 3877.

<sup>2</sup>See Office of Price Administration, *infra*.



which cut economically from a standard size.

*Rag Content Ledger Paper*

(i) *Grades.* Any four of the following, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule:

- 25 percent rag content
- 50 percent rag content
- 75 percent rag content
- 85 percent rag content
- 100 percent rag content

and, in addition to the four selected, extra 100% rag content.

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).*

17 x 22	22 x 34
17 x 28	24 x 38
19 x 24	28 x 34
22½ x 22½	

(iii) *Substance weights (per 500 sheets 17 x 22):* 24, 28, 32, and, in 100% Rag Content, 36.

(iv) *Colors.* White, blue and buff.

(v) *Ash content (if containing wood pulp):* At least 7%.

(vi) *Special name watermark.* In "making orders" for at least 2,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each watermark is at least 2,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 2,000 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color and that there is at least 2,000 pounds of each sheet size.

(2) *Special colors.* In "making orders" for at least 10,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each color is at least 10,000 pounds.

(viii) *Remarks.* None.

*Rag Content Loose Leaf and/or Machine Posting Ledger Paper*

(i) *Grades.* Any four of the following, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule:

- 25 percent rag content
- 50 percent rag content
- 75 percent rag content
- 85 percent rag content
- 100 percent rag content

and, in addition to the four selected, extra 100% rag content.

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).*

17½ x 22½	22½ x 35
19½ x 24½	24½ x 24½
22½ x 22½	24½ x 28½
22½ x 28½	24½ x 39

(iii) *Substance weights (per 500 sheets 17 x 22):* 24, 28, 32 and, for 100% rag content only, 36.

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content (if containing wood pulp):* At least 7%.

(vi) *Special name watermark.* In "making orders" for at least 2,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each watermark is at least 2,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 2,000 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color and that there is at least 2,000 pounds of each sheet size.

(2) *Special colors.* In "making orders" for at least 10,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each color is at least 10,000 pounds.

(3) *Extra 100% rag content.* Unrestricted in any respect.

(viii) *Remarks.* None.

*Rag Onton and/or Manifold Paper*

(i) *Grades:*

- 25% rag content
- 50% rag content (on Government orders only)
- 75% rag content (only in white)
- 100% rag content

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 500 pounds).*

For white:	For colors:
21 x 32	22 x 34
22 x 34	24 x 38
24 x 38	28 x 34
26 x 34	
28 x 34	

(iii) *Finishes and substance weights.* Only in those regularly manufactured by the particular manufacturer as of December 1, 1941 but no substance weight in excess of 9 pounds (per 500 sheets 17 x 22).

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content (if containing wood pulp).* No minimum.

(vi) *Special name watermark.* In "making orders" for at least 1,000 pounds, any special name watermark or watermarks, provided that each item of the order is standard as to grade, color, substance weight and finish, that the quantity of each size is at least 500 pounds, and that the quantity of each watermark is at least 1,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 500 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and finish and color and that there is at least 500 pounds of each sheet size.

(2) *Special colors.* In "making orders" for at least 5,000 pounds, any color or colors required, provided that each item is standard as to grade, substance weight and finish, that the quantity of any size or sizes required is at least 500 pounds, and that the quantity of each color is at least 5,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

*Rag Content Index*

(i) *Grades.*

- 25 percent rag content
- 50 percent rag content
- 100 percent rag content
- Extra 100 percent rag content

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).*

20½ x 24¾
25½ x 30½

(iii) *Substance weights (per 500 sheets 25½ x 30½):* 90, 110, 140, and 170.

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content (if containing wood pulp):* At least 7%.

(vi) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 2,000 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color and that there is at least 2,000 pounds of each sheet size.

(2) *Special colors.* In "making orders" for at least 5,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each color is at least 5,000 pounds.

(3) *Extra 100% rag content.* Unrestricted in any respect.



(vii) *Remarks.* None.

**Rag and Chemical Wood Pulp Machine Finish Cover Paper**

(i) *Grades:* 2 Grades of rag content; 2 Grades of wood pulp; 1 Grade of ground wood content. Each selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

20 x 26  
23 x 35  
26 x 40

(iii) *Substance weights* (per 500 sheets 20 x 26): 50, 65, 80, and 130, and in Ground Wood Content Grade only, 40.

(iv) *Colors.* White, either ivory or India but not both, and six other colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content* (if containing wood pulp): At least 7%.

(vi) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 2,000 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color and that there is at least 2,000 pounds of each sheet size.

(2) *Special colors.* In "making orders" for at least 5,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each color is at least 5,000 pounds.

(vii) *Remarks.*

(1) The foregoing applies to Specialty Cover Papers (Coated, Waterproofed, Embossed, etc.) except that a manufacturer may make Specialty Cover Papers in sizes and weights which he was regularly manufacturing as of December 1, 1941 but in no other sizes and weights unless permitted by the terms of (vi) above.

(2) Only the substance weights permitted by the foregoing may be made but combinations of such substance weights may be pasted together.

(3) Normal after finishing operations, such as embossing or special decorations, are permitted, provided that the Antique finish base stock conforms to the foregoing.

**Rag Content Writing and/or Linen Paper**

(i) *Grades.* Not more than 3 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

17 x 22  
22 x 34

(iii) *Substance weights* (per 500 sheets 17 x 22): 20 and 24.

(iv) *Colors.* White and ivory and three other colors selected according to

subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content* (if containing wood pulp): At least 7%.

(vi) *Special name watermark.* In "making orders" for at least 2,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each watermark is at least 2,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 2,000 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color and that there is at least 2,000 pounds of each sheet size.

(2) *Special colors.* In "making orders" for at least 5,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each color is at least 5,000 pounds.

(viii) *Remarks.* None.

**Rag Content Wedding Paper**

(i) *Grades.* Not more than 3 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds):

For white: 22 x 34  
22½ x 28½  
For ivory: 22 x 34

(iii) *Substance weights* (per 500 sheets 17 x 22)—28, 32, and 36; (per 500 sheets 22½ x 28½)—120, 140, and 160.

(iv) *Colors.* White and ivory.

(v) *Ash content* (if containing wood pulp): At least 7%.

(vi) *Special name watermark.* In "making orders" for at least 2,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each watermark is at least 2,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 2,000 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color and that there is at least 2,000 pounds of each sheet size.

(2) *Special colors.* In "making orders" for at least 5,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each color is at least 5,000 pounds.

(viii) *Remarks.* An order for pasted weights may be manufactured if the Rag Content Wedding Paper used is of a grade, size, weight and color conforming to the other provisions of this caption.

**Blue Print, Direct Line and Reproduction Paper**

*Remarks.* No person may manufacture blue print, direct line and reproduction paper otherwise than according to the following tables:

**SHEETS**

Grades	Dimensions in inches	Weights in pounds per 500 sheets
Negative 100% rag content.	17 x 22	14
100% reproduction.....	17 x 22	17-20½-24
60% rag content.....	17 x 22	17-20½
25% rag content.....	17 x 22	17-20½
No rag content.....	17 x 22	17-20½

**ROLLS**

Grades	Inches wide	Substance weight (in pounds per 500 sheets 17 x 22)
All above.....	24, 30, 36, 42, 48, and 54.	Any of the above.

Rolls of other widths than the above may be manufactured in quantities of 10,000 pounds, provided the grade and substance weight conform to the above.

**Chemical Wood Pulp Bond Paper (Sulphite Bond)**

(i) *Grades.* Not more than 3 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing Schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

For white and ivory:

17 x 22 22 x 34  
17 x 28 24 x 38  
19 x 24 28 x 34  
21 x 32 34 x 44

For colors:

17 x 22 22 x 34  
17 x 28 24 x 38  
19 x 24 28 x 34

And typewriter sizes.

(iii) *Substance weights* (per 500 sheets 17 x 22): 13, 16 and 20.

(iv) *Colors.* White, ivory and six other colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* At least 5% in substance weights 13 and 16; At least 7% in substance weight 20.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000 pounds, and that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets,



or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

*Chemical Wood Pulp Ledger Paper (Sulphite Ledger)*

(i) *Grades.* Not more than 3 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).*

17 x 22	28 x 34
17 x 28	22½ x 22½
19 x 24	22½ x 34½
22 x 34	24½ x 24½
24 x 38	

(iii) *Substance weights (per 500 sheets 17 x 22):* 24, 28 and 32.

(iv) *Colors.* White and buff.

(v) *Ash content:* At least 7%.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000 pounds, that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* None.

*Chemical Wood Pulp Mimeograph Paper*

(i) *Grades.* Not more than 2 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).*

17 x 22	22 x 34
17 x 28	28 x 34

(iii) *Substance weights (per 500 sheets 17 x 22):* 16 and 20.

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* At least 5% in substance weight 16 and at least 7% in substance weight 20.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000 pounds, that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

*Chemical Wood Pulp Gelatin and Spirit Process Duplicating Copy Papers*

(i) *Grades.* 2 grades of chemical wood pulp gelatin process duplicating copy paper; 2 grades of chemical wood pulp spirit process duplicating copy paper. Each selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds)*

17 x 22	22 x 34
17 x 28	24 x 38
19 x 24	28 x 34
21 x 32	

(iii) *Substance weights (per 500 sheets 17 x 22):* 16 and 20 for colors; 13, 16 and 20 for white.

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* At least 5% in substance weights 13 and 16, and at least 7% in substance weight 20.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000 pounds, that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

*Chemical Wood Pulp Writing Paper (Wove)*

(i) *Grades.* Not more than two grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).*

17 x 22	22 x 34
17 x 28	24 x 38
19 x 24	28 x 34

(iii) *Substance weights (per 500 sheets 17 x 22):* 16 and 20, and, when expressly made for Addressograph 3700 machine or check and/or safety base stock, 24.

(iv) *Colors.* White.

(v) *Ash content.* At least 5% in substance weight 16 and at least 7% in substance weights 20 and 24.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000



pounds, and that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(3) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors, required, provided that each item is standard as to grade and substance weight that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

*Chemical Wood Pulp Onion Skin And/Or Manifold Paper*

(i) *Grades.* No more than 3 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

For white:	For colors:
21 x 32	22 x 34
22 x 34	24 x 38
24 x 38	28 x 34
26 x 34	
28 x 34	

(iii) *Finishes and substance weights.* Only those regularly manufactured by the particular manufacturer as of December 1, 1941, but no substance weight in excess of 10 pounds (per 500 sheets 17 x 22).

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* No minimum.

(vi) *Special name watermark.* In "making orders" for at least 2,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each watermark is at least 2,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 2,000 pounds, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color and that there is at least 2,000 pounds of each sheet size.

(2) *Special colors.* In "making orders" for at least 5,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special size is at least 2,000 pounds, that the quantity of each standard size is at least 1,000 pounds, and that the quantity of each color is at least 5,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations of typewriter paper or the cutting of sizes which cut economically from a standard size.

*Chemical Wood Pulp Index Bristol*

(i) *Grades.* No more than 3 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

20½ x 24¾
25½ x 30½

(iii) *Substance weights* (per 500 sheets 25½ x 30½): 90, 110, 140, and 220.

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* At least 7%.

(vi) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(vii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

*Chemical Wood Pulp Printing Bristols*

(i) *Grades.* Not more than 3 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds): 22½ x 28½.

(iii) *Substance weights* (per 500 sheets 22½ x 28½): 90, 100, 120, 140 and 160.

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing Schedule.

(v) *Ash content.* At least 7%.

(vi) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or

sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(vii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

*Chemical Wood Pulp Vellum and/or Wedding Paper*

(i) *Grades.* Not more than 2 grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

White	Ivory, granite	Other colors
22 x 34	22 x 34	22 x 34
22½ x 28½		35 x 45

(iii) *Actual weights.*

(1) *White,* in pounds per 500 sheets for size 22" x 34", 48, 56, 64 and 72, and in pounds per 500 sheets for size 22½" x 28½", 100, 120, 140, 160 and 180.

(2) *Ivory and granite,* in pounds per 500 sheets for size 22" x 34", 48, 56, 64, and 72.

(3) *Other colors,* in pounds per 500 sheets for size 22" x 34", 48 and 56, and in pounds per 500 sheets for size 35" x 45", 118.

(iv) *Colors.* White, ivory, granite and six other colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* At least 7%.

(vi) *Special name watermark or regular fancy laid or laid papers.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000 pounds, that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required: *Provided,* That each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.



(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required: *Provided*, That each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, and that the quantity in rolls is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* The above paper may be manufactured in deckle edge only for a "making order" of at least 5,000 pounds all of one standard grade, size, weight and color and one primary finish. Pasted weights may be supplied in even multiples of standard substance weights.

*Converting Grades of Chemical Wood Pulp Paper*

NOTE: Not to be manufactured except for "making orders" for, in sheets, at least 5,000 pounds of each item or, in rolls, at least 2,000 pounds, but the roll sizes within this 2,000 pounds may vary, provided that the grade, color and substance weight remain the same.

(i) *Grades.* Any three grades, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes.* Any size, sheet or roll, provided that, in sheets, the quantity of each size in any one item be at least 5,000 pounds and in rolls, the quantity of each item be at least 2,000 pounds, but the roll sizes within this 2,000 pounds may vary if the grade, color and substance weight remain the same.

(iii) *Substance weights* (per 500 sheets 17 x 22): In white and ivory, 16, 20, 24, and 28 and in colors, 20, 24, and 28.

(iv) *Colors.* White and Ivory and six other colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash Content.* At least 7%.

(vi) *Special name watermark or regular fancy laid or laid papers.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each sheet size is at least 5,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each sheet size is at least 5,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* The above paper may be manufactured in deckle edge only for a "making order" of at least 5,000 pounds all of one standard grade, size, weight and color and one primary finish.

Pasted weights may be supplied in even multiples of standard substance weights.

*Register, Continuous Form, And/Or Sales Book Chemical Wood Pulp Bond Paper*

NOTE: Not to be manufactured except for "making orders" for, in sheets, at least 5,000 pounds of each item or, in rolls, at least 2,000 pounds, but the roll sizes within this 2,000 pounds may vary, provided that the grade, color and substance weight remain the same.

(i) *Grades.* One grade only, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes.* Any size, sheet or roll, provided that, in sheets, the quantity of each size in any one item be at least 5,000 pounds, and in rolls, the quantity of each item be at least 2,000 pounds, but the roll sizes within this 2,000 pounds may vary if the grade, color and substance weight remain the same.

(iii) *Substance weights* (per 500 sheets 17 x 22): 10, 12, 15 and 20.

(iv) *Colors.* White and five colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* At least 3% in substance weights 10 and 12; at least 5% in substance weight 15; at least 7% in substance weight 20.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each sheet size is at least 5,000 pounds and that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* None.

*Chemical Wood Pulp Opaque Circular Paper*

(i) *Grades.* No more than one grade, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

17 x 22	28 x 34
17 x 28	35 x 45
22 x 34	38 x 50
25 x 38	

(iii) *Substance weights* (per 500 sheets 17 x 22): 13, 16, 20 and 24.

(iv) *Colors.* White.

(v) *Ash content.* At least 5% in substance weight 13; at least 7% in substance weight 16; at least 10% in substance weight 20 or more.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds,

any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000 pounds, that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

*Ground Wood Content Bond Paper*

(i) *Grades.* Not more than one grade selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes,* in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).

17 x 22	22 x 34
17 x 28	24 x 38
19 x 24	28 x 34

(iii) *Substance weights* (per 500 sheets 17 x 22): 16 and 20.

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* At least 5% in substance weight 16; at least 7% in substance weight 20.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000 pounds, that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least



5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other sizes which cut economically from a standard size.

#### Ground Wood Content Mimeograph Paper

(i) *Grades.* Not more than one grade, selected according to subparagraph (2) of paragraph (b) of the foregoing schedule.

(ii) *Sizes, in inches, sheets only (no rolls except for "making orders" of at least 2,000 pounds).*

17 x 22	22 x 34
17 x 28	28 x 34

(iii) *Substance weights (per 500 sheets 17 x 22):* 16 and 20.

(iv) *Colors.* White and six colors selected according to subparagraph (3) of paragraph (b) of the foregoing schedule.

(v) *Ash content.* At least 5% in substance weight 16, at least 7% in substance weight 20.

(vi) *Special name watermark.* In "making orders" for at least 5,000 pounds, any special name watermark or watermarks required, provided that each item of the order is standard as to grade, color and substance weight, that the quantity of each special size is at least 5,000 pounds, that the quantity of each standard size is at least 2,000 pounds, and that the quantity of each watermark is at least 5,000 pounds. None otherwise.

(vii) *Exceptions.*

(1) *Special sizes.* In "making orders" for at least 5,000 pounds, if in sheets, or 2,000 pounds, if in rolls, any size or sizes (sheet or roll) required, provided that each item is standard as to grade, substance weight and color, that the quantity of each special sheet size is at least 5,000 pounds, and that the quantity in rolls, if any, is at least 2,000 pounds.

(2) *Special colors.* In "making orders" for at least 20,000 pounds, any color or colors required, provided that each item is standard as to grade and substance weight, that the quantity of each special sheet size is at least 5,000 pounds, that the quantity of each standard sheet size is at least 2,000 pounds, that the quantity in rolls, if any, is at least 2,000 pounds, and that the quantity of each color is at least 20,000 pounds.

(viii) *Remarks.* It is not intended by the foregoing to restrict normal finishing operations, or the cutting of other

sizes which cut economically from a standard size.

Issued this 4th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6485; Filed, July 8, 1942; 11:25 a. m.]

#### Chapter XI—Office of Price Administration

##### PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 1 to Maximum Price Regulation 169<sup>1</sup>]

##### BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Added: §§ 1364.52 (a) (3) (iii), (a) (4), 1364.57 (b), 1364.60 (a), 1364.62 (a) (9), (a) (10), 1364.63 (a).

Amended: §§ 1364.51 and headnote, 1364.52 (a) (2) (ii), (a) (3), (b), 1364.53 text preceding (a), (c) (1), 1364.55, 1364.60 headnote, 1364.62 (a) (2), (a) (4), (a) (6).

Redesignated: Text of § 1364.57 designated (a), text of § 1364.60 designated (b), all as set forth below:

§ 1364.51 *Prohibition against selling or delivering beef or veal carcasses or wholesale cuts in violation of the provisions of this regulation.* On and after July 13, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver any beef or veal carcass or wholesale cut, and no person in the course of trade or business shall buy or receive any beef or veal carcass or wholesale cut at a price higher than the maximum price permitted by § 1364.52 or contrary to the provisions of paragraph (b) of § 1364.57; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of beef or veal carcasses or wholesale cuts to a purchaser if, prior to July 13, 1942, such carcasses or wholesale cuts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.52 *Maximum prices for beef and veal carcasses and wholesale cuts.* \* \* \*

(a) \* \* \*  
(2) \* \* \*

(i) In the event that fores and hinds of each grade when sold separately at the prices computed pursuant to subparagraph (2) (i), would yield a greater total sales realization than the total sales realization obtainable from the sales of the same fores and hinds of each grade in carcass form, at the seller's maximum price for a carcass of such grade, the seller shall adjust downward the prices of such fores and hinds to remove such

excess. In making such adjustment, the seller shall not change the price differential in cents per pound between hinds and fores as established pursuant to subparagraph (2) (i). No such adjustment need be made if the seller sold no carcass of such grade during the period March 16 to March 28, 1942. The price so fixed and adjusted shall be the seller's maximum price for such quarter or saddle, and he may not thereafter charge any higher price.

(3) The maximum price for each grade of each fresh or frozen wholesale cut, other than boned and kosher cuts, shall be determined as follows:

(iii) In the event that the seller sold no quarter of a particular grade during the period March 16 to March 28, 1942, the maximum price for each wholesale cut derived from a quarter of such grade shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of his sales of such cut was made during such period.

(4) The maximum price for each grade and brand of each other wholesale cut (i. e., wholesale cuts which are boned, canned, ground or processed, and kosher wholesale cuts) shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of such wholesale cut were made during such period.

(1) The seller shall ascertain zones for all car routes operated from the same shipping point, upon the basis of 25¢ per cwt. differences in transportation and icing charges. If the car route is operated by truck such transportation and icing charges shall be determined by reference to the tariff of any common carrier trucker who has filed such tariff with the Interstate Commerce Commission.

(2) As used in this paragraph (b) of § 1364.52, the term "average transportation charge" means the transportation charge in any zone determined by adding to the lowest transportation and icing charge in such zone the highest transportation and icing charge in such zone and dividing the resulting sum by two.

(3) The seller shall deduct from the prices charged by him for products delivered in each zone during the period March 16 to March 28, 1942 the average transportation and icing charge in such zone.

(4) Using the prices computed under paragraph (b) (3) of this section, the seller shall determine f. o. b. shipping point prices for each grade of each carcass, side, quarter and saddle and for each grade of each wholesale cut in the manner provided for in subparagraphs (1), (2), (3) and (4) of paragraph (a) of this section.

(5) Maximum prices in each car route zone shall be determined by adding to



the f. o. b. shipping point price determined under subparagraph (b) (5) of this section the average transportation charge in such zone.

§ 1364.53 *Duty to maintain and identify grades.* No person shall sell or offer for sale, and no person in the course of trade or business shall buy or receive any beef or veal carcass or wholesale cut unless each such carcass or cut has been identified by grade in accordance with the provisions of this section. No custom slaughterer shall ship or deliver any beef or veal carcass or wholesale cut unless each such carcass or cut has been identified by grade in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section; shall compute his maximum prices upon the basis of such uniform grades rather than upon the basis of his own grades, as provided in paragraph (b) of this section; and shall identify his products by grade letters, as provided by paragraph (c) of this section.

(c) (1) No person shall sell, deliver, or break any beef or veal carcass unless a stamp has been placed thereon with harmless marking fluid conforming to the formula for violet branding fluid approved by the United States Department of Agriculture, Bureau of Animal Industry, set forth in Appendix C hereof, and incorporated herein as § 1364.66, marking the appropriate grade letter, as hereinafter designated, in such manner as to identify by such letter the uniform grade of each wholesale cut which may be derived from such carcass, except that in the case of a calf or veal carcass sold with the skin on, the grade letter shall be stamped only on the shanks and briskets. He shall similarly stamp upon all bull and stag carcasses their sex identification. The grade identification of each beef or veal carcass and wholesale cut must appear on the seller's invoice.

§ 1364.55 *Exempt sales.* The provisions of this Maximum Price Regulation No. 169 shall not apply to sales at retail; nor to sales to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States of (a) products the maximum prices of which are fixed by Maximum Price Regulation No. 156, and (b) any products sold under contracts entered into prior to July 13, 1942.

§ 1364.57 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 169 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery,

purchase, or receipt of, or relating to beef or veal carcasses or wholesale cuts, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or grading or the style in effect during the base period, March 16 to March 28, 1942, of cutting, trimming, curing, smoking, cooking, drying, or otherwise processing, or the canning, wrapping or packaging of wholesale cuts.

(b) Any person who slaughters cattle or calves as a service for the purchaser of such cattle or calves shall remit to such purchaser an amount sufficient to make the cost of the dressed carcass, or of the wholesale cuts derived therefrom, to such purchaser equal to or less than the costs which would be incurred by the purchaser if he purchased such carcass or cuts from the slaughterer at the slaughterer's maximum prices therefor: *Provided*, That this requirement shall not apply in cases where the purchaser does not acquire such carcasses or cuts for resale in any form. If the slaughterer sold no carcass or cut of the relevant grade during the base period March 16 to March 28, 1942, his maximum prices, within the meaning of this paragraph, for a carcass or wholesale cuts of such grade shall be the maximum prices of the most nearly competitive seller who sold a carcass or wholesale cuts of such grade during the base period. To enable the slaughterer to determine the amount to be remitted to the purchaser, it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the cattle or calves slaughtered.

§ 1364.60 *Petitions for amendment or adjustment.* (a) The Office of Price Administration may by order adjust any maximum price established under § 1364.52 for any seller who petitions for such adjustment in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, in any case in which such seller shows:

(1) That such maximum price causes him hardship and is abnormally low in relation to the maximum prices established for competitive sellers;

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers will not cause or threaten to cause an increase in the level of retail prices.

(b) Persons seeking modification of any provision of this Maximum Price Regulation No. 169 or an adjustment or exception not provided for therein may file petitions for amendment in accordance

<sup>2</sup> 7 F. R. 971.

with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.62 *Definitions* (a) \* \* \*

(2) "Seller" means any person who sells, supplies, disposes, barter, exchanges, transfers and delivers, and contracts and offers to do any of the foregoing. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller, except that all places of business owned or controlled by the same person, and selling in the same market area shall be regarded as a single seller. Each shipping point from which a car route or car routes originate shall be deemed a separate seller. If more than half of the sales at any one place of business are sales of kosher cuts or of cuts derived from kosher carcasses the sales at such place of business shall not be included with sales at any other place of business in computing maximum prices.

(4) "Wholesale cuts" means all cuts and combinations of cuts derived from the dressed beef or veal carcass, including but not limited to: (i) fore-quarters and hind-quarters and fore-saddles and hind-saddles; (ii) rough and trimmed, bone in and boneless, whole and sliced; (iii) fresh, frozen, cured, pickled, spiced, smoked, cooked, dried or otherwise processed; and including ground hamburger and sausage containing any proportion of beef or veal. Kosher wholesale cuts shall for the purposes of § 1364.52 be regarded as separate wholesale cuts, and kosher carcasses shall be regarded as separate carcasses.

Cuts of each grade and brand, and in each stage of processing, shall be considered separate wholesale cuts. Trimmings of each grade and in each stage of processing shall be considered separate wholesale cuts. Each type of canned and packaged meat, made entirely from beef or veal, shall be considered a separate wholesale cut.

(6) "Carload" means: (i) a shipment by rail of fresh, frozen or cured meat cuts or carcasses, to a single delivery point, of at least the minimum weight as set forth in the tariffs of railroad carriers, upon which shipment the railroad carload rate from the point of shipment to the point of destination is based: *Provided*, That where a smaller quantity is shipped which could move at a railroad carload rate rather than at a railroad less-than-carload rate because a lower transportation charge is produced thereby, such smaller quantity shall be considered a carload lot;

(ii) A shipment by motor truck or trucks, to a single delivery point, of 15,000 pounds or more of fresh, frozen,



or cured meat cuts and/or carcasses as a single bulk sale transaction; and  
 (iii) Any single bulk sale transaction wherein the buyer takes delivery, at the seller's place of business, of 15,000 pounds or more of fresh, frozen or cured meat cuts or carcasses.

(9) "Car route" means a shipment by rail or truck, other than a carload, to a place outside of the market area in which the shipping point is located.

(10) "Market area" means any municipality or group of municipalities each of which has a common boundary with another: *Provided*, That such market area shall in no event extend in any direction further than fifty miles from the seller's shipping point.

§ 1364.63 *Effective date.* \* \* \*

(a) Amendment No. 1 (§§ 1364.52 (a) (3) (iii), (a) (4), 1364.57 (b), 1364.60 (a), 1364.62 (a) (9), (a) (10), 1364.63 (a), 1364.51 and headnote, 1364.52 (a) (2) (ii), (a) (3), (b), 1364.53 text preceding (a), (c) (1), 1364.55, 1364.60 headnote, 1364.62 (a) (2), (a) (4), (a) (6), text of 1364.57 designated (a), text of 1364.60 designated (b)) to Maximum Price Regulation No. 169 shall become effective July 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of July 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-6505; Filed, July 8, 1942; 1:08 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[Amendment 5 to Maximum Price Regulation 118<sup>1</sup>]

COTTON PRODUCTS

MISCELLANEOUS AMENDMENTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1400.104 is amended; in § 1400.106, the clause in (b) which immediately precedes (1) is amended and a new paragraph (d) is added; in § 1400.115 (a) (5) (ii) new inferior subdivisions (l) and (m) are added; in § 1400.118, the headnote is amended, a new subparagraph (3) is added to (a), the word "below" appearing in (d) (5) is amended to read "above", in (d) (10) (iii) (a) the maximum price for gingham reference number 24 is amended to read

<sup>1</sup> 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405.

"14<sup>1</sup>/<sub>8</sub>" instead of "14<sup>1</sup>/<sub>2</sub>", a new class, A, is added to (d) (13) (vi), in (d) (14) (ii) (a) the size "21" x 40'" under *standard gauze diaper* is amended to read "20" to 21" x 40'", in (d) (18) new reference numbers 3 through 6 are added; and new subparagraphs (20) through (23) are added to (d).

§ 1400.104 *Wholesalers, jobbers, and retailers.* The provisions of this Maximum Price Regulation No. 118 are not applicable:

(a) To sales and deliveries of cotton products in the performance of a recognized distributive function<sup>7a</sup> by any wholesaler, jobber, or retailer not controlling, controlled by, or under common control with the producer;<sup>7a</sup>  
 (b) To sales and deliveries of laundry textiles and laundry textile products to laundries and linen-supply houses by Rockweave Division, Callaway Mills, La Grange, Georgia; or

(c) To retail sales<sup>7b</sup> of cotton products by the producer thereof through a retail establishment owned, maintained and regularly operated by such producer prior to May 4, 1942: *Provided*, That the maximum prices established herein shall apply to all sales and deliveries to a converter or finisher.

§ 1400.106 *War procurement.* \* \* \*

(b) *Contracts with and deliveries to war procurement agencies, contractors, and subcontractors.* The General Maximum Price Regulation,<sup>2</sup> Maximum Price Regulation No. 157,<sup>3</sup> and the maximum prices established in this Maximum Price Regulation No. 118 shall not apply to:

(d) *Finished piece goods supplied to war procurement agencies.* (1) Sales and deliveries to a war procurement agency of finished piece goods of the types and made to the specifications (in their present form or as hereafter amended) listed in (2) below shall be exempt from maximum prices, by whatsoever Regulation or Schedule established, until July 15, 1942. On and after July 15, 1942, but not prior thereto, such sales and deliveries shall be subject to Maximum Price Regulation No. 157.

<sup>2</sup> 7 F.R. 3135, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

<sup>3</sup> 7 F.R. 4273, 4541, 4618.

<sup>7a</sup> No sale is made in the performance of a recognized distributive function, within the meaning of this Maximum Price Regulation No. 118, unless it advances the goods sold to the next stage of distribution. Presumptively, sales by one jobber to another, or by one manufacturer to another engaged in the same type of business, are not sales in the performance of a recognized distributive function.

<sup>7b</sup> The term "producer," as used herein, includes converter, finisher, or fabricator.

<sup>7c</sup> The term "retail sales," as used herein, means sales in small quantities to ultimate consumers for direct household consumption, and not for further processing or resale in any form.

(2)

Reference No.	Type of goods	Specification
1	8.2 oz. twill.....	PQD 33-A, Type IV.
2	Dyed herringbone twill.	U. S. Army 6-261.
3	Dyed herringbone twill.	Marine Corps Specifications Feb. 1, 1940, corrected to June 10, 1940, revised Mar. 11, 1942.
4	Sanforized grey drill.	U. S. Army 6-247.
5	Dyed drill.....	CCC-D-651.
6	Silesia.....	U. S. Army 6-18-C.
7	Dyed sheeting.....	14-6A and dyed sheeting described in Philadelphia Quartermaster Invitation 669-42-Neg-272.
8	Water-repellent cloth.	PQD 127.

§ 1400.115 *Definitions.* (a) \* \* \*

(5) "Cotton products" \* \* \*

(i) The term does not include \* \* \*

(l) Products of the following persons:

Bridgeton Textiles, Inc., Bridgeton, N. J.; Clinton Towel Co., Clinton, Mass.; Diamond Towel Mills, Philadelphia, Pa.; Eureka Mills, Inc., Philadelphia, Pa.; Frederick Neuburger & Co., Paterson, N. J.; Hall Textile Corp., Jamestown, N. Y.; Holt-Manufacturing Co., Inc., Paterson, N. J.; R. L. Kaler Co., Hatfield, Pa.; Klein & Co., Philadelphia, Pa.; George McArthur & Sons, Baraboo, Wis.; Niagara Textile Co., Lockport, N. Y.; Oldham Towel Mills, Newportville, Pa.; Paul Manufacturing Co., Philadelphia, Pa.; Reading Towel Manufacturing Co., Reading, Pa.; Somerset Mills, Inc., Roxboro, N. C.; Standard Terry Mills, Souderton, Pa.; Vamoco Mills, Franklinton, N. C.; Virginia Towel Mills, Philadelphia, Pa.; Ward-Davidson Co., Philadelphia, Pa.; Charles F. Woehr Co., Philadelphia, Pa.

(m) Goods delivered by Stevens Manufacturing Company, Burlington, N. C., against orders taken prior to June 22, 1942.

§ 1400.118 *Specific and formula maximum prices for certain cotton products: construction reports.* (a) The effective dates of the maximum prices set forth in (d) below are as follows:

(3) For bedspreads: May 4, 1942; for miscellaneous special products, reference numbers 3 through 6, and play cloth; July 7, 1942; for Class A wide industrial drills and four-leaf twills, tobacco seed-bed covers, and wide print cloths: July 11, 1942.

(13) *Wide industrial sheeting, drills, twills, broken twills, and sateens.* \* \* \*

(vi) *Wide industrial drills and four-leaf twills.* \* \* \*

Class	Yds. per lb., prorata to 37"	Cents per lb.
A	2.00 and under.....	43 <sup>3</sup> / <sub>8</sub>



(18) Miscellaneous special products.

	Description	Producer	Maximum price
3	Special Dobby Tobacco Cloth, Style #440-13.....	Fitzgerald Cotton Mills.....	6½ cents per sq. yd.
4	Wide fancy doobby Fitzgerald style #1029A, Locke style #600.	Fitzgerald Cotton Mills; Locke Cotton Mills.	45 cents per yd.
5	Baling fabric of the following specifications: Yarn made on woolen system in whole or predominantly of cotton waste; yarn number 1.6; thread count 12 x 12; minimum breaking strength 50 lbs. warp, 50 lbs. filling; weight, 12 oz. per sq. yd.	Any mill which during 1941 was primarily engaged in the production of tapestries, carpets, or plushes.	44.64 cents per lb. <sup>1</sup>
6	Luggage cloth..... Type A: 37" 54 x 36 3.70 yds..... Type B: 37" 76 x 34 3.10 yds.....	Stonewall Cotton Mills, Inc.....	16¾ cents per sq. yd. 21 cents per yd.

<sup>1</sup> This price is the maximum price for goods produced by mills falling within the class described in the column headed "Producer." The maximum price for any other producer shall be determined in accordance with § 1400.101 (b).

(20) *Play cloth.* (i) The maximum prices for the following lines of play cloth, 5.00 to 5.10 yd., mill finish, shall be 12¾ cents per yard.

Seller	Trade name
Riverside & Dan River Cotton Mills, Inc.	28" Tot Wear.
Iselin-Jefferson Co.	Ruff and Tuff. Belle-vue Cheviot.

(ii) The above maximum price applies to the constructions of play cloth in the above sellers' lines during April, 1942. On or before July 15, 1942, the sellers shall file with the Office of Price Administration a statement of the construction of each fabric in each such line.

(21) *Tobacco seed bed covers.* The maximum price for tobacco seed bed covers shall be the maximum price for the grey cloth plus (i) in the case of covers without grommets, ¾ cent per square yard and (ii) in the case of covers with grommets approximately 18 inches apart on the sides and ends, one cent per square yard.

(22) *Bedspreads.* (i) As used in this subdivision, the term "bedspreads" means bleached dimity, jacquard woven, and yarn-dyed crinkle and doobby bedspreads.

(ii) The maximum price for any bedspread shall be the price established by § 1400.101 plus:

(a) 2½ cents per pound of cotton contained in the bedspread after weaving and before any finishing or fabrication; and

(b) In the case of the following bedspreads, an additional 2½ cents per pound of cotton contained in the bedspread after weaving and before any finishing or fabrication: styles designated Canterbury, Springtime, Fernside, Nina, Lenore, Woodstock, Grace, and Paloma of the Coverlet line manufactured and sold by Monument Mills, Housatonic, Massachusetts.

(23) *Wide print cloths.* (i) As used herein, the term:

(a) "Print cloth" means a woven fabric with warp yarns 28s to 32s, filling yarns

36s to 45s, and average yarns not less than 33s;

(b) "Class" means having total threads per square inch as follows:

Class A.....	160 to 100.
Class B.....	99 to 72.
Class C.....	71 or less.

(c) "Industrial" refers to grey fabrics which are produced under rigid physical specifications, are employed in various mechanical processes or are treated or processed so as to become an integral part of another industrial product rather than the whole product, and are not employed for other conventional textile uses, and shall include wide window shade cloth.

(ii) The maximum prices for print cloth over 42 inches in width shall be:

Class:	Industrial	Other
	(cents per lb.)	
A.....	56½	53
B.....	58	54½
C.....	60	56

No premiums shall be charged for feeler motion, special packaging, specification requirements, or any other element of construction, regardless of whether the goods have in the past commanded a premium for such reason.

(iii) For seconds and shorts of the fabrics listed above the maximum price shall be 5 per cent less than the maximum prices there set forth.

§ 1400.117 *Effective dates of amendments.* \* \* \*

(e) Amendment No. 5 shall become effective as follows:

(1) As of May 4, 1942, in respect to § 1400.118 (d) (22);

(2) As of June 15, 1942, in respect to § 1400.118 (d) (5), (d) (10) (iii) (a), and (d) (14) (ii) (a);

(3) As of July 1, 1942, in respect to § 1400.106;

(4) On July 7, 1942, in respect to §§ 1400.104, 1400.115 (a) (5) (ii) (l) and (m), 1400.118 (d) (18), and (d) (20);

(5) On July 11, 1942, in respect to the headnote to § 1400.118, § 1400.118

(a) (3), (d) (13) (vi), (d) (21), and (d) (23).

(Pub. Law 421, 77th Cong.)

Issued this 7th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6456; Filed, July 7, 1942; 12:09 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5A]

GASOLINE RATIONING REGULATIONS

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board issued January 24, 1942, and by Supplementary Directive No. 1H,<sup>1</sup> issued July 8, 1942, it is hereby ordered, That:

Sec.

1394.151 Definitions.

SCOPE OF RATION ORDER NO. 5A

1394.201 Territorial limitations.

1394.202 Scope of restrictions.

1394.203 Effect on Ration Order No. 1.

ADMINISTRATION AND PERSONNEL

1394.301 Personnel.

1394.302 Jurisdiction of Boards over issuance of rations.

1394.303 Action on applications.

1394.304 Records of applications.

BASIC RATIONS

1394.401 Persons entitled to basic rations.

1394.402 Basic ration books.

1394.403 Application for and issuance of basic rations.

SUPPLEMENTAL RATIONS

1394.501 Supplemental rations.

1394.502 Passenger automobiles or motorcycles for which supplemental rations may not be issued.

1394.503 Application for supplemental ration.

1394.504 Allowance of mileage.

1394.505 Issuance of supplemental rations.

1394.506 Preferred mileage.

FLEET RATIONS (FOR FLEET PASSENGER AUTOMOBILES AND MOTORCYCLES)

1394.601 Fleet rations for passenger automobiles and motorcycles.

1394.602 Persons entitled to fleet rations.

1394.603 Application for fleet rations.

1394.604 Allowance of mileage.

1394.605 Issuance of fleet rations.

SERVICE RATIONS

1394.701 Service rations.

1394.702 Persons entitled to service rations.

1394.703 Service ration for owners of leased vehicles.

1394.704 Service ration books.

1394.705 Application for service ration.

1394.706 Issuance of service rations.

1394.707 Compliance with orders of office of defense transportation.

SPECIAL RATIONS

1394.801 Application for special ration.

1394.802 Form and issuance of special rations.

<sup>1</sup> See War Production Board, *supra*.



NON-HIGHWAY RATIONS	
Sec.	
1394.901	Persons entitled to non-highway rations.
1394.902	Non-highway ration books.
1394.903	Application for non-highway ration.
1394.904	Issuance of non-highway rations.
ISSUANCE OF COUPON BOOKS AND ACKNOWLEDGMENTS OF DELIVERY BY THE OFFICE OF PRICE ADMINISTRATION	
1394.1001	Issuance of ration books by Office of Price Administration.
1394.1002	Acknowledgments of delivery.
RESTRICTIONS ON USE OF RATIONS AND GASOLINE	
1394.1101	Restrictions as to purpose.
1394.1102	Rations not transferable.
1394.1103	Change of occupation of holder of class C ration.
1394.1104	Use of rations issued for vehicles or boats available for public rental.
1394.1105	Restrictions on consumption of gasoline.
1394.1106	Restrictions on blending of gasoline.
1394.1107	Rations for racing or exhibition purposes.
1394.1108	Display of stickers.
1394.1109	Restriction on use of gasoline in vehicle without ration.
RENEWAL OF RATIONS AND ISSUANCE OF FURTHER RATIONS	
1394.1201	Renewal of rations.
1394.1202	Issuance of further ration for use prior to expiration date of current ration.
1394.1203	Special cases.
1394.1204	General provisions.
GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF GASOLINE RATIONS	
1394.1301	Appearance before boards.
1394.1302	Presentation of registration card.
1394.1303	Notation on registration cards.
1394.1304	Notation on ration books and applications.
1394.1305	Change in motor vehicle registration number.
1394.1306	Authorization of bulk purchase.
1394.1307	Lost or destroyed coupons, or coupon books.
1394.1308	Signature on coupon book.
EXPIRATION AND REVOCATION OF RATIONS	
1394.1401	Surrender of expired coupons.
1394.1402	Expiration of rations.
1394.1403	Expiration of rations upon cessation of use or change in ownership.
1394.1404	Denial of gasoline rations.
1394.1405	Suspension and revocation of rations.
1394.1406	Review by local boards of applications for gasoline ration.
RESTRICTION ON TRANSFERS	
1394.1501	Restriction on transfer to consumers.
1394.1502	Transfers to consumers.
1394.1503	Transfers to consumers in exchange for coupons.
1394.1504	Transfers in exchange for acknowledgment of delivery.
1394.1505	Transfers for export.
1394.1506	Emergency transfers.
1394.1507	Transfer of vehicle, boat or equipment.
1394.1508	Transfer of consumer establishments.
1394.1509	Transfers from fuel tank to fuel tank of vehicles and boats forbidden.
1394.1510	Discrimination by dealers and distributors.

REPLENISHMENT AND AUDIT	
Sec.	
1394.1511	Rights of parties to contracts for transfer of gasoline.
1394.1512	Transfer for racing or exhibition use.
1394.1513	Transfers to consumers outside of the limitation area.

Registration of Place of Business	
1394.1601	Registration of inventory and capacity.
1394.1602	What constitutes gasoline on hand.
1394.1603	What constitutes storage capacity.
1394.1604	Issuance of registration certificates.
1394.1605	Issuance of inventory coupons.
1394.1606	Restrictions on use of inventory coupons.

Restriction on Transfers	
1394.1607	Restriction on transfers.
1394.1608	Same; other applicable provisions.
1394.1609	Night deliveries; third party deliveries.
1394.1610	Upstream transfers.

Use of Coupons	
1394.1611	Preservation of coupons; coupon sheets.
1394.1612	Preservation of acknowledgments; summaries of acknowledgments.
1394.1613	Summary of coupons.
1394.1614	Exchange of coupons for certificates.
1394.1615	Invalidity of Class A Coupons after expiration of two-month period.

Shortages	
1394.1616	Certification of shortage.
Records and Audits	
1394.1617	Records to be kept by dealers and intermediate distributors.
1394.1618	Reports of transfers into the limitation area.
1394.1619	Reports of transfers from the limitation area.
1394.1620	Reports by licensed distributors.
1394.1621	Audit by State Motor Fuel Tax Administration.

New Registrations	
1394.1622	Registration of new or reopened place of business.
1394.1623	Cessation of business.
1394.1624	Sale of place of business.
1394.1625	Sale of place of business by licensed distributor.
1394.1626	Purchase of intermediate distributor's business by licensed distributor.
1394.1627	Surrender or revocation of license of licensed distributor.
1394.1628	Newly licensed distributor.
1394.1629	Change of storage capacity.

Inspections	
1394.1630	Inspection of records and facilities.

ADJUSTMENTS AND APPEALS	
1394.1701	Adjustment of errors made by registrars.
1394.1702	Appeals from Decisions of Boards.
1394.1703	Appeals from Decisions of State Directors.

ENFORCEMENT	
1394.1801	Criminal prosecutions.
1394.1802	Suspension orders.

EFFECTIVE DATE	
1394.1901	Effective date.

AUTHORITY: §§ 1394.151 to 1394.1901, inclusive, issued pursuant to Pub. Law 671, 76th

Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., 2nd sess., WPB Directive No. 1, Supp. Dir. No. 1H, 7 F.R. 562, and *supra*.

### Definitions

§ 1394.151 *Definitions.* (a) When used in this Ration Order No. 5A:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(2) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(3) "Bulk transfer" means any transfer of gasoline other than into the fuel tank of a registered motor vehicle.

(4) "Bus" means any motor vehicle, other than a station wagon or suburban carryall, built primarily for the purpose of carrying passengers and having a rated seating capacity of eight or more.

(5) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(6) "Dealer" means any person, including a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is regularly transferred directly to consumers. The term also includes any person operating a tank truck or tank wagon for transfer of gasoline directly to consumers or dealers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business. The term shall not include any person who is a licensed distributor because of direct motor fuel tax remittances made on amounts of gasoline sold at such place of business.

(7) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(8) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term shall include coupons, acknowledgments of delivery, inventory coupons, exchange certificates on Form OPA R-548 issued by a Board in return for other evidences received, and export certificates on Form OPA R-560.

(9) "Fleet," when the term is used in connection with a motor vehicle, (whether a passenger automobile, motorcycle, truck or bus) indicates that such vehicle is one of four or more vehicles of such type, owned or leased by and operated by the same person and used principally in connection with the same occupation or related occupations.

(10) "Gasoline" means any liquid fuel used for the propulsion of motor vehicles, aircraft, or motor boats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzene, benzol and naphtha.

(11) "Inboard motorboat" means any self-propelled water craft the motive



power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(12) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring for resale gasoline on which the state motor fuel tax is payable to the state by a licensed distributor; *Provided, however,* That any person who receives gasoline on consignment from a licensed distributor, title to the gasoline remaining in the licensed distributor until the time of transfer by the consignee, shall not be deemed to be an intermediate distributor but shall for all the purposes of Ration Order No. 5A be deemed to be an agent of such licensed distributor.

(13) "Inventory coupon" means a one-gallon or one-hundred-gallon coupon issued by a Board to represent unfilled storage capacity of a dealer or intermediate distributor, or for such other purpose as may be provided in Ration Order No. 5A.

(14) "Issuing Board" means the War Price and Rationing Board which issued a particular gasoline ration.

(15) "Licensed distributor" means any person who transfers, receives, or uses gasoline in such manner as to be required to account for the state motor fuel taxes imposed thereon directly to the motor fuel tax administration of any state wholly or partially within the limitation area. The term shall include any refiner, manufacturer, blender, importer, bulk distributor, wholesaler, dealer, or consumer remitting motor fuel tax monies directly to a state motor fuel tax administration or making motor fuel tax returns to such state. Any such person shall be deemed to be a licensed distributor in each of the states wholly or partially within the limitation area to which he makes direct motor fuel tax remittances or returns, but only in such states, and only as to those transfers for which he makes direct motor fuel tax remittances or returns.

(16) "Limitation area" means the entire eastern part of the continental United States up to and including all of the counties of Wayne, Ontario and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair, and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant, and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe, and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Apalachicola River in the State of Florida.

(17) "Motorcycle" means any motor vehicle designed for operation on three wheels or less, but does not include tractors.

(18) "Motor vehicle" means any rubber-borne, self-propelled conveyance the motive power for which is furnished by a gasoline-operated internal combustion engine.

(19) "Motor vehicle dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(20) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others; and "boat rental agency" means any person engaged in the business of leasing inboard motorboats or outboard motors to others.

(21) "Non-highway use" means any use of gasoline other than for the propulsion of a registered motor vehicle or of a motor vehicle held by a motor vehicle dealer for sale or resale or of a motor vehicle operated on dealer license plates.

(22) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or the public welfare; and includes the pursuit of a regular and recognized course of study.

(23) "Occupational mileage" means mileage driven by a person in carrying on his occupation or to and from a place where such occupation is carried on by him.

(24) "Passenger automobile" means any motor vehicle other than a motorcycle, built primarily for the purpose of transporting passengers and having a rated seating capacity of seven or less; and also includes station wagons and suburban carryalls, irrespective of seating capacity.

(25) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(26) "Ration," as the context requires, means either a right to acquire and use gasoline, evidenced by coupons issued by a Board on the basis of an application, or the amount of gasoline acquired in exchange for such coupons.

(27) "Ration book" means any gasoline coupon book issued pursuant to Ration Order No. 5A.

(28) "Registered," as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or by a state, territorial or foreign government.

(29) "State" includes the District of Columbia.

(30) "State motor fuel tax administration" means the commission, board, department, or officer having charge of receiving and auditing the reports of taxes levied by any state wholly or partially within the limitation area on the transfer, receipt, or use of gasoline.

(31) "Transfer" means to sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security

title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

(32) "Transfer," as applied to a place of business, means any change from one person to another of the right to occupation of the premises and the right to possession and disposal of any gasoline stocks on hand, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(33) "Truck" means any motor vehicle, other than a motorcycle, built (or rebuilt) primarily for the purpose of transporting or hauling property or equipment.

(34) "Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

(35) "Vehicle available for public rental" means any registered motor vehicle leased from or held for rental by a motor vehicle rental agency.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

#### Scope of Ration Order No. 5A

§ 1394.201 *Territorial limitations.* Except as otherwise expressly provided, Ration Order No. 5A shall apply only to the limitation area as defined in paragraph (a), subparagraph (16), of § 1394.151.

§ 1394.202 *Scope of restrictions.* Nothing in Ration Order No. 5A shall be construed to limit the quantity of gasoline which may be acquired:

(a) By the Army, Navy, Marine Corps, Coast Guard, or Maritime Commission of the United States;

(b) By any person, for export to and consumption or use in any foreign country.

§ 1394.203 *Effect on Ration Order No. 1.* No allotment of gasoline pursuant to Ration Order No. 5A for a particular use of a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1 (Revised) as amended, or to remove or avoid any disqualification of such vehicle under Ration Order No. 1 (Revised) as amended, which would otherwise result from such use.



## Administration and Personnel

§ 1394.301 *Personnel.* (a) Ration Order No. 5A shall be administered by the Office of Price Administration through its War Price and Rationing Boards in the limitation area and such other administrative personnel as it may select.

(b) The persons referred to in paragraph (a) of this section may be assisted in the issuance of Basic rations (as prescribed in § 1394.403) by the chief school officials of the several states, the city and county superintendents of schools, and by the persons who may be appointed to act as school site administrators and registrars. The school site administrators shall be appointed by the city or county school superintendents and the registrars shall be appointed by the school site administrators. The persons mentioned in this paragraph shall be under the supervision of the persons mentioned in paragraph (a) of this section and of the persons who appointed them.

(c) No person participating in the administration of Ration Order No. 5A shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

§ 1394.302 *Jurisdiction of Boards over issuance of rations.* For purposes of Ration Order No. 5A a Board shall have jurisdiction over:

(a) The issuance of basic rations; *Provided*, That during the period from July 9, 1942 to July 11, 1942, inclusive, such rations shall be issued only by registrars, in accordance with § 1394.403;

(b) The issuance of rations (other than basic rations) for motor vehicles customarily garaged or stationed in the area which the Board is designated to serve; *Provided*, That rations for fleet vehicles may, at the option of the applicant, be issued by the Board having jurisdiction over the area in which an office is maintained for directing the operations of such vehicles;

(c) The issuance of non-highway rations:

(1) For inboard motorboats, outboard motors or non-highway vehicles customarily kept or stationed in the area which the Board is designated to serve;

(2) For machinery or equipment located in the area which the Board is designated to serve;

(3) For other non-highway use;

(d) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of paragraphs (a), (b) or (c) of this section; any person applying for a ration pursuant to this paragraph, for a registered motor vehicle shall furnish the Board with the address of the place (if any) where such vehicle is customarily garaged or stationed;

(e) The issuance of a ration for use with a motor vehicle, inboard motorboat, or outboard motor which is customarily

garaged, stationed or kept outside of the limitation area.

§ 1394.303 *Action on applications.* The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall promptly notify the applicant of its decision.

§ 1394.304 *Records of applications.* (a) All applications for Basic rations submitted at an application site referred to in § 1394.403, shall, when passed upon, be forwarded to the Board having jurisdiction over the area in which such application site is located.

(b) Except as provided in paragraph (c) of this section, each Board shall maintain a file of all applications for gasoline rations passed upon by it or received by it from any other Board or from any application site.

(c) A Board, after passing upon an application for a ration for use with a motor vehicle, made before it pursuant to paragraph (d) of § 1394.302 shall forward such application through the State Director to the Board having jurisdiction under paragraph (b) of that section.

## Basic Rations

§ 1394.401 *Persons entitled to basic rations.* The owner or the person entitled to the use of a registered passenger automobile or a registered motorcycle may obtain a Basic ration, for use with such automobile or motorcycle during the period from July 22, 1942, to July 21, 1943, inclusive, except that no Basic ration shall be issued for use with a passenger automobile or motorcycle which is:

(a) Owned or leased by a Federal, State, local or foreign government, or government agency; or

(b) Specially built (or rebuilt) as an ambulance or hearse; or

(c) A vehicle available for public rental; or principally used as a taxi or jitney; or

(d) Part of a fleet of passenger automobiles or motorcycles; or

(e) Held by a motor vehicle dealer for sale or resale.

§ 1394.402 *Basic ration books.* Class A coupon books, and Class D coupon books marked "Basic", shall be issued as basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Each basic ration book shall contain forty-eight (48) coupons, each having a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below:

Coupons numbered	Valid period
1.....	July 22, 1942, to Sept. 21, 1942, inc.
2.....	Sept. 22, 1942, to Nov. 21, 1942, inc.
3.....	Nov. 22, 1942, to Jan. 21, 1943, inc.
4.....	Jan. 22, 1943, to Mar. 21, 1943, inc.
5.....	Mar. 22, 1943, to May 21, 1943, inc.
6.....	May 22, 1943, to July 21, 1943, inc.

Coupons in Basic Class D books shall be valid for transfer of gasoline to a consumer at any time during the period from July 22, 1942, to July 21, 1943, inclusive.

§ 1394.403 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made, on Form OPA R-534, by the owner or the person entitled to the use of the vehicle or by the authorized agent of either. During the period from July 9, 1942, through July 11, 1942, inclusive, application shall be made at any application site designated as such by the Office of Price Administration. Thereafter application shall be made to a Board: *Provided*, That, except for good cause shown for failure to apply at an application site, application may not be made to a Board prior to July 24, 1942. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) Pursuant to such application, a basic ration shall be issued during the period from July 9, 1942 to July 11, 1942, inclusive, by any registrar appointed under paragraph (a) or (b) of § 1394.301. After July 11, 1942, a basic ration shall be issued by a Board. The Board shall remove from any Class A book issued subsequent to July 22, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the *valid period* during which such book is issued. In the case of a Class D book, the Board shall remove one coupon for each full eight days which have elapsed since July 22, 1942.

(c) No more than one basic ration may be issued for a vehicle, except as provided in § 1394.403, and no person may obtain more than one basic ration for the same vehicle, during the period from July 22, 1942 to July 21, 1943.

## Supplemental Rations

§ 1394.501 *Supplemental rations.* (a) The following coupon books may be issued by a Board as supplemental rations to an owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in § 1394.502), to provide for occupational mileage driven in such vehicle by anyone, to the extent that such mileage is allowed by the Board pursuant to § 1394.504:

(1) Class B or Class C coupon books for use with passenger automobiles.

(2) Class D coupon books marked "Supplemental" for use with motorcycles.

(b) When issued as a supplemental ration, Class B books shall contain sixteen (16) coupons, and Class C and D books shall contain the number of coupons, specified in the tables set forth in § 1394.505, necessary to provide the mileage allowed by the Board. Each coupon in a Class B, Class C or Supplemental Class D book shall have a value of one unit. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Board. Class B rations and books shall be valid only for the period ascer-



tained pursuant to § 1394.505. Class C and Supplemental Class D rations and books shall be valid for a period of three months commencing on July 22, 1942, or on the date of issuance, whichever is later.

(c) Applicants for supplemental rations are deemed to have available 150 miles per month of occupational driving by using the basic ration to which they are entitled; and supplemental rations may be issued to provide only occupational mileage allowed by a Board in excess of 150 miles per month. However, no deduction for such 150 miles shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since a deduction of 150 miles from the total mileage allowed by the Board is automatically made when the Board applies the tables set forth in § 1394.505 pursuant to which supplemental rations are to be issued.

§ 1394.502 *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* No supplemental rations may be obtained or shall be issued for use with a passenger automobile or motorcycle which is:

- (a) Owned or leased by and operated by a Federal, State, local or foreign government or government agency; or
- (b) Specially built (or rebuilt) as an ambulance or hearse; or
- (c) A vehicle available for public rental; or a vehicle principally used as a taxi or jitney; or
- (d) Part of a fleet of passenger automobiles or motorcycles; or
- (e) Held by a motor vehicle dealer for sale or resale.

§ 1394.503 *Application for supplemental ration.* (a) Application for a supplemental ration may be made to a Board on or after July 9, 1942, on Form OPA R-535, by the owner of or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be made by an agent. In the event that two or more passenger automobiles for which supplemental rations are desired, are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time.

(b) An applicant shall establish the average monthly occupational mileage in the limitation area required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

- (1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;
- (2) Driving in the course of such principal occupation;
- (3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) In establishing the average monthly occupational mileage required for any of the purposes specified in paragraph (b) of this section, for a vehicle registered in a state all or part of which lies within the limitation area, the applicant may include:

(1) if the vehicle is registered in a state which lies wholly within the limitation area, any mileage driven outside of the limitation area within fifty (50) miles, by shortest route, of the boundary of such state; or

(2) if the vehicle is registered in a state which lies partly within the limitation area, any mileage driven outside of the limitation area within fifty (50) miles, by shortest route, of the border of the limitation area within or on the boundary of such state.

(d) Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of § 1394.504, a separate application for a supplemental ration shall be made for each such vehicle, but all such applications must, except for good cause shown, be submitted at the same time. Each such application shall include only the mileage driven in the vehicle for which it is made.

§ 1394.504 *Allowance of mileage.* (a) No occupational mileage shall be allowed by a Board for any purpose specified in paragraph (b) of § 1394.503 unless the applicant establishes, in connection with the use of the vehicle for that purpose, either:

(1) That a *bond fide* ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations: *Provided*, That each such person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the absence of a fixed place of work; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location,

schedules or overcrowded condition, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(iii) In the event application is made for a supplemental ration to be used in transporting the applicant or principal user of the vehicle to or from his place of employment where an organized transportation plan (as defined in Ration Order No. 1 (revised) as amended) is in effect and four or more persons are not regularly carried in connection with their occupation in the vehicle for which such application is made, the application must be certified as indicated thereon, by an official in charge of such organized transportation plan.

(iv) In the event application is made for a supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, and four or more persons are not regularly carried in such vehicle in connection with their occupations, the application must be certified as indicated thereon, by a responsible official of the organization for or under the direction of which the work is performed.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for any of the purposes listed in paragraph (b) of § 1394.503 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total average occupational mileage per month required by the applicant and allowed by it for the three-months' period specified in paragraph (b) of § 1394.503 and shall issue a supplemental ration, in accordance with the provisions of § 1394.505, to provide such mileage: *Provided*, That the Board may not allow an average of more than 470 miles per month for any occupational mileage other than preferred mileage as defined in § 1394.506. The Board may allow an average mileage in excess of 470 miles per month only if such excess consists of such preferred mileage.

(c) The Board shall deduct from the mileage it allows for a passenger automobile in accordance with paragraph (b), above, 150 miles per month for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a



substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

§ 1394.505 *Issuance of supplemental Rations.* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.504.

(1) In the case of a passenger automobile, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: one Class B book having the valid period specified in Table I for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.504 exceeds 470 miles per month: one or more Class C books bearing expiration dates three months from July 22, 1942, or from the date of issuance, whichever is later, and containing the number of coupons specified in Table II for the mileage allowed.

(2) In the case of a motorcycle: one or more Class D books (to be marked "Supplemental"), bearing expiration dates three months from July 22, 1942, or from the date of issuance, whichever is later, and containing the number of coupons specified in Table I, if the mileage allowed is 470 miles per month or less, or specified in Table II, if the mileage allowed is in excess of 470 miles per month.

(b) The Board shall remove and destroy all coupons in Class C or Class D books in excess of the number to be issued hereunder.

(c) For the purpose of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

§ 1394.506 *Preferred mileage.* The mileage driven in a passenger automobile or motorcycle, necessary for carrying out one or more of the following purposes shall be deemed preferred mileage:

(a) By a duly elected or appointed agent, officer, representative, or employee of a Federal, State, local, or foreign government or government agency, for performing the official business or carrying out an official function of such government or government agency, in a passenger automobile or motorcycle not owned or leased by such government or government agency.

(1) For the purpose of this paragraph:

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not (except as provided in (ii) hereof) be deemed performance of official business or carrying out an official function;

(ii) Travel by duly elected members of Federal or State legislative bodies—

between their places of residence and the city or town of legislative session;

within such city or town and within their respective legislative districts in connection with their functions as legislators (except daily or periodic travel between home or lodgings and a fixed place of work; or

elsewhere in pursuit of legislative business,

shall be deemed the carrying out of an official function.

(b) For the transportation of mail on behalf of the United States Government, in a passenger automobile or motorcycle not owned or leased by such government.

(c) By public school teachers or officials for the performance of official duties which require travel from school to school.

(d) For the wholesale delivery of newspapers, magazines and periodicals.

(e) For carrying non-portable photographic equipment or equipment for recording sound on film, for making photographs or collecting information for dissemination to the public through newsreels or the press, by a person or agency regularly engaged in such activities.

(f) By a licensed physician, surgeon, dentist, osteopath, chiropractor, midwife, or veterinarian or by a public health nurse, for making necessary professional calls or rendering necessary professional services; or by a licensed funeral director or embalmer, for rendering services necessary in connection with the preparation for interment and the interment of deceased persons.

TABLE I—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 150 but not more than 470 miles per month]

Passenger automobiles			Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in Supplemental "D" book
	(Months)	(Weeks)		
0-150	(No "B" book)		0-150	(No Supplemental "D" book)
151-230	12		151-170	1
231-246	10		171-190	2
247-270	8		191-210	3
271-287	7		211-230	4
288-310	6		231-250	5
311-324	5	2	251-270	6
325-342	5		271-290	7
343-363	4	2	291-310	8
364-390	4		311-330	9
391-406	3	3	331-350	10
407-424	3	2	351-370	11
425-445	3	1	371-390	12
446-470	3		391-410	13
			411-430	14
			431-450	15
			451-470	16

<sup>1</sup> To be used only for vehicles entitled to Basic rations.

TABLE II—PASSENGER AUTOMOBILES OR MOTORCYCLES—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 470 miles per month]

Allowed mileage. (All in excess of 470 miles per month must be preferred mileage)	Number of Coupons (Class "C" or Supplemental Class "D" Book)	Allowed mileage. (All in excess of 470 miles per month must be preferred mileage)—Continued.	Number of Coupons (Class "C" or Supplemental Class "D" Book)
471-490	17	791-810	33
491-510	18	811-830	34
511-530	19	831-850	35
531-550	20	851-870	36
551-570	21	871-890	37
571-590	22	891-910	38
591-610	23	911-930	39
611-630	24	931-950	40
631-650	25	951-970	41
651-670	26	971-990	42
671-690	27	991-1,010	43
691-710	28	1,011-1,030	44
711-730	29	1,031-1,050	45
731-750	30	1,051-1,070	46
751-770	31	1,071-1,090	47
771-790	32	1,091-1,110	48

<sup>1</sup> To be used only for vehicles entitled to Basic rations.

(In the event allowed mileage exceeds 1,110 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons.)



(g) By a regularly practicing minister of any religious faith who serves a congregation, or by any religious practitioner qualified to minister to the religious needs of the members of a congregation, for giving religious comfort, assistance, advice or instruction.

(h) By a farmer, for transporting farm products and necessary farm supplies between farm and market, shipping point or point of delivery, or between one farm establishment and another.

(i) By employers, employers' organizations, or labor organizations, or by others:

(1) For the transportation of farm workers, commercial fishermen, seamen or marine workers between their residences or lodgings and their places of employment or between places of employment;

(2) For recruiting or training workers for employment as agricultural workers, transportation workers, commercial fishermen, seamen or marine workers, or for employment in any of the plants or establishments defined in subparagraphs (1), (2) or (3) of paragraph (k) hereof.

(j) By members of the armed forces of the United States, or State military forces organized pursuant to section 61 of the National Defense Act, as amended, for transportation to, from or between places at which their duties are performed.

(k) By a worker (including an executive, technician, or office worker, but not including salesmen) or by an employer, employer's representative or representative of a labor organization in travel to, from, within or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishments or facilities or to the maintenance of peaceful industrial relations therein:

(1) Naval, military or hospital establishments or facilities;

(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of heat, light, power, gas, steam or water; or of irrigation, drainage, flood-control or sanitation systems; or of telephone, telegraph, radio, or other communication systems;

(3) Industrial or extractive establishments essential to the war effort, including: plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, or necessary part thereof; or of any raw, semi-processed or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools, machinery or appliances essential to the manufacture or use thereof; or of munitions or fuel; or of essential medical supplies or essential food or clothing.

(l) By engineers, architects, technicians, supervisors, repair and maintenance men or other workers (but not including salesmen) to enable them to render services or to transport materials and equipment necessary for construction, repair, installation, or maintenance work

(other than the repair or maintenance of portable household appliances); or for rendering indispensable services of a specialized nature to agricultural, extractive or industrial establishments.

(1) "Services of a specialized nature" shall include: services related to the natural and artificial breeding of livestock; branding; crop or livestock inspection in connection with the marketing or processing thereof; selection, grading, or processing of lumber or timber; inspection in connection with the improvement of farm sanitation; protection of crops, livestock or farms from blights, diseases or pests; soil conservation; discovery and location of minerals; and acquisition of mineral bearing and pipe line tracts.

(m) By traveling salesmen engaged in the sale of necessary productive equipment for farms, factories, mines, oil wells, lumber camps and similar productive or extractive establishments, or of medical supplies, if the marketing of such equipment or supplies by salesmen is essential to the war effort.

(n) In a motorcycle, for delivery or messenger service.

#### *Fleet Rations (for Fleet Passenger Automobiles and Motorcycles)*

§ 1394.601 *Fleet rations for passenger automobiles and motorcycles.* (a) The following coupon books and coupons, for use with registered passenger automobiles and registered motorcycles which are part of a fleet, shall be issued by a Board as rations to persons entitled to receive them under the provisions of § 1394.602 to provide for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.604:

(1) Class B or Class C coupon books for use with passenger automobiles;

(2) Class D coupon books marked "Fleet" for use with motorcycles;

(3) Bulk coupons issued pursuant to paragraph (b) of § 1394.1306.

(b) When issued as a fleet ration, Class B books shall contain sixteen (16) coupons and Class C and D books shall contain the number of coupons, specified in the tables set forth in § 1394.605, necessary to provide the mileage allowed by the Board. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Board. Class B rations and books shall be valid only during the period ascertained pursuant to § 1394.605. Class C and Fleet Class D rations and books shall be valid during a period of three months commencing on July 22, 1942, or on the date of issuance, whichever is later.

§ 1394.602 *Persons entitled to fleet rations.* (a) Subject to the provisions of paragraph (b) hereof, the owner or the person entitled to the use of a registered passenger automobile or a registered motorcycle which is part of a fleet may obtain a ration providing for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.604.

(b) Such Fleet ration shall not be issued and may not be obtained for use with a passenger automobile or motorcycle which is:

(1) Owned or leased by and operated by a Federal, State, local or foreign government or government agency; or

(2) Specially built (or rebuilt) as an ambulance or hearse; or

(3) Used as a taxi or jitney, or as a vehicle available for public rental; or

(4) Held by a motor vehicle dealer for sale or resale.

*Provided,* That nothing herein contained shall be deemed to prohibit the issuance of a ration in accordance with §§ 1394.604 and 1394.605 for use with a vehicle available for public rental, pursuant to the provisions of paragraph (b) of § 1394.1104.

§ 1394.603 *Application for fleet rations.* (a) Application for fleet rations shall be made to a Board on or after July 9, 1942, on Form OPA R-551. An application may cover one or more vehicles and may be made by an agent. An applicant shall establish the average monthly mileage in the limitation area required for the use of each vehicle covered in the application in carrying on an occupation or occupations or the average monthly mileage in such area required for the use of each of a group of such vehicles used interchangeably for carrying on the same or a related occupation or occupations, for the three-month period beginning with the date on which such ration is required.

(b) In establishing the average monthly occupational mileage required for a vehicle or vehicles registered in a state all or part of which lies within the limitation area, the applicant may include:

(1) If the vehicle or vehicles are registered in a state which lies wholly within the limitation area, any mileage driven outside of the limitation area within fifty (50) miles, by shortest route, of the boundary of such state; or

(2) If the vehicle or vehicles are registered in a state which lies partly within the limitation area, any mileage driven outside of the limitation area within fifty (50) miles, by shortest route, of the border of the limitation area within or on the boundary of such state.

§ 1394.604 *Allowance of mileage.* (a) No occupational mileage shall be allowed by a Board unless the applicant establishes in connection with such mileage, either:

(1) That transportation is needed for such occupational purposes and that no alternative means of transportation are available which would be reasonably adequate;

(i) The lack of reasonably adequate alternative means of transportation may be established by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded condition, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(2) That a *bona fide* ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles



for such purposes, pursuant to which at least four persons will regularly be carried in the vehicle in connection with their occupations: *Provided*, That the names and addresses of all persons participating in the ride-sharing arrangement shall be set forth in the application.

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average mileage per month determined by it to be required for driving in the pursuit of an occupation, during the three-month period specified in § 1394.603, and shall issue a ration in accordance with the provisions of § 1394.605 to provide such mileage: *Provided*, That the Board may not allow an average of more than 470 miles per month for any vehicle nor an average of more than 470 miles per month per vehicle for any group of vehicles, for any occupational mileage other than preferred mileage as defined in § 1394.506.

§ 1394.605 *Issuance of fleet rations.* (a) Fleet rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.604.

(1) In the case of passenger automobiles, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: Class B books having the valid period specified in Table III for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.604 exceeds 470 miles per month: Class C books bearing expiration dates three months from July 22, 1942, or from the date of issuance, whichever is later, and containing the number of coupons specified in Table IV for the mileage allowed;

(2) In the case of motorcycles: Class D books (to be marked "Fleet") bearing expiration dates three months from July 22, 1942, or from the date of issuance, whichever is later, and containing the number of coupons specified in Table III, if the mileage allowed is 470 miles per month or less, or specified in Table IV, if the mileage allowed is in excess of 470 miles per month.

(b) The Board shall remove and destroy all coupons in Class C or Class D books in excess of the number to be issued hereunder. If the applicant has requested that bulk coupons be issued to him, the Board shall issue such bulk coupons in lieu of coupons in books, in accordance with the procedure set forth in paragraphs (a) and (b) of § 1394.1306.

(c) For the purposes of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

*Service Rations*

§ 1394.701 *Service rations.* Service rations shall be issued by a Board, for vehicles in the classes enumerated in paragraph (a) of § 1394.702, in order to provide the mileage required for operation of the vehicles for the purposes specified for such classes. Service rations shall be issued for four-month periods.

§ 1394.702 *Persons entitled to service rations.* (a) The owner or the person entitled to the use of a registered motor vehicle which is found by the Board to be in one or more of the classes listed below may obtain a service ration, providing the mileage in the limitation area determined by the Board to be required for the purpose or purposes specified for such class or classes:

(1) A motor vehicle owned or leased by and operated by a Federal, State, local or foreign government or government agency, used for the official business of such government or agency.

(2) A bus or truck, not operated by a Federal, State, local or foreign government or government agency, used for performing the official business or carrying out an official function of such government or government agency.

(3) A motor vehicle specially built (or rebuilt) as an ambulance or hearse, used for the transportation of invalids, injured, sick or deceased persons.

(4) A motor vehicle available for public rental or used as a taxi or for jitney service: *Provided*, That a lessee of a vehicle available for public rental may not obtain a service ration for such vehicle unless his use of the vehicle is for a purpose specified in this section.

(i) No service ration may be issued for a vehicle used as a taxi or jitney unless such vehicle is duly licensed for such use, where licensing is required under State or local law.

(5) A bus or truck used as a common carrier of persons or property; or used to transport passengers or property to, from, or between airports, railroad or carrier depots, or docks.

(6) A bus or truck used for carrying workers to, from, within or between their place or places of work.

(7) A bus or truck used:

(i) To transport students, teachers or school employees between home and regular places of study.

(ii) To transport persons between their homes and their places of worship, for attendance at religious services.

(iii) To transport children under eighteen years of age and their attend-

TABLE III—DETERMINATION OF AMOUNT OF FLEET RATION  
[For vehicles with an allowed mileage of not more than 470 miles per month]

Passenger automobiles			Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in Fleet Class "D" book
	(Months)	(Weeks)		
0-50	12		0-20	1
51-100	9		21-40	2
101-137	7		41-60	3
138-160	6		61-80	4
161-174	5	2	81-100	5
175-192	5		101-120	6
193-213	4	2	121-140	7
214-240	4		141-160	8
241-256	3	3	161-180	9
257-275	3	2	181-200	10
276-295	3	1	201-220	11
296-320	3		221-240	12
321-349	2	3	241-260	13
350-384	2	2	261-280	14
385-426	2	1	281-300	15
427-470	2		301-320	16
			321-340	17
			341-360	18
			361-380	19
			381-400	20
			401-420	21
			421-440	22
			441-460	23
			461-470	24

<sup>1</sup> To be used only for fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to Basic rations.

TABLE IV—PASSENGER AUTOMOBILES OR MOTORCYCLES—DETERMINATION OF AMOUNT OF FLEET RATION  
[For vehicles with an allowed mileage of more than 470 miles per month]

Allowed mileage	Number of coupons in Class "C" or Fleet Class "D" book	Allowed mileage	Number of coupons in Class "C" or Fleet Class "D" book
471-500	25	721-740	37
501-520	26	741-760	38
521-540	27	761-780	39
541-560	28	781-800	40
561-580	29	801-820	41
581-600	30	821-840	42
601-620	31	841-860	43
621-640	32	861-880	44
641-660	33	881-900	45
661-680	34	901-920	46
681-700	35	921-940	47
701-720	36	941-960	48

<sup>1</sup> To be used only for fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to Basic rations.

In the event allowed mileage exceeds 960 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 960 miles. Additional books may be issued if necessary to provide additional coupons.)



ants between their homes and vacation camps.

(8) A bus or truck used:

(i) To transport members of the armed forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, to, from, within, or between places at which their duties are performed.

(ii) To transport persons participating in organized activities at military, naval, American Red Cross, or United Service Organizations, establishments or facilities, to, from, within, or between such establishments or facilities.

(iii) To transport selectees to, from, or between examination or induction stations.

(9) A bus or truck used to transport persons to, from, or between eleemosynary institutions, hospitals, invalid homes, sanatoria; or used for transporting persons or equipment for the purpose of furnishing medical examination or treatment.

(10) A bus or truck used for carrying on activities necessary to the civilian defense or to the prosecution of the war; or used for rescue activity or for meeting emergencies involving life, health or property.

(11) A truck used for transporting or hauling property, commodities, waste or salvage materials, tools, machinery or equipment; or for the transportation and operation of mounted machinery or equipment; or for towing.

(12) A motor vehicle, other than a passenger automobile or motorcycle, used for construction, excavation, grading or highway maintenance.

(b) No service ration shall be issued for a motor vehicle to enable it to be used, under charter or otherwise, for sightseeing purposes.

§ 1394.703 *Service ration for owners of leased vehicles.* No owner of a motor vehicle which is in the possession of another person under a lease or rental agreement, may obtain a service ration for such vehicle more than one month prior to the expiration date of such lease or rental agreement.

§ 1394.704 *Service ration books.* (a) Class S-1 or Class S-2 coupon books, or, in the case of motorcycles, Class D coupon books marked "Service," shall be issued as service rations. Coupons in Class S-1 and S-2 books shall each have a value of one unit.

(b) Coupons contained in a service ration book shall authorize the transfer of gasoline to a consumer only during the four-month period noted thereon by the Board.

§ 1394.705 *Application for service ration.* (a) Application for a service ration may be made to a board, on and after July 9, 1942, on Form OPA R-536. Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either of them. A single application may be used for all vehicles for which the applicant seeks a service ration.

(b) The application shall state the mileage and gallonage in the limitation area required for each vehicle, or, in the case of a fleet, for each group of vehicles included therein, for one or more of the uses set forth in paragraph (a) of § 1394.702, during the four-month period beginning with the date on which the ration is required.

In stating the mileage and gallonage required for a vehicle or vehicles registered in a state all or part of which lies within the limitation area, the applicant may include:

(1) If the vehicle or vehicles are registered in a state which lies wholly within the limitation area, any mileage driven outside of the limitation area within fifty (50) miles, by shortest route, of the boundary of such state; or

(2) If the vehicle or vehicles are registered in a state which lies partly within the limitation area, any mileage driven outside of the limitation area within fifty (50) miles, by shortest route, of the border of the limitation area within or on the boundary of such state.

(c) No application for a service ration for a motor vehicle which is subject to the jurisdiction of the Interstate Commerce Commission (including carriers which have applied for or received certificates of convenience or necessity, or permits as contract carriers, but excluding private carriers, exempt carriers, and purely intrastate carriers) shall be granted unless such application bears the written approval of a local allocation office of the Office of Defense Transportation.

(d) Application for a service ration for a motorcycle which is subject to the jurisdiction of the Interstate Commerce Commission and which is operated both within and without the limitation area may, at the option of the applicant, be made by completing Form OPA R-536, in the manner prescribed by paragraphs (a) and (b) of this section, and by forwarding such application to any local allocation office of the Office of Defense Transportation. Such office will, if it approves the application, forward such application to the Office of Price Administration, in Washington, D. C., which will issue a Service ration in accordance with § 1394.706. The Office of Price Administration will, in its discretion, designate a special board to pass upon such applications.

§ 1394.706 *Issuance of service rations.*

(a) The Board shall determine the number of gallons of gasoline required for the four-month period referred to in paragraph (b) of § 1394.705, for each vehicle or group of vehicles listed in the application, for one or more of the uses set forth in paragraph (a) of § 1394.702. The Board shall then issue S-1 or S-2 books (or in the case of motorcycles, D books marked "Service") containing coupons in sufficient number to provide the number of gallons of gasoline needed. The Board shall, when issuing such books, remove and destroy all coupons in excess of the number required to supply the gallonage determined to be needed. The Board shall note on the face of the

books the date of issuance (or July 22, 1942, whichever is later) and the date of expiration of such books, in accordance with the provisions of paragraph (b) of § 1394.704. If the applicant has requested that bulk coupons be issued to him, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested, if applicant meets the requirements of paragraph (a) of § 1394.1306.

(b) In issuing a service ration for any vehicle used as a taxi or jitney for which a basic ration may be issued (on the ground that such vehicle is not *principally* used as a taxi or jitney) the Board shall deduct from the mileage determined by it to be required for such vehicle, one hundred and fifty (150) miles per month for each month of the period for which the service ration is granted: *Provided*, That no such deduction shall be made if a supplemental ration has also been issued for such vehicle.

§ 1394.707 *Compliance with orders of Office of Defense Transportation.* No service ration shall be issued for a motor vehicle unless the applicant therefor certifies that such vehicle is operated in compliance with all applicable orders of the Office of Defense Transportation.

*Special Rations*

§ 1394.801 *Application for special ration.* (a) The owner or person entitled to the use of a motor vehicle, or of a boat or outboard motor used in the limitation area, who finds that transportation in such vehicle, or boat, is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board for a special ration. Application for a special ration on behalf of an individual may not be made by an agent. A special ration may be issued for any period up to six months from the date of application.

(b) Special rations may be issued in order to permit acquisition of gasoline for use in a motor vehicle, boat, or outboard motor for one or more of the following purposes:

(1) To obtain necessary medical attention or therapeutic treatment or to procure necessary food and supplies;

(2) To return a motor vehicle or boat, which was on May 15, 1942 away from the regular place of residence of the owner or person entitled to the use thereof, to such regular place of residence; or to move such vehicle or boat in connection with a *bona fide* change in such regular place of residence.

(3) To operate a motor vehicle or boat held by a motor vehicle or boat dealer for sale or resale, solely for the purpose of demonstrating such vehicle or boat to prospective purchasers or for delivery after sale, or to remove a purchased or repossessed motor vehicle or boat, or a vehicle or boat seized by a government authority, to a place of storage: *Provided*, That no ration in excess of five (5) gallons per month per vehicle shall be granted for any such purpose.



(4) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest.

(5) To carry persons to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; or for use by a *bona fide* candidate for public office for purposes essential to the prosecution of his candidacy.

(6) To operate a motor vehicle for the purpose of *bona fide* tests or experiments contributing to the war effort.

(c) Application shall be made on Form OPA R-552 and the applicant shall state, in addition to such other information as may be required:

(1) The purpose for which a special ration is sought and the period (not exceeding six months) during which such ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat, or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) The alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose: *Provided*, That applicants for a special ration under subparagraphs (2), (3) and (6) of paragraph (b) of this section shall not be required to establish the inadequacy of alternative means of transportation, unless the ration is sought for delivery of a motor vehicle after sale thereof.

(5) The number of miles of driving, or, in the case of a boat or outboard motor, the amount of gasoline, in the limitation area claimed to be essential to the accomplishment of the purpose or purposes stated during the period for which the special ration is needed.

§ 1394.802 *Form and issuance of special rations.* (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That a ration (if any) previously issued for such vehicle, boat or outboard motor, is not reasonably adequate or cannot be used for such purpose;

(3) That transportation is necessary to the accomplishment of such purpose;

(4) That no reasonably adequate alternative means of transportation are available (except as provided with respect to special rations sought under subparagraphs (2), (3) and (6) of paragraph (b) of § 1394.801 unless the ration is sought for delivery of a motor vehicle after sale thereof).

(b) If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose or purposes stated from the date of its decision to the end of the period (not

exceeding six months) for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "Special" any book which it so issues. It shall remove from the book and destroy any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

#### Non-highway Rations

§ 1394.901 *Persons entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a Non-Highway ration authorizing the acquisition of the amount of gasoline required for such purpose, except as provided in paragraph (b) of § 1394.904. Non-highway rations shall be issued for six-month periods.

§ 1394.902 *Non-highway ration books.* (a) Class E and Class R coupon books shall be issued as non-highway rations. Coupons in Class E and Class R books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the six-month period noted on such books by the Board.

(b) Each non-highway ration book issued with respect to a motorboat for non-occupational use in the limitation area shall be so designated on the inside cover.

§ 1394.903 *Application for non-highway ration.* (a) Applications for non-highway rations may be made to the Boards, on or after July 9, 1942, on Form OPA R-537. Application may be made by an agent.

(b) The applicant shall state the amount of gasoline needed for use in, or which he finds it necessary to acquire in, the limitation area for the six-month period following the date on which such ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

§ 1394.904 *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the six-month period referred to in paragraph (b) of § 1394.903, and, subject to the provisions of paragraph (b) of this section, shall issue to the applicant one or more Class E or Class R books, or any combination of them, containing a sufficient number of coupons to enable the applicant to acquire the amount of gasoline so determined to be necessary for such period. The Board shall remove from the book and destroy any coupons in excess of the number allotted.

(b) If application is made for a non-highway ration for use with a motorboat or outboard motor operated wholly or in part for a non-occupational purpose within the limitation area, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess

of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons equal to four times the manufacturer's rated horsepower of the motor or motors but in any event not more than two hundred and fifty (250) gallons;

(2) In the case of an outboard motor, the number of gallons equal to five times the manufacturer's rated horsepower of such motor, but not in excess of forty (40) gallons.

The Board shall, in such case, issue a separate book for such non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on such book that it is issued for a non-occupational purpose.

(c) Except as provided in paragraph (a) of § 1394.1403, no more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any six-month period.

#### Issuance of Coupon Books and Acknowledgments of Delivery by the Office of Price Administration

§ 1394.1001 *Issuance of ration books by Office of Price Administration.* (a) Coupon books of all types designated in Ration Order No. 5A may be issued by the Office of Price Administration, in its discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this section which requires coupon books for use by such officers, agents, or employees, shall make written application therefor to the Office of Price Administration and shall state the number and type of books required, and the use for which such books are intended.

(c) If it grants the application, the Office of Price Administration, will issue such books in blank.

(d) The Office of Price Administration will also issue Service rations pursuant to paragraph (d) of § 1394.705.

§ 1394.1002 *Acknowledgments of delivery.* (a) The Office of Price Administration will issue forms, on Form OPA R-544, for acknowledgment of delivery, to be used for the acquisition of gasoline by or on behalf of the Army, Navy, Marine Corps, Coast Guard and Maritime Commission of the United States. Any such form bearing the signature of an authorized officer, agent or employee of any of such agencies shall be valid as an authorization of transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated. In the event that an Acknowledgment form should not be available, gasoline may be acquired by or on behalf of any such agencies in exchange for a temporary receipt, in any form, if such temporary receipt supplies the information required by Form OPA R-544 and is signed by an



authorized officer, agent, or employee of such agency; such temporary receipt shall show the address of the agency on behalf of which such receipt was issued. No person who transfers gasoline in return for such temporary receipt may use such receipt as an evidence for purpose of replenishment but shall either transmit such receipt to the agency on behalf of which the transfer was accepted, in exchange for an Acknowledgment of Delivery on Form OPA R-544, or to a Board in exchange for inventory coupons. Any Board to which such temporary receipt is so presented shall issue, in exchange for such receipt, inventory coupons having a gallonage value equal to the amount of gasoline found by it to have been transferred in good faith on the basis of such receipt. The Board, after issuing inventory coupons, shall submit such temporary receipt to the agency named thereon, for verification and return.

(b) Application for books of Acknowledgment forms shall be made in writing to the Office of Price Administration, from time to time, as such books are needed.

#### *Restrictions on Use of Rations and Gasoline*

§ 1394.1101 *Restrictions as to purpose.* No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a Supplemental, Service, Fleet ration pursuant to § 1394.605, or Non-Highway ration has been issued may use or permit the use of such ration for a purpose other than one for which such ration may be obtained.

§ 1394.1102 *Rations not transferable.* No ration may be transferred or assigned; such ration may, however, subject to the provisions of § 1394.1104, be used by any one entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained and so long as there is no change in ownership of such vehicle, boat, or equipment.

§ 1394.1103 *Change of occupation of holder of Class C ration.* The holder of a Class C ration (or of a Class D ration based on allowed mileage in excess of 470 miles per month) shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds reason to believe that such motor vehicle will no longer be used for a preferred purpose listed in § 1394.506, it shall notify such holder, in writing, that his right to such ration is to be re-examined. Such notice shall be mailed to such holder at the address shown on his application (or at the ad-

dress shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 470 miles per month) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in § 1394.506, it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose listed in § 1394.506, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration (if any) as it determines that the holder is entitled to receive on the basis of his new application and in accordance with the provisions of § 1394.505 or § 1394.605, as the case may be.

§ 1394.1104 *Use of rations issued for vehicles or boats available for public rental.* (a) A motor vehicle rental agency may permit a lessee to use a service ration issued to such agency for a vehicle leased by him, during the period of a *bona fide* lease for one week or less. In the case of any lease other than a *bona fide* lease for one week or less, the lessee may not use or be permitted to use the service ration issued to such agency for such vehicle, but shall apply for a ration on his own behalf, pursuant to the provisions of paragraph (b) of this section.

(b) A lessee of a vehicle available for public rental who leases such vehicle for a period of more than one week shall be deemed to be a person entitled to the use of such vehicle, within the meaning of §§ 1394.503 and 1394.602 of Ration Order No. 5A. Such lessee may apply for a ration for use in such vehicle on his own behalf, pursuant to the provisions of §§ 1394.503, 1394.603, or 1394.705, as the case may be, and his right to such ration shall be determined solely by the nature and extent of his use of the vehicle. Application by such lessee for a ration pursuant to §§ 1394.503 or 1394.603 shall be made on Form OPA R-551, and the allowed mileage for the vehicle shall be computed in the manner established by §§ 1394.604 and 1394.605 for fleet vehicles. Upon termination of the lease, any ration issued to such lessee shall expire and all coupons or coupon books issued to him shall be returned by him to the issuing Board.

(c) Each motor vehicle rental agency shall keep a record showing the name and address of each lessee, the date and duration of the lease, the mileage driven by the lessee and the number of gallons, if any, supplied to the lessee and the number of coupons (if any) in its ration books, used by the lessee during the period of the lease. The lessee shall be required to sign such record and his signature shall constitute a certification as to the truth thereof.

(d) A boat rental agency may permit a lessee to use a Non-Highway ration is-

sued for an inboard motorboat or outboard motor leased to him, only during the period of a *bona fide* lease for one week or less. A lessee of such boat or motor who leases it for a period of more than one week may apply for a Non-Highway ration on his own behalf pursuant to the provisions of § 1394.903.

§ 1394.1105 *Restrictions on consumption of gasoline.* (a) Except as provided in § 1394.1102, paragraph (a) of § 1394.1104 and § 1394.1507, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons: *Provided, That:*

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations in the limitation area) gasoline owned by him and in his possession prior to July 22, 1942;

(2) Any consumer may use gasoline owned by him and in his possession prior to July 22, 1942, for the operation of a registered motor vehicle, or for non-occupational boat operation if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred: *Provided, That* gasoline placed in the fuel supply tank of such vehicle or boat prior to July 22, 1942, may be used therein without restriction.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard or Maritime Commission of the United States, or to the consumption by any one of gasoline brought into the limitation area in the fuel supply tank of a vehicle, boat or equipment.

§ 1394.1106 *Restrictions on blending of gasoline.* No person other than a licensed distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of gasoline blended, diluted or mixed in violation of this section.

§ 1394.1107 *Rations for racing or exhibition purposes.* No gasoline ration shall be issued, or may be used, under the provisions of Ration Order No. 5A, for the operation of any motor vehicle, or of any boat in the limitation area, in exhibitions or races for public entertainment or prizes.

§ 1394.1108 *Display of stickers.* No person may use a class A, B, C, or S ration issued for a registered motor vehicle unless a sticker identifying the class of ration issued, in such form as may be prescribed by the Office of Price Administration, is affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times, whether such vehicle is driven within or without the limitation area, but the display of such sticker shall be in accordance with the laws of the State in which such vehicle is operated. A person to whom any ration in addition to a Class A ration has been issued shall



display only the sticker identifying such additional ration.

§ 1394.1109 *Restriction on use of gasoline in vehicle without ration.* On and after July 31, 1942, no gasoline may be used in a motor vehicle registered in a state lying wholly or in part within the limitation area, which is customarily garaged or stationed within the limitation area, unless a valid ration has been issued and is outstanding for use with such vehicle, and a sticker, indicating that a gasoline ration has been issued, is displayed on such vehicle in accordance with § 1394.1108.

*Renewal of Rations and Issuance of Further Rations*

§ 1394.1201 *Renewal of rations.* (a) Rations shall expire as provided in §§ 1394.1204 (b), 1394.1402, and 1394.1403. At any time within thirty (30) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application, in the applicant's gasoline needs, or in the nature, amount and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a further ration (other than a basic or special ration) may be made by executing the renewal certificate on such original application. The applicant shall, in such case, note on such renewal certificate any changes in the nature or amount of his use since the date of the original application.

(c) When issuing a further ration prior to the expiration date of a current ration of the same class, the Board shall note on the application and on the front cover of the coupon book (if any) representing such further ration the date on which such further ration shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in §§ 1394.1202 and 1394.1203, no further ration of any class may be issued for use prior to (or may be used prior to) the expiration of the current ration of such class.

§ 1394.1202 *Issuance of further ration for use prior to expiration date of current ration.* (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class (other than a basic ration) issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.1204.

(d) No further supplemental ration under § 1394.505, or fleet ration under § 1394.605, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage to which he would be entitled under the provisions of paragraph (b) of § 1394.504, or paragraph (b) of § 1394.604, as the case may be.

§ 1394.1203 *Special cases.* (a) Any person to whom a ration of a class specified in paragraph (b) of this section has been issued, who finds that the vehicle or vehicles for which such ration was granted cannot be operated for fifteen (15) miles (or, in the case of a motorcycle, for forty (40) miles) or more on a gallon of gasoline, may apply for a further ration for use prior to the expiration of such current ration.

(b) Such application shall be made in the same manner as the application for the current ration and may be granted only if such current ration is in one of the following categories:

- (1) A Class C ration;
- (2) A Supplemental Class D ration based on an allowed mileage in excess of 470 miles per month;
- (3) A Class B or D ration, for fleet vehicles, issued pursuant to § 1394.605.

(c) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The nature of the use of the vehicle or vehicles for which the further ration is sought and the driving conditions under which such vehicle or vehicles are operated;

(3) The reason or reasons why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle or vehicles for which the application is made are in sound mechanical condition and are being operated in such manner as to secure maximum economy of gasoline.

(d) If the Board determines that the vehicle or vehicles for which application is made are being operated in such fashion as to obtain the maximum mileage per gallon of gasoline reasonably possible, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.1204.

(e) No further supplemental ration under § 1394.505, or Fleet ration under § 1394.605, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage to which he would be entitled under the provisions of paragraph (b) of § 1394.504, or paragraph (b) of § 1394.604, as the case may be.

§ 1394.1204 *General provisions.* (a) All of the provisions of Ration Order No. 5A applicable to the issuance of an original ration shall apply to the issuance of a further ration pursuant to §§ 1394.1201, 1394.1202 and 1394.1203, except as otherwise expressly provided in those sections.

(b) When granting a further ration for use prior to the original expiration date of a current ration, pursuant to the provisions of § 1394.1202 or § 1394.1203, the Board shall redetermine the expiration date of such current ration. Such redetermination shall be based on the Board's estimate of the date on which such current ration will be exhausted. The Board shall thereupon note such redetermined expiration date on the application for such current ration and on the coupon books issued therefor. The redetermined date shall be deemed the expiration date of such current ration for all the purposes of Ration Order No. 5A. The further ration shall then be issued in accordance with the provisions of paragraph (c) of § 1394.1201.

*General Provisions With Respect to Issuance of Gasoline Rations*

§ 1394.1301 *Appearances before Boards.* The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

§ 1394.1302 *Presentation of registration card.* (a) Except as provided in paragraph (b) of this section, no gasoline ration (other than a ration pursuant to subparagraph (3) of paragraph (b) of § 1394.801), shall be issued for any motor vehicle other than a fleet vehicle unless a registration card or registration certificate authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the registrar or the Board, as the case may be: *Provided, however,* That no registration card or registration certificate need be submitted in connection with an application made pursuant to paragraph (d) of § 1394.705.

(b) If no registration card or registration certificate has been issued or is outstanding for such motor vehicle, but such motor vehicle is currently registered for operation on public highways under the laws of the Federal government or of any State, territorial or foreign government, the applicant may sign and submit a certification, on such form as may be designated by the Office of Price Administration stating the reasons why no registration card or registration certificate is outstanding. If the Board (or the registrar) is satisfied that such motor vehicle is currently registered but that no registration card or registration certificate therefor has been issued or is



outstanding, it may issue a gasoline ration for such vehicle. Such certification shall be filed with the application for such ration.

§ 1394.1303 *Notation on registration cards.* At the time of issuing a gasoline ration for a registered motor vehicle other than a fleet vehicle, except in the case of a ration issued pursuant to paragraph (d) of § 1394.705, or subparagraph (3) of paragraph (b) of § 1394.801, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the back of the motor vehicle registration card or registration certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book (if any) issued. If a ration has been issued on the basis of a temporary registration card or registration certificate, the applicant shall submit the permanent card or certificate, when issued, to a Board, for such notation. If the ration is issued without presentation of a registration card, pursuant to the provisions of paragraph (b) of § 1394.1302, no notation need be made at the time of issuance, but the applicant shall submit such card, if and when issued, to a Board for such notation.

§ 1394.1304 *Notation on ration books and applications.* (a) At the time of issuance of any ration book for a registered motor vehicle, the person issuing such book shall, unless a fleet identification is used as provided in paragraph (b) of this section, make a clear notation on the cover thereof, in ink, indelible pencil, or by typewriter, of the registration number of the vehicle for which it is issued and of the name and address of the registered owner of such vehicle. The Board shall also make a notation on the cover of such book (other than a basic book) and on the application therefor, of the date on which it becomes valid and of its expiration date. The person to whom a ration book is issued (other than an interchangeable book issued for a fleet vehicle pursuant to paragraph (b) of this section) shall note on such book, in the space provided therefor, the serial number of the use tax stamp issued for such vehicle.

(b) An applicant for a gasoline ration for fleet vehicles may request the Board to note on the ration books issued, the name or other identification of the fleet, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation. Any book on which a fleet identification is noted may be used, interchangeably, for all vehicles if the fleet bearing such identification.

(c) At the time of issuance of a non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil, or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

§ 1394.1305 *Change in motor vehicle registration number.* (a) The holder of a ration book issued for a registered motor vehicle (other than a ration book bearing a fleet identification) shall, upon any change in the registration number of such vehicle, submit such ration book either to an appropriate State motor vehicle registration official or to a Board for the purpose of having the notation thereon changed to correspond to the new registration number. The book shall be submitted to such official at the time of issuance of the new registration number, or to such Board within five (5) days thereafter; if such submission is made to a Board, the registration card or registration certificate (or in lieu thereof, an appropriate certification in such form as may be designated by the Office of Price Administration) evidencing the new registration number shall be presented with the book. A State official to whom such book is presented may, and a Board to which such book is presented shall, obliterate the registration number appearing thereon and note thereon, in ink, indelible pencil, or by typewriter, the new registration number issued for such vehicle. Notation on such new registration card shall also be made, as prescribed in § 1394.1303. Such notation shall be countersigned or initialed by the person making the change.

(b) The holder of any book bearing a fleet identification shall, upon any change in the name, identification or designation of such fleet, submit such book to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such fleet, the Board shall change the designation on such book to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

(d) Any alteration on the face or cover of any ration book, unless made and countersigned by a person authorized to do so under Ration Order No. 5A, shall render such book, and the coupons therein, invalid.

§ 1394.1306 *Authorization of bulk purchase.* (a) Any person who establishes to the satisfaction of a Board that he maintains a storage tank for supplying gasoline to one or more motor vehicles operated by him or for non-highway use, and that he has maintained such tank for such purposes prior to July 1, 1942, or that it is now necessary for supplying gasoline to such vehicles or for such use to maintain a storage tank or to acquire gasoline in a tank, tank truck, drum, or other container, may, when applying for a gasoline ration, request the Board to issue such ration in the form of bulk coupons, or partly in bulk coupons and partly in coupon books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

(b) If applicant establishes the facts required by paragraph (a) hereof, the

Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested: *Provided*, That with respect to applications for Supplemental rations, or for Fleet rations for passenger automobiles or motorcycles, as provided in § 1394.502 or § 1394.602, the Board shall first determine the type, number and expiration date of the coupon books to which the applicant is entitled; it shall then issue bulk coupons, to the extent requested by the applicant, having a gallonage value equal to the value in units of the coupons in the coupon books to which the applicant is entitled and in lieu of which such bulk coupons are issued; such bulk coupons shall expire on, and may not be used for the transfer of gasoline to a consumer after, the date on which such coupon books would expire: *Provided further*, That bulk coupons shall not be issued unless the applicant establishes the necessity for acquiring two hundred and fifty (250) gallons or more per month by bulk transfer.

§ 1394.1307 *Lost or destroyed coupons, or coupon books.* (a) In the event of the accidental loss, destruction or mutilation of any coupon books or bulk coupons, the holder thereof may apply to the Board having jurisdiction under § 1394.302, for replacement thereof.

(b) Such application shall be made in writing, under oath or affirmation, and shall set forth:

(1) The name and address of the applicant;

(2) The class, date and place of issuance and expiration date of such book or coupons;

(3) A description of the motor vehicle, boat, equipment or process for which the book or coupons were issued;

(4) A statement of the number and type of unused coupons so lost, destroyed or mutilated;

(5) A description of the manner and circumstances of the loss, destruction or mutilation.

(c) If the Board is satisfied that such book or coupons have been lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, it may, in its discretion, issue a duplicate book or duplicate bulk coupons of the same class and in the same quantity as those sought to be replaced; it shall clearly note on the cover of any duplicate book issued the same expiration date, if any, that appeared on the original book.

(d) No person receiving a duplicate book or coupons under paragraph (c) hereof shall use, attempt to use, or permit the use of the original book or coupons, but shall surrender such original book or coupons, if damaged or mutilated, to the Board at the time of issuance of the duplicate book; in the event that a lost book or lost coupons are found after duplicates have been issued, such original book or coupons shall be surrendered to the Board forthwith.

§ 1394.1308 *Signature on coupon book.* No coupon book shall be valid until the person to whom such book is issued has



signed the certification provided for therein.

#### Expiration and Revocation of Rations

§ 1394.1401 *Surrender of expired coupons.* (a) No ration may be used and no coupon book shall be valid for the transfer of gasoline to a consumer after the expiration thereof.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all expired coupon books and all unused coupons representing such ration.

§ 1394.1402 *Expiration of rations.* All Basic rations shall expire at midnight, July 21, 1943. All other rations shall expire at midnight of the date noted on the application therefor or on the coupon books issued therefor.

§ 1394.1403 *Expiration of rations upon cessation of use or change in ownership.*

(a) Upon cessation of use or change of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the issuing Board, by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment shall be required to apply for a gasoline ration therefor on his own behalf, in accordance with the applicable provisions of Ration Order No. 5A: *Provided*, That such transferee may not obtain a ration unless a *bona fide* transfer is involved.

(b) Upon cessation of use of a ration (other than a Basic ration) for a purpose for which such ration may be obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the issuing Board by the person to whom such ration was issued.

§ 1394.1404 *Denial of gasoline rations.* No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.46 of Ration Order No. 5 or § 1394.1406 of this Ration Order No. 5A for refusal to surrender a gasoline ration card or ration book upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Ration Order No. 5A, while his name remains thus recorded.

§ 1394.1405 *Suspension and revocation of rations.* (a) All coupon books, bulk coupons and inventory coupons issued shall remain the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon book, bulk coupon or inventory coupons during suspension or pursuant to cancellation, whenever it deems it to be in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person

to whom a gasoline ration has been issued has been found by it to have violated an order of such Office, and upon recommendation by such Office that a gasoline ration issued to such person, or any part thereof, be revoked, the Office of Price Administration will revoke such ration, or such part thereof, pursuant to the provisions of paragraph (a) of this section.

§ 1394.1406 *Review by local boards of applications for gasoline ration.* (a) Any Board may review an application for a gasoline ration of any class, made in the area over which it has jurisdiction, or referred to it by another Board, and may, in its discretion, require a holder of a gasoline ration who resides or does business within the area over which the Board has jurisdiction to appear before it for examination in order to determine whether such holder was entitled to receive such ration. The Board may also require the holder of a supplemental or service ration, or of a Fleet ration issued pursuant to § 1394.605, or of a nonhighway or special ration, to appear before it for examination in order to determine whether such ration is being used in accordance with the provisions of § 1394.1101. The Board shall give written notice to the holder of the time and place fixed for such appearance. The notice shall be deemed sufficient if mailed to the address shown on the application at least five (5) days prior to such time. The Board may designate one or more of its members to perform the functions prescribed in this section.

(b) If the Board finds that the ration holder was not entitled to receive the ration issued, or, if it finds that a ration issued is being used for a purpose other than one for which such ration may be obtained, it shall revoke such ration and shall direct that any coupons or coupon books issued therefor be surrendered to it. If it finds that the holder is entitled to a ration of a different class or quantity than that issued, it may issue such ration as it finds the holder entitled to receive pursuant to the provisions of Ration Order No. 5A, in place of the ration revoked.

(c) The Board shall record the name of any ration holder who refuses to comply with a direction of the Board pursuant to paragraph (b) of this section or who fails or refuses to appear for examination in accordance with a notice sent by the Board pursuant to paragraph (a) of this section: *Provided*, That if a person whose name has been recorded for failure or refusal to appear for examination shows good cause to the Board for such failure or refusal his name shall be stricken from such record, upon compliance with the Board's direction with respect to the disposition of his ration. The Board shall notify the State Director immediately after recording any name, and immediately after striking any name from the record; and, upon receipt of such notification, the State Director shall notify the Regional Administrator. Any person whose name remains recorded shall be prohibited from securing any ration under the provisions of Ration

Order No. 5A or of any Gasoline Ration Order hereafter promulgated by the Office of Price Administration.

#### Restrictions on Transfers

§ 1394.1501 *Restriction on transfer to consumers.* On and after July 22, 1942, and notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person other than a dealer or distributor shall (except as provided in §§ 1394.1507 and 1394.1508) transfer or offer to transfer gasoline to a consumer.

§ 1394.1502 *Transfers to consumers.* On and after July 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline from within or without the limitation area, to a consumer within the limitation area, and such consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in §§ 1394.1504, 1394.1505, and 1394.1506.

§ 1394.1503 *Transfers to consumers in exchange for coupons—(a) Coupons in books issued for registered motor vehicles.* Transfer may be made in exchange for coupons contained in Class A, B, C, D, S-1 or S-2 books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the amount of gasoline transferred: *Provided*, That if the transferee is able to accept only a portion of the amount of gasoline represented by the unit value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented: *Provided*, That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further*, That bulk transfer may also be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply; in such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer, for identification.

(3) Transfer may be made only during the valid period noted on the cover of the book presented or, in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made.

(b) *Coupons in non-highway books.* Bulk transfer may be made in exchange for coupons contained in Class E and R books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value



equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E or R book may be made into the fuel tank of, or knowingly made for use in, a registered motor vehicle, or a motor vehicle held by a motor vehicle dealer for sale or resale.

(c) *Bulk coupons.* Transfer may be made in exchange for bulk coupons. The transferor must require surrender, at the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred: *Provided*, That in the case of any delivery made in the absence of the transferor or his agent, by barge, pipe line, tank car, or other carrier, or in the absence of the transferee or his agent, coupons need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within twenty-four (24) hours after delivery.

§ 1394.1504 *Transfers in exchange for acknowledgment of delivery.* Transfer may be made in exchange for an Acknowledgment of Delivery, on Form OPA R-544, or in exchange for a temporary receipt issued in lieu thereof, in accordance with the provisions of § 1394.1002.

§ 1394.1505 *Transfers for export.* (a) Any person (other than a licensed distributor) who desires to obtain gasoline for export to any insular or territorial possession of the United States, or to any foreign country, may execute and submit Part A of an Export Certificate on Form OPA R-560, in duplicate, to any Board. Such certificate shall state the amount of gasoline required for export, the proposed date and port of exportation and the name and address of the person desiring to export the gasoline. The Board shall retain the duplicate copy of the certificate and shall endorse and return the original copy to such person. The original copy, bearing the endorsement of the Board, shall constitute an evidence to authorize the transfer of the amount of gasoline stated thereon: *Provided*, That such certificate bearing the endorsement of an authorized official of the Federal government or any agency thereof shall be valid without endorsement by a Board, as an evidence to authorize the transfer to such government or agency for the purpose of export, or for retransfer by such government or agency for such purpose.

(b) Within thirty (30) days after submission to and endorsement of such certificate by a Board, the person who has acquired gasoline pursuant to the provisions of paragraph (a) of this section shall submit to the Board which endorsed the certificate, a copy of a Shippers' Export Declaration (Commerce Form 7525) bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated has

been exported. The Board shall attach the copy of the declaration submitted to the copy of the certificate on file. If the Board is not satisfied with the authenticity of the copy of the declaration, or in the event none has been presented to the Board within thirty (30) days after endorsement of the certificate, the Board shall send the file of the case to the Office of Price Administration in Washington, D. C., for investigation.

(c) Any dealer or intermediate distributor who has exported gasoline to an insular or territorial possession of the United States or to a foreign country and who has not acquired such gasoline pursuant to the provisions of paragraph (a) of this section, may obtain replenishment for the amount of gasoline exported by executing and presenting to a Board Part B of an export certificate on Form OPA R-560 submitting therewith a copy of a Shipper's Export Declaration (Commerce Form 7525) bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated was so exported. The Board, if it is satisfied with the authenticity of the copy of such declaration, shall endorse such certificate and return it to such person, and shall retain the copy of the declaration for its files. Such certificate bearing the endorsement of a Board shall be valid to authorize a transfer of the amount of gasoline thereon stated, and may be used by the transferor of such gasoline as evidence for purposes of replenishment.

(d) No person acquiring gasoline pursuant to the provisions of paragraph (a) of this section may use such gasoline for any purpose other than for export to an insular or territorial possession of the United States or to a foreign country.

(e) Nothing in this section shall be construed to authorize the export of gasoline other than in accordance with the laws of the United States and the rules and regulations of the Board of Economic Warfare or of any other department or agency of the United States.

§ 1394.1506 *Emergency transfers.* (a) Transfer may be made in exchange for an Emergency Receipt on Form OPA R-555, of the amount of gasoline stated thereon, subject to the provisions of paragraphs (b) and (c) of this section.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health or valuable property, may obtain such gasoline by signing an Emergency Receipt on Form OPA R-555, in duplicate, and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a registered motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

(c) Any dealer or distributor who has transferred gasoline in exchange for an Emergency Receipt, shall transmit such Emergency Receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located.

The Board, if it is satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such Emergency Receipt, shall issue to him, in exchange therefor, inventory coupons equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such Receipt in its own files and shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the Receipt.

§ 1394.1507 *Transfer of vehicle, boat or equipment.* Nothing in Ration Order No. 5A shall be deemed to forbid the transfer of gasoline actually in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and *bona fide* transfer of such vehicle, boat or equipment itself; or the consumption by the transferee in such vehicle, boat or equipment of gasoline actually in the fuel supply tank thereof at the time of transfer.

§ 1394.1508 *Transfer of consumer establishments.* (a) Nothing in Ration Order No. 5A shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, in conjunction with a lawful and *bona fide* transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) is made, shall forthwith report such transfer and the amount of gasoline involved, to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred: *Provided*, That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided*, That he may consume such gasoline only for the purposes for which such ration may be issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

§ 1394.1509 *Transfers from fuel tank to fuel tank of vehicles and boats forbidden.* No gasoline contained in the fuel tank of any registered motor vehicle, inboard motorboat, outboard motor or non-highway equipment shall be transferred therefrom to the fuel tank of any registered motor vehicle, or of any inboard motorboat or outboard motor operated in the limitation area for nonoccupational purposes.



§ 1394.1510 *Discrimination by dealers and distributors.* (a) On and after July 22, 1942, no distributor shall discriminate in the transfer of gasoline among distributors or dealers lawfully entitled to acquire gasoline under Ration Order 5A. Any refusal on the part of a distributor to transfer gasoline to a distributor or dealer to whom he has made a transfer on or subsequent to May 15, 1942, shall be *prima facie* evidence of a discrimination: *Provided*, That nothing herein shall be construed to require a transfer of gasoline which would result in a violation of any statute enacted or contract made to protect a trade-mark or trade name; nor a transfer to any dealer or distributor of an amount of gasoline in excess of that permitted by any regulation or order of any Department or agency of the United States.

(b) On and after July 22, 1942, no dealer or distributor shall discriminate, in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of Ration Order No. 5A.

§ 1394.1511 *Rights of parties to contracts for transfer of gasoline.* If the performance of any contract or agreement for the transfer of gasoline is prevented by Ration Order No. 5A, no party thereto shall be liable for failure to perform such contract or agreement: *Provided*, That any person who has received or has had the benefit of any deposit or other consideration on account of such contract, shall be liable upon demand to return such deposit or other consideration or to pay the fair value thereof, in the event the consideration has been materially altered in condition or cannot be returned.

§ 1394.1512 *Transfer for racing or exhibition use.* On and after July 22, 1942, no person shall knowingly transfer or offer to transfer gasoline, or use gasoline, for the operation of any motor vehicle, inboard motorboat or outboard motor in exhibitions or races for public entertainment or prizes.

§ 1394.1513 *Transfers to consumers outside of the limitation area.* On and after July 22, 1942, and notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person shall, outside of the limitation area, transfer or offer to transfer gasoline to a consumer for use in a motor vehicle bearing a sticker indicating that a gasoline ration has been issued for such vehicle, under either of the following circumstances:

(a) If the motor vehicle is registered in a state which lies wholly within the limitation area, and the border of such state is within fifty (50) miles, by shortest route, of the place of transfer; or

(b) If the motor vehicle is registered in a state which lies partly within the limitation area, and the place of transfer is within fifty (50) miles, by shortest route, of the border of the limitation area within or on the boundary of such state.

#### Replenishment and Audit

##### Registration of Place of Business

§ 1394.1601 *Registration of inventory and capacity.* Every dealer and intermediate distributor having a place of business within the limitation area shall take an actual physical inventory of his total gasoline supplies on hand as of his first opening of business on or after July 22, 1942 (or if there is no interruption of business, as of 12:01 A. M. of that date) and shall, on July 22 or 23, 1942, register (on Form OPA R-545 in duplicate) with the Board having jurisdiction of the area in which he has such place of business, at the hours provided by the Board, the following matters, together with such other information as may be required:

(a) His total inventory of gasoline on hand as of his first opening of business on or after (or midnight beginning) July 22, 1942.

(b) His total gasoline storage capacity.

(c) His name, firm name, business address, and type of business.

(d) A certification as to the correctness of each of the foregoing items of information.

Separate registration shall be made by such dealer or intermediate distributor for each place of business within the limitation area where gasoline is transferred, and shall be made at each respective Board having jurisdiction of the area in which each such place of business is located: *Provided, however*, That any person a part of whose operations in any one state falls within the definition of a licensed distributor and a part within the definition of an intermediate distributor shall be treated as a licensed distributor and shall not be authorized to register.

§ 1394.1602 *What constitutes gasoline on hand.* The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to his first opening of business on or after (or midnight beginning) July 22, 1942. Gasoline shipped to a dealer or intermediate distributor prior to July 22, 1942, but received by him at any time after July 21, 1942, shall be deemed to be gasoline transferred to him subsequent to July 21, 1942, and shall require an exchange therefor of coupons or other evidences in the manner provided in §§ 1394.1607 and 1394.1609.

§ 1394.1603 *What constitutes storage capacity.* The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums, or other movable containers: *Provided, however*, That a dealer who maintains no stationary gasoline storage tank shall register the total capacity of all his delivery facilities.

§ 1394.1604 *Issuance of registration certificates.* The Board, on determining that the information and certification submitted by the registrant are in good order, shall by authorized signature approve the same, file the duplicate, and return the original to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies and shall present it as an identification at the time of transacting business with any Board.

§ 1394.1605 *Issuance of inventory coupons.* The Board shall, at the time of its approval of any registration certificate, issue to the registrant inventory coupons in the amount of the difference between the total gasoline storage capacity for each place of business and the total inventory of gasoline on hand as certified by the registrant. A one-hundred gallon inventory coupon or a quantity of Class A coupons may at any time subsequent to registration be exchanged at any Board in the limitation area by a dealer or intermediate distributor for an equivalent amount of one-gallon inventory coupons.

§ 1394.1606 *Restriction on use of inventory coupons.* Every dealer and intermediate distributor shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the amount of consumer coupons or other evidences available for exchange: *Provided, however*, That one-gallon inventory coupons may be used to make up the difference between the number of gallons in any delivery and the number of gallons represented by the nearest composable sum of the values of consumer coupons or other evidences.

##### Restrictions on Transfers

§ 1394.1607 *Restriction on transfers.* Except as provided in § 1394.1609, no dealer or distributor, whether within or without the limitation area, shall transfer or offer to transfer gasoline to any other dealer or distributor within the limitation area, and no dealer or distributor within the limitation area shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences, at the time of the actual delivery of the gasoline or in advance thereof, equal in gallonage value to the amount of the gasoline so transferred: *Provided, however*, That coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors.

§ 1394.1608 *Same; other applicable provisions.* Nothing in Ration Order No. 5A shall be construed to authorize any transfer of gasoline which would be in contravention of any regulation or order of any Department or agency of the United States.

§ 1394.1609 *Night deliveries; third party deliveries.* Where a distributor



elects to make delivery of gasoline during hours when the purchaser is not open for business, or where actual delivery of gasoline to a dealer or intermediate distributor is made by common or contract carrier or by pipe line, the purchaser shall, where the exact amount of the delivery is known in advance, mail or deliver in advance to his distributor coupons or other evidences in an equal gallonage value, or may, at the discretion of the distributor, within twenty-four (24) hours of delivery forward to his distributor an amount of coupons or other evidences equal in gallonage value to the number of gallons so delivered.

§ 1394.1610 *Upstream transfers.* Any distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor within the limitation area, other than in connection with a transfer to him of the place of business of such dealer or intermediate distributor, shall deliver to such dealer or intermediate distributor a quantity of his accumulated coupons or other evidences equal in gallonage value to the amount of gasoline so transferred or returned.

#### Use of Coupons

§ 1394.1611 *Preservation of coupons; coupon sheets.* Each dealer and distributor shall affix the coupons received by him directly from consumers to a Coupon Sheet (Form OPA R-542) in the manner directed thereon. Separate coupon sheets shall be maintained for coupons of each separate type, only coupons of the same class being attached to any one such sheet.

§ 1394.1612 *Preservation of acknowledgments; summaries of acknowledgments.* Each dealer and distributor shall attach the acknowledgments delivered to him by authorized purchasers to a Summary of Acknowledgments (Form OPA R-541), on which he shall enter in order for each such acknowledgment the date of purchase, name of purchaser, and number of gallons sold.

§ 1394.1613 *Summary of coupons.* Each dealer and distributor shall, prior to every delivery by him of coupons or other evidences, except exchange certificates, prepare in duplicate on Form OPA R-541 a Summary of Coupons and Acknowledgments in the manner directed thereon, certifying the number of each type of coupon and the number of acknowledgments to be delivered. The original of this summary shall be delivered by him attached to his coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year. All such summaries received by a distributor upon his delivery of gasoline to a dealer or intermediate distributor shall be recapitulated in his own summary; such summaries need not be included with coupons and other evidences forwarded by him, one such summary equalling the total gallonage represented by all coupons and other evidences (less the gallonage represented by exchange certificates) forwarded by him.

§ 1394.1614 *Exchange of coupons for certificates.* A distributor may at any

time deliver to any Board in the limitation area coupons or other evidences (except exchange certificates) and obtain in return a certificate or certificates equal to the gallonage value of the coupons or other evidences remitted. The remitter shall attach to such coupons or other evidences a summary of coupons and acknowledgments on Form OPA R-541. The Board shall furnish him in return an Exchange Certificate (Form OPA R-548, of which a duplicate shall be retained for the files of the board) equal in gallonage value to the total gallonage value of the coupons or other evidences remitted by him: *Provided, however,* That every licensed distributor shall segregate all coupons or other evidences remitted by him according to the States to which are due the State motor fuel taxes on his own sales which such coupons or other evidences represent, shall prepare a separate summary of coupons and acknowledgments (Form OPA R-541) for each such State, and shall receive from the Board a separate exchange certificate for each such State. The Board shall on request furnish more than one such certificate for sales within any given State, each representing any fraction of the total gallonage value remitted for such State, so long as the sum of all such certificates equals the total gallonage value of the coupons or other evidences remitted.

§ 1394.1615 *Invalidity of Class A coupons after expiration of two-month period.* No dealer shall accept any coupon the period of validity of which, as shown on the face thereof, has expired; and no such coupon shall be an evidence of any gallonage value, except on coupon sheets to which it has been attached prior to the expiration of its period of validity.

#### Shortages

§ 1394.1616 *Certification of shortage.* Dealers and intermediate distributors shall be permitted from time to time to apply by certification (on Form OPA R-549, obtainable at the office of the Board) for compensation for losses of gasoline through evaporation, handling, accident, or other extraordinary circumstance; and dealers and distributors shall be permitted so to account for unavoidable loss of coupons. The certification of shortage shall be submitted to the Board having jurisdiction of the area in which such dealer or intermediate distributor has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation of the reasons therefor. If, on consideration of the certification presented and of such other facts as it may require of the applicant, the Board is satisfied that he has established the fact and reasonableness of such shortage, the Board shall file the certification and issue to the applicant a quantity of inventory coupons equal to the amount of the proven loss.

#### Records and Audits

§ 1394.1617 *Records to be kept by dealers and intermediate distributors.* At the time of making any delivery of gasoline to any dealer or intermediate dis-

tributor in the limitation area or in a State any part of which lies within the limitation area, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the purchaser and the date and quantity of the purchase; and every such purchaser shall retain at his place of business for a period of at least one year from the date of his purchase of gasoline the invoice, delivery ticket, or other evidence so furnished him.

§ 1394.1618 *Reports of transfers into the limitation area.* Every dealer or intermediate distributor making any transfers of gasoline into the limitation area from an unrationed portion of a State within the limitation area shall maintain a record of all transfers made by him, whether outside or into the limitation area, showing the name and address and signature of receipt of the purchaser and the date and amount of the purchase or, in the case of deliveries by a third party, shall retain a bill of lading or other evidence of delivery. He shall preserve such record for a period of at least one year from the time of the transfer. Not later than the fifteenth day of each month he shall report and certify to the State office of the Office of Price Administration for the State in which he has his place of business the sum of all his transfers into the limitation area from each of his places of business without the limitation area during the previous calendar month. He shall accompany such report with (1) the signed summary of coupons and acknowledgments (Form OPA R-541) furnished him by each purchaser for each delivery into the limitation area, (2) a quantity of coupons or other evidences equal in gallonage value to the total sales indicated by all such summaries, and (3) a summary on Form OPA R-541 of such coupons and acknowledgments as may be attached by him.

§ 1394.1619 *Reports of transfers from the limitation area.* Every dealer or intermediate distributor within the limitation area making any transfers of gasoline to an unrationed portion of a State within the limitation area, or to a State outside the limitation area, shall within (7) days of the date of such transfer deliver to the Board having jurisdiction of the area in which is located the place of business from which such transfer was made a copy of an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address and signature of receipt of the purchaser, and the date and quantity of the purchase; or, in the case of delivery by a third party, a bill of lading or other evidence of delivery. The Board shall file the copy so delivered to it, together with a certification by the applicant to its correctness, and, if satisfied that the receipt and representation are in good order, shall issue to the applicant a quantity of inventory coupons exactly equal in gallonage value to the amount of the transfer.

§ 1394.1620 *Reports by licensed distributors.* Every licensed distributor



shall prepare an additional copy of each of his monthly State motor fuel tax reports (and supporting schedules), which he shall submit to the State motor fuel tax administration at the time and in the manner required by such administration for the usual monthly report, attaching to such copy exchange certificates or other evidences in an amount equal to the total amount of gasoline transferred by him within or into the limitation area during the period for which such return is made. Gasoline which has been shipped and billed in exact amount to a purchaser during a calendar month, and which is included within the State motor fuel tax report for such month, shall be treated as gasoline transferred during such month, even though actual receipt of such gasoline by the purchaser may take place during the following calendar month. The licensed distributor shall also prepare in triplicate a Reconciliation Form (Form OPA R-550), reconciling the difference between all certificates or other evidences of gallonage value so submitted and the total gasoline gallonage disposed of as reported by the tax return, shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy of the reconciliation form at his place of business for a period of not less than one year: *Provided, however,* That, where special hardship results from the necessity of submitting the reconciliation form at the time that the State motor fuel tax report is due, application may be made, showing all relevant facts, to the Office of Price Administration, Washington, D. C., for leave to defer, for a period of not more than ten (10) days, the submission of the additional copy of his motor fuel tax report, the attached certificates or other evidences, and the reconciliation form.

§ 1394.1621 *Audit by State motor fuel tax administration.* On completion of its usual office audit of a licensed distributor's monthly motor fuel tax report, each State motor fuel tax administration will by authorized signature either verify or note errors on the additional copy of the report received by it, will inspect the reconciliation form and certificates or other evidences in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will within fifteen (15) days forward the additional copy of the tax return, the attached certificates or other evidences, and the original of the reconciliation form to the Control and Audit Unit, Fuel Rationing Branch, Office of Price Administration, Washington, D. C. In the event of its discovering any error, discrepancy, misrepresentation or other irregularity in the monthly report by later inspection or audits, the motor fuel tax administration will notify the Control and Audit Unit of the Office of Price Administration of all the facts relating to any such irregularity.

#### New Registrations

§ 1394.1622 *Registration of new or reopened place of business.* Any dealer or intermediate distributor who opens or reopens within the limitation area a place of business not previously registered by such dealer or intermediate distributor under the provisions of §§ 1394.1601 to 1394.1605, inclusive, shall, prior to receipt or transfer of any gasoline, register such place of business in the manner provided in § 1394.1601, and shall be issued inventory coupons equal in gallonage value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

§ 1394.1623 *Cessation of business.* Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business within the limitation area without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the original certificate of registration of such place of business and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of such place of business.

§ 1394.1624 *Sale of place of business.* Any person acquiring from a dealer, and any person other than a licensed distributor acquiring from an intermediate distributor, a place of business already registered in accordance with the provisions of § 1394.1601, shall, prior to receipt or transfer of any gasoline, register such place of business in the manner provided in §§ 1394.1601 to 1394.1605, inclusive; except that he shall be issued inventory coupons equal in gallonage value to the total capacity of the entire gasoline storage facilities of such place of business. He shall then deliver to the transferor of such place of business a quantity of inventory coupons equal in gallonage value to the total amount of gasoline on hand as of the time of transfer. The transferor shall deliver, to the Board having jurisdiction of the area in which the place of business transferred by him is located, the certificate of registration of such place of business, together with a quantity of coupons or other evidences equal in gallonage value to the total capacity of the entire gasoline storage facilities of such place of business.

§ 1394.1625 *Sale of place of business by licensed distributor.* Any person acquiring a place of business within the limitation area from a licensed distributor for the sale of gasoline as an intermediate distributor shall register in the manner provided in §§ 1394.1601 to 1394.1604, inclusive, at the Board having jurisdiction of the area in which such place of business is located, prior to making purchases or transfers of any gasoline. The Board shall furnish the registrant with inventory coupons equal to the total capacity of the gasoline storage facilities of the place of business registered. It shall be the duty of the registrant to forward

forthwith to the licensed distributor from whom he acquires such place of business a quantity of inventory coupons exactly equal in gallonage value to the gasoline stocks on hand at the time of his acquisition of such place of business.

§ 1394.1626 *Purchase of intermediate distributor's business by licensed distributor.* Any licensed distributor who acquires from an intermediate distributor a place of business within the limitation area for management by his own employees as a unit of his own operations, shall at the time of acquisition deliver to such intermediate distributor, from coupons or other evidences accumulated by the licensed distributor in the course of his business, an amount of coupons or other evidences equal in gallonage value to the amount of gasoline on hand as of the time of transfer. The intermediate distributor shall immediately after the transfer deliver, to the Board having jurisdiction of the area in which the place of business transferred by him is located, his certificate of registration, together with a quantity of coupons or other evidences equal in gallonage value to the gasoline storage capacity, as of the date of transfer, of the place of business transferred.

§ 1394.1627 *Surrender or revocation of license of licensed distributor.* Any licensed distributor who ceases to do business as such, although continuing in the business of distributing gasoline, shall on the date of his ceasing to do business as a licensed distributor register as a dealer or intermediate distributor, as the case may be, in the manner provided by §§ 1394.1601 to 1394.1605, inclusive, each of his places of business within the limitation area which has not already been registered, certifying to the Board the total gasoline storage capacity and total gasoline inventory of each such place of business as of the date of his ceasing to do business as a licensed distributor.

§ 1394.1628 *Newly licensed distributor.* Any dealer or intermediate distributor who becomes a licensed distributor at any place of business within the limitation area shall deliver to the Board having jurisdiction of the area in which such place of business is located the certificate of registration of such place of business and coupons or other evidences equal in gallonage value to the total unfilled capacity of the gasoline storage facilities of such place of business as of the date of his commencing operations as a licensed distributor.

§ 1394.1629 *Change of storage capacity.* Any dealer or intermediate distributor in any manner altering the total capacity of the gasoline storage facilities of a place of business within the limitation area shall deliver for cancellation to the Board having jurisdiction of the area in which such place of business is located, his original certificate of registration, and shall obtain a new certificate of registration in the manner provided by §§ 1394.1601 to 1394.1604, inclusive. The Board shall



attach to its copy of the new certificate the original and copy of the cancelled certificate. Where the capacity of the gasoline storage facilities is decreased, the dealer or intermediate distributor shall furnish to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of the decrease. Where the capacity of his gasoline storage facilities is increased, the Board shall issue to the dealer or intermediate distributor in the manner described in § 1394.1605 a quantity of inventory coupons equal in gallonage value to the amount of the increase.

#### Inspections

§ 1394.1630 *Inspection of records and facilities.* All records, reports, forms, accounts, or other documents required by Ration Order No. 5A to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees, by the employees of any State motor fuel tax administration, and by such other personnel as the Office of Price Administration may designate. Such inspection may be made at the place of business of any such person during regular business hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

#### Adjustments and Appeals

§ 1394.1701 *Adjustment of errors made by registrars.* (a) Any person who claims that a registrar improperly refused to issue a basic ration book or made an error in issuing a basic ration book on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a basic ration book was denied or was incorrectly issued to him by a registrar, by reason of an error in his application, may make a new application, to a Board, for a basic ration book. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application or, if such original application cannot expeditiously be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made, by the applicant or by the Registrar, it shall issue a Basic ration book, or correct the book issued by the Registrar, or issue a new book in place of the one issued by the Registrar, or take such other action in accordance with the provisions of Ration Order No. 5A, as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having a unit value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced.

§ 1394.1702 *Appeals from decisions of boards.* (a) An applicant may appeal to the State Director from an adverse decision of a Board by filing with the Board a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within three (3) days after receipt of the statement, the Board shall send it to the State Director together with its entire record on the application.

(b) The State Director may request the applicant to appear before him or to furnish such additional information as he may deem pertinent. The State Director shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the applicant and the Board, in writing, of his decision. In the event that a decision of a Board is reversed or modified by the State Director, the record shall be remanded to the Board for action consistent with his decision.

§ 1394.1703 *Appeals from decisions of State Directors.* (a) An applicant may appeal to the Regional Administrator of the Office of Price Administration from an adverse decision of the State Director by filing with the State Director a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within three (3) days after receipt of the statement, the State Director shall send it to the Regional Administrator together with the entire record on the application.

(b) The Regional Administrator may request the applicant to appear before him or to furnish such additional information as he may deem pertinent. The Regional Administrator shall render his decision on the appeal within five (5) days after receipt of the statement and record and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the applicant, the Board and the State Director, in writing, of his decision. In the event that a decision of a State Director is reversed or modified by the Regional Administrator, the record shall be remanded to the Board for action consistent with the decision of the Regional Administrator.

#### Enforcement

§ 1394.1801 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record or certificate made pursuant to or required by the terms of Ration Order No. 5A, or who otherwise knowingly furnishes false information to a Registrar, a Board, or any other agent, employee or officer of the Office of Price Administration, or who conspires with another person to perform any of the foregoing acts, may upon conviction be fined not more than \$10,000 or imprisoned for not more than ten years, or both, and shall be subject

to such other penalties as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 5A, may upon conviction be fined not more than \$10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be prescribed by all applicable statutes.

§ 1394.1802 *Suspension orders.* Any person who violates this Ration Order No. 5A may by administrative suspension order be prohibited from receiving any deliveries of, or selling or otherwise disposing of, any gasoline or other rationed product. Such suspension order shall be issued for such period as in the judgment of the Administrator is necessary or appropriate in the public interest and to promote the national security.

#### Effective Date

§ 1394.1901 *Effective date.* Ration Order No. 5A (§§ 1394.151 to 1394.1901, inclusive) shall become effective July 9, 1942.

Issued this 7th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6500; Filed, July 8, 1942; 11:57 a. m.]

#### PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[Maximum Price Regulation 39]

#### WOVEN DECORATIVE FABRICS

A statement of the considerations involved in the issuance of this Maximum Price Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

The title, preamble and §§ 1325.51 to 1325.60, inclusive, of Revised Price Schedule No. 39<sup>1</sup>—Upholstery Furniture Fabrics—are amended, renumbered, and reissued as Maximum Price Regulation No. 39—Woven Decorative Fabrics.

In the judgment of the Price Administrator, the prices of woven decorative fabrics have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of these fabrics prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant changes as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the woven decorative fabric industry, which will be affected by this Regulation. In the judgment of the Price Administrator, the maximum prices established by this regulation are, and will be, generally fair and equitable, and will effectuate the purposes of said Act.

<sup>1</sup> 7 F.R. 1279, 1836, 2000, 2132.



Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act, and in accordance with Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 39 is hereby issued.

**AUTHORITY:** §§ 1400.151 to 1400.164, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1400.151 *Prohibition against dealing in woven decorative fabrics at prices above the maximum.* On and after July 13, 1942, regardless of any contract or obligation:

(a) No person shall sell or deliver any woven decorative fabric at a price higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1400.163 and 1400.164.

(b) No person shall agree, offer, solicit or attempt to do any of the foregoing:

*Provided,* That contracts entered into prior to July 13, 1942, at prices in compliance with Maximum Price Regulation No. 127<sup>3</sup> may be carried out at the contract price.

(c) This Maximum Price Regulation No. 39 shall apply and the General Maximum Price Regulation<sup>4</sup> shall not apply to sales of woven decorative fabrics for which maximum prices are established by this Regulation.

§ 1400.152 *Less than the maximum prices.* Prices lower than the maximum prices established by this Maximum Price Regulation No. 39, may be charged, demanded, paid or offered.

§ 1400.153 *Adjustable pricing.* No seller of woven decorative fabrics shall enter into an agreement permitting the adjustment of prices to prices which may be higher than the maximum prices established herein in the event that this Maximum Price Regulation No. 39 is amended or upon any other contingency: *Provided,* That in an appropriate situation, when a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator, may upon application grant permission to the seller to agree with the buyer to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1400.154 *Export sales.* The maximum price at which a person may sell or deliver woven decorative fabrics for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation<sup>5</sup> issued by the Office of Price Administration on April 25, 1942.

§ 1400.155 *Exempt sales.* The provisions of this Maximum Price Regulation No. 39 shall not apply to:

(a) Sales at retail.

(b) Printed woven decorative fabrics which are subject to Maximum Price Regulation No. 127.<sup>6</sup>

<sup>2</sup> 7 F.R. 971, 3663.

<sup>3</sup> 7 F.R. 3119, 3242, 4180, 4454, 4587, 4762.

<sup>4</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027.

<sup>5</sup> 7 F.R. 3096, 3824, 4294, 4561.

<sup>6</sup> *Supra*, note 3.

§ 1400.156 *Limitation of new constructions sold, transferred or delivered by manufacturers.* (a) During the year commencing July 13, 1942, and during each succeeding year, regardless of the terms of any contract of sale, or purchase, or other commitment, except as provided in paragraphs (b) and (c) of this section, no manufacturer shall sell, transfer or deliver more than his quota of new constructions of woven decorative fabrics (exclusive of altered constructions described in paragraph (b) below. This quota shall be 10% of the total number of constructions of woven decorative fabrics sold or delivered by the manufacturer during the period from January 1, 1941 to December 31, 1941, inclusive, but in no event shall be less than five constructions. No manufacturer shall transfer or deliver any such new construction of a woven decorative fabric after August 27, 1942, until (1) he has filed a report with the Office of Price Administration, Washington, D. C., in accordance with paragraph (a) (3) of § 1400.157 containing his interpretation of his new construction quota and (2) the Office of Price Administration, Washington, D. C., has approved this interpretation in writing. As used in this Maximum Price Regulation No. 39, the term, "new construction", means a construction of a woven decorative fabric first sold, offered for sale, transferred or delivered after July 13, 1942.

(b) Any manufacturer may alter an existing construction of a woven decorative fabric which may be sold, transferred or delivered without being counted as falling within his new construction quota: *Provided,* That he submits to the Office of Price Administration, Washington, D. C., an application containing his interpretation supported by sufficient evidence under the standards set forth in this paragraph (b) and that the Office of Price Administration, Washington, D. C., approves his interpretation in writing. These standards are (1) that the construction to be replaced was within the six months immediately prior to the date on which the application is filed an active number in the manufacturer's line, (2) material previously used in its manufacture is unavailable or is so restricted by a government regulation as to make production of the original fabric impractical and (3) that the proposed altered construction will closely resemble the construction it will replace with no substantial change in quality or appearance.

(c) Any manufacturer who can show that his new construction quota is so low as to cause or appear likely to cause serious financial hardship may file a petition for adjustment of his quota in accordance with §§ 1300.38 to 1300.41, inclusive, of Procedural Regulation No. 1.<sup>7</sup> In such a case the petitioner should submit (1) a complete statement of the facts upon which he relies and (2) the new construction quota for which he seeks approval.

<sup>7</sup> *Supra*, note 2.

(d) Nothing in this section shall be construed to limit the number of patterns of any specific construction of a woven decorative fabric which may be sold, offered for sale, transferred, or delivered.

§ 1400.157 *Reports and records—(a) Reports by manufacturers.* (1) On or before August 13, 1942, each manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report in the detail required by Revised Form No. 139:1 for each pattern sold, offered for sale, transferred or delivered during the period from July 11, 1941 to July 13, 1942, inclusive.

(2) For each pattern not covered by paragraph (a) (1) of this section, each manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report on Revised Form No. 139:1 which shall contain in addition to the other data required therein the maximum price proposed by the manufacturer in accordance with paragraph (b) (3) of § 1400.163.

(3) On or before August 13, 1942, each manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report containing (i) the total number of constructions which he sold or delivered during the period from January 1 to December 31, 1941, inclusive, (ii) the specifications of each in the manner required by section IV of Revised Form No. 139:1, and (iii) his interpretation of his proper new construction quota determined in accordance with the provisions of paragraph (a) of § 1400.156.

(b) *Reports by sellers other than manufacturers.* On or before August 13, 1942, every seller of woven decorative fabrics other than a manufacturer shall submit to the Office of Price Administration, Washington, D. C., a complete list of all of the woven decorative fabric patterns which he sold, offered for sale, transferred or delivered during the period from September 11, 1941, to July 13, 1942, inclusive, showing with respect to each (1) the quality or style number, (2) the date on which it was first offered for sale, (3) the maximum price therefor and the manner in which it was determined. This list shall be supplemented as soon as possible thereafter by reports containing the data indicated above for each pattern first offered for sale after July 13, 1942.

(c) *Reports already submitted.* Persons who have already submitted on Revised Form 139:1 any information required by this section need not duplicate such information but shall refer the Office of Price Administration in writing to the reports already submitted.

(d) *Records.* Every person making any sale of a woven decorative fabric after July 13, 1942, shall keep for inspection by the Office of Price Administration complete and accurate records of each such sale, showing the date therefor, the name and address of the buyer, the price received, the name or number of each pattern and the quantity of each woven decorative fabric sold.

§ 1400.158 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 39 shall not be evaded,



whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to woven decorative fabrics alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1400.159 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 39 are subject to the criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 39, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, State or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1400.160 *Petitions for amendment and adjustment.* (a) Persons seeking modification of this Maximum Price Regulation No. 39 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration.

(b) The Office of Price Administration may by order adjust the maximum price established under this Regulation for any seller of a woven decorative fabric in any case in which such seller shows:

(1) That such maximum price causes him hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities, and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities will not cause or threaten to cause an increase in retail prices.

On and after July 13, 1942, all applications for adjustments under this paragraph (b) shall be filed in accordance with §§ 1300.38 to 1300.41, inclusive, of Procedural Regulation No. 1.<sup>2</sup>

§ 1400.161 *Definitions.* (a) When used in this Maximum Price Regulation No. 39, the term:

(1) "Person" means an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of the foregoing;

(2) "Manufacturer" means any person who owns, operates or controls a factory, plant or mill in which woven decorative fabrics are manufactured and includes any person who supplies yarn to a factory, plant or mill for weaving and finish-

ing into a woven decorative fabric on a commission basis;

(3) "Converter" means a person who purchases woven decorative fabrics in an unfinished or partially finished state and who resells them after finishing such goods or after causing them to be finished for his account;

(4) "Woven decorative fabric" means any finished textile fabric woven on a loom which is (i) composed of such fibers as cotton, silk, wool, mohair, synthetic fibers or any mixtures of the foregoing fibers and (ii) customarily used for furniture coverings, draperies or furniture or automobile slip-coverings;<sup>3</sup>

(5) "Pattern" means any design of a woven decorative fabric, irrespective of color, of a specific construction;

(6) "Construction" refers to the finished width of the fabric, the number of ends and picks per inch of each kind, size, ply, and twist of yarn used in the fabric, and, in the case of pile fabrics, the weight of the pile yarn per linear yard;

(7) "In line with" means having a justifiable relationship to the maximum price of a pattern of the nearest related construction of a woven decorative fabric with commensurate decreases or increases reflecting actual decreases or increases in the costs of the yarns used and of the weaving due to differences in (i) the number of picks, (ii) the number of ends, (iii) the finished width of the fabric, (iv) the type of the weave, and (v) the specifications of the yarns used;

(8) "Price list in effect" includes all of the prices quoted by the seller on the designated date, whether in a formal price list or otherwise.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1400.162 *Effective date.* This Maximum Price Regulation No. 39 (§§ 1400.151 to 1400.164, inclusive) shall become effective July 13, 1942.

§ 1400.163 *Appendix A: Maximum prices for sales by manufacturers.*<sup>4</sup> (a)

(1) The maximum prices established herein are prices f. o. b. seller's point of shipment. In any case in which a price relied upon by a seller in determining a maximum price in accordance with this Maximum Price Regulation No. 39 includes any transportation charges, such price shall be appropriately adjusted by the subtraction therefrom of all such transportation charges.

(2) No seller shall discontinue or alter to the prejudice of a purchaser any dis-

<sup>1</sup> Any person desiring an opinion as to whether a product is subject to the provisions of this Maximum Price Regulation No. 39 should address a written inquiry to the Office of Price Administration, Washington, D. C.

<sup>2</sup> In the event that a manufacturer sells a woven decorative fabric not produced by or for him as a manufacturer, he shall be governed with respect to such sales by the provisions of this Maximum Price Regulation No. 39 applicable to persons other than manufacturers.

count, differential or service granted or rendered to purchasers of the same general class during the base period. "Base period" means the period from July 11 to September 10, 1941, inclusive, when used in connection with sales by manufacturers and the period from September 11 to November 10, 1941, inclusive, when used in connection with sales by persons other than manufacturers.

(b) The maximum price for a pattern of any specific construction of a woven decorative fabric sold by a manufacturer shall be:

(1) 105% of the price quoted for the same pattern of the same construction in the manufacturer's price list in effect on September 10, 1941, to a purchaser of the same general class, or,

(2) If the maximum price cannot be determined under paragraph (b) (1) of this section, 105% of the highest price at which such pattern of the same construction was sold or offered for sale during the period from July 11 to September 10, 1941, inclusive, to a purchaser of the same general class, or,

(3) If the maximum price cannot be determined under paragraphs (b) (1) or (2) of this section, a price in line with the maximum price for the nearest related pattern and construction to a purchaser of the same general class: *Provided*, That if a differential exists between the maximum prices for different patterns of the same construction, the maximum price for a new pattern of the same construction shall be the maximum price of the pattern or patterns of which the manufacturer has sold the greatest number of yards during the period between July 11 and September 10, 1941, inclusive: *Provided, further*, That no manufacturer shall transfer or deliver a woven decorative fabric which was not sold, offered for sale, transferred or delivered during the period between July 11, 1941 and July 13, 1942, inclusive, until he has submitted a report to the Office of Price Administration, Washington, D. C., in accordance with paragraph (a) (2) of § 1400.157, containing his interpretation of a proper maximum price determined under this subparagraph (3), and the Office of Price Administration, Washington, D. C., has approved this interpretation in writing, or,

(4) If the maximum price cannot be determined under paragraphs (b) (1), (2) or (3) of this section, the price approved in writing by the Office of Price Administration, Washington, D. C.

§ 1400.164 *Appendix B: Maximum prices for sales by persons other than manufacturers.* (a) The provisions of paragraph (a) of § 1400.163 shall apply to the maximum prices established herein.

(b) The maximum price for a pattern of any specific construction of a woven decorative fabric sold by a person other than a manufacturer shall be:

(1) 105% of the price quoted for the same pattern of the same construction in the manufacturer's price list in effect on November 10, 1941, to a purchaser of the same general class, or,

<sup>1</sup> *Supra*, note 2.



(2) If the maximum price cannot be determined under paragraph (b) (1) of this section, 105% of the highest price at which such pattern of the same construction was sold or offered for sale during the period from September 11 to November 10, 1941, inclusive, to a purchaser of the same general class, or,

(3) If the maximum price cannot be determined under paragraphs (b) (1) or (2) of this section, the price determined by the applications of the following formula: The seller shall (i) select from the same general classification and price range as the pattern being priced under this paragraph (b) (3), the pattern of the most nearly comparable construction for which a maximum price is established under paragraphs (b) (1) or (2) of this section and of which the seller sold or delivered the largest number of units during the period from September 11, to November 10, 1941, inclusive; (ii) divide his maximum price for that pattern by his supplier's present maximum price<sup>10</sup> for such pattern; and (iii) multiply the percentage so obtained by the maximum price of the supplier for the pattern being priced under this subparagraph, or,

(4) If the maximum price cannot be determined under paragraphs (b) (1), (2) or (3), the price approved in writing by the Office of Price Administration, Washington, D. C.:

*Provided*, That until October 13, 1942, in the event that a seller other than a manufacturer has in his inventory on July 13, 1942, a pattern of a woven decorative fabric, the cost price of which to him exceeds by more than 5% his supplier's present maximum price established by this Maximum Price Regulation No. 39 or by any other price regulation or order issued by the Office of Price Administration, the maximum price for the pattern shall be determined in accordance with the General Maximum Price Regulation,<sup>11</sup> and the provisions of this section shall not be applicable. For each such pattern the seller shall keep records showing with respect to it: (i) the name or number; (ii) the name and address of the supplier; (iii) the cost price to the seller; (iv) the maximum price of the supplier; (v) the quantity of the pattern in the seller's inventory on July 13, 1942; and (vi) the maximum price as determined in accordance with the General Maximum Price Regulation.

Issued this 8th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6501; Filed, July 8, 1942;  
11:58 a. m.]

<sup>10</sup> In determining his supplier's maximum price for the purpose of this subparagraph, the seller shall be permitted to rely upon the written representation of the supplier.

A converter in applying this formula should use as the supplier's maximum price the aggregate of the maximum price for the unfinished fabric plus the maximum price for the finishing operations established by regulations or orders of the Office of Price Administration.

<sup>11</sup> 7 F.R. 2153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738.

## TITLE 36—PARKS AND FORESTS

### Chapter I—National Park Service

#### PART 2—GENERAL RULES AND REGULATIONS

##### RESTRICTIONS ON DOGS AND CATS; ADMISSION FEES TO PARKS

Pursuant to the authority contained in the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Title 36, Part 2, Code of Federal Regulations, is amended in the following particulars:

Section 2.13, *Dogs and cats*, is amended by changing paragraph (a) to read as follows:

(a) Dogs and cats are prohibited on the Government lands in the parks and monuments unless such animals are on leash, crated, or otherwise under physical restrictive control at all times: *Provided, however*, That the Director may designate areas to which dogs and cats shall not be admitted: *Provided further*, That in special cases, the Director may authorize the keeping of dogs and cats by residents in a park or monument under such conditions as he may prescribe.

Section 2.40, *Permits*, is amended by changing paragraph (g) to read as follows:

(g) In Mount Rainier National Park, no permits are required for the operation of motor vehicles on the road to the Ohanapechosh campground area. Through traffic over the East Side Road by noncommercial passenger vehicles, and by trucks under 5,000 pounds gross weight, is permitted without charge.

Section 2.55, *Fees*, is amended by changing subparagraph (2) of paragraph (i), *Admission fees*, to read as follows:

(2) An admission fee shall be charged each person entering the following places, except children 16 years of age, or under, or groups of school children 16 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

	Fee
Fort McHenry National Monument and Historic Shrine—Inner Fort.....	\$0.10
Colonial National Historical Park—Moore House.....	.10
Yorktown Historical Museum.....	.10
Morristown National Historical Park—Ford Museum and Mansion.....	.10
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum.....	.10
Chickamauga and Chattanooga National Military Park—Point Park.....	.10
Vicksburg National Military Park—Museum.....	.10
Salem Maritime National Historic Site—Derby House.....	.25
Vanderbilt Mansion National Historic Site—Mansion.....	.25
Lincoln Museum.....	.10
House Where Lincoln Died.....	.10
Lee Mansion in Arlington National Cemetery.....	.10

Approved: June 29, 1942.

[SEAL] E. K. BURLEW,  
First Assistant Secretary.

[F. R. Doc. 42-6473; Filed, July 8, 1942;  
10:33 a. m.]

## TITLE 46—SHIPPING

### Chapter IV—War Shipping Administration

[General Order No. 16]

#### PART 304—UNIFORM BILL OF LADING

Whereas on February 7, 1942, by executive order No. 9054<sup>1</sup> the President of the United States, by virtue of the authority in him vested, established the War Shipping Administration under the direction of the Administrator, to perform, among other functions, control of the operation and use of all ocean vessels under the flag and control of the United States (except (1) combatant vessels of the Army, Navy, and Coast Guard; fleet auxiliaries of the Navy; and transports owned by the Army and Navy; and (2) vessels engaged in coastwise, intercoastal and inland transportation under the control of the Director of the Office of Defense Transportation), and the issuance of such directives concerning shipping operations as he may deem necessary or appropriate; and

Whereas it is deemed necessary and appropriate that in the exercise of the said functions a uniform bill of lading be used in the operation of all vessels the operation of which is so within the control of the Administrator;

*Now, therefore, it is hereby ordered, That:*

§ 304.1 *Effective date*. All operators of vessels owned by or under bareboat or time charter to or operated by or for the use or account of the United States of America shall, on or before July 31, 1942, on all outbound shipments from continental United States ports excluding Alaska, and as soon thereafter as possible on all other shipments, and on all subsequent shipments, use or cause to be used only the Uniform Bill of Lading designated as "War Shiplading 7/1/42," which shall be as follows:

#### § 304.2 *Bill of lading*.

##### X Y Z SHIPPING COMPANY

RECEIVED from the Shipper hereinafter named, the goods or packages said to contain goods hereinafter mentioned, in apparent good order and condition, unless otherwise indicated in this bill of lading, to be transported subject to all the terms of this bill of lading with liberty to proceed via any port or ports within the scope of the voyage described herein, to the port of discharge or so near thereunto as the ship can always safely get and leave, always afloat at all stages and conditions of water and weather, and there to be delivered or transhipped on payment of the charges thereon. If the goods in whole or in part are shut out from the ship named herein for any cause, the Carrier shall have liberty to forward them under the terms of this bill of lading on the next available ship.

It is agreed that the custody and carriage of the goods are subject to the following terms on the face and back hereof which shall govern the relations, whatsoever they may be, between the shipper, consignee, and the Carrier, Master and ship in every contingency, wheresoever and whensoever occurring, and also in the event of deviation, or of unseaworthiness of the ship at the time of loading or inception of the voyage or

<sup>1</sup> 7 F.R. 837.



subsequently, and none of the terms of this bill of lading shall be deemed to have been waived by the Carrier unless by express waiver signed by a duly authorized agent of the Carrier:

Ship: (M. S.) \_\_\_\_\_ Voyage No. \_\_\_\_\_  
 (S. S.) \_\_\_\_\_  
 Port of Loading \_\_\_\_\_  
 Shipper \_\_\_\_\_  
 Consignee: Order of \_\_\_\_\_ or assigns \_\_\_\_\_  
 If consigned to Shipper's Order arrival notice \_\_\_\_\_

to be addressed to \_\_\_\_\_  
 (Without liability to carrier, see Clause 12 hereof)  
 Port of Discharge from Ship \_\_\_\_\_  
 (If goods to be transhipped at port of discharge)  
 Destination of Goods \_\_\_\_\_  
 (See Clause 11 hereof)

penses and money obligations incurred and payable by the goods, shipper, consignee, or any of them.

3. The scope of voyage herein contracted for shall include usual or customary or advertised ports of call whether named in this contract or not, also ports in or out of the advertised, geographical, usual or ordinary route or order, even though in proceeding thereto the ship may sail beyond the port of discharge or in a direction contrary thereto or return to the original port, or depart from the direct or customary route, and includes all canals, straits and other waters. The ship may call at any port for the purposes of the current voyage or of a prior or subsequent voyage. The ship may omit calling at any port or ports whether scheduled or not, and may call at the same port more than once; may for matters occurring before loading the goods, known or unknown at the time of such loading and matters occurring after such loading, either with or without the goods or passengers on board, and before or after proceeding toward the port of discharge, adjust compasses, dry dock, with or without cargo aboard go on ways or to repair yards, shift berths, make trial trips or tests, take fuel or stores, remain in port, sail with or without pilots, tow and be towed, and save or attempt to save life or property; and all of the foregoing are included in the contract voyage.

4. In any situation whatsoever and where-soever occurring and whether existing or anticipated before commencement of or during the voyage, which in the judgment of the Carrier or the Master is likely to give rise to risk of capture, seizure, detention, damage, delay or disadvantage to or loss of the ship or any part of her cargo, to make it unsafe, imprudent, or unlawful for any reason to commence or proceed on or continue the voyage or to enter or discharge the goods at the port of discharge, or to give rise to delay or difficulty in arriving, discharging at or leaving the port of discharge or the usual or agreed place of discharge in such port, the Carrier may before loading or before the commencement of the voyage, require the shipper or other person entitled thereto to take delivery of the goods at port of shipment and upon failure to do so, may warehouse the goods at the risk and expense of the goods; or the Carrier or the Master, whether or not proceeding toward or entering or attempting to enter the port of discharge or reaching or attempting to reach the usual place of discharge therein or attempting to discharge the goods there, may discharge the goods into depot, lazaretto, craft, or other place; or the ship may proceed or return, directly or indirectly, to or stop at any port or place whatsoever as the Master or the Carrier may consider safe or advisable under the circumstances, and discharge the goods, or any part thereof, at any such port or place; or the Carrier or the Master may retain the cargo on board until the return trip or until such time as the Carrier or the Master thinks advisable and discharge the goods at any place whatsoever as herein provided; or the Carrier or the Master may discharge and forward the goods by any means, rail, water, land, or air at the risk and expense of the goods. The Carrier or the Master is not required to give notice of discharge of the goods or the forwarding thereof as herein provided. When the goods are discharged from the ship, as herein provided, they shall be at their own risk and expense; such discharge shall constitute complete delivery and performance under this contract and the Carrier shall be freed from any further responsibility. For any services rendered to the goods as hereinabove provided, the Carrier shall be entitled to a reasonable extra compensation.

THE SCOPE OF THE VOYAGE IS DESCRIBED IN CLAUSE 3 HEREOF. PARTICULARS FURNISHED BY SHIPPER OF GOODS

Marks and numbers	Quantity or number of pieces or packages	Description of goods	Gross weight pounds	Measurement
		..... @ ..... per 100 lbs. ....		\$ .....
		..... @ ..... per 2,240 lbs. ....		\$ .....
		..... ft. .... in. @ ..... per cub. ft. ....		\$ .....
		..... ft. .... in. @ ..... per 40 cub. ft. ....		\$ .....
		..... @ .....		\$ .....
		*Freight to be prepaid—to collect.....		\$ .....

\*Cross out words not applicable.  
 In accepting this bill of lading the shipper, consignee and owner of the goods agree to be bound by all of its stipulations, exceptions, and condition, whether written, printed, or stamped on the front or back hereof, any local customs or privileges to the contrary notwithstanding.  
 In witness whereof, the Master of the said ship has affirmed to \_\_\_\_\_  
 (Number) \_\_\_\_\_ bills of lading, all of this tenor and date, ONE of which being accomplished, the others to stand void.  
 Dated at \_\_\_\_\_  
 FOR THE MASTER: \_\_\_\_\_

(Name of Agent in Print)  
 By \_\_\_\_\_  
 as Agent for the Master  
 By \_\_\_\_\_

B/L No. \_\_\_\_\_

1. This bill of lading shall have effect subject to the provisions of the Carriage of Goods by Sea Act of the United States of America, approved April 16, 1936, which shall be deemed to be incorporated herein, and nothing herein contained shall be deemed a surrender by the Carrier or any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. The provisions stated in said Act (except as may be otherwise specifically provided herein) shall govern before the goods are loaded on and after they are discharged from the ship and throughout the entire time the goods are in the custody of the Carrier. The Carrier shall not be liable in any capacity whatsoever for any delay, nondelivery or misdelivery, or loss of or damage to the goods occurring while the goods are not in the actual custody of the Carrier. If this bill of lading is issued in a locality where there is in force a Carriage of Goods by Sea Act or Ordinance or Statute of a similar nature to the International Convention for the Unification of Certain Rules Relating to Bills of Lading at Brussels of August 25, 1924, it is subject to the provisions stated in such Act, Ordinance and rules thereto annexed which may be in effect where this bill of lading is issued.

(a) The Carrier shall be entitled to the full benefit of, and right to, all limitations of, or exemptions from, liability authorized by any provisions of Sections 4281 to 4286 of the Revised Statutes of the United States and amendments thereto and of any other provisions of the laws of the United States or of

any other country whose laws shall apply. If the ship is not owned by or chartered by demise to the War Shipping Administration or the Company designated herein (as may be the case notwithstanding anything that appears to the contrary) this bill of lading shall take effect only as a contract with the owner or demise charterer, as the case may be, as principal, made through the agency of the War Shipping Administration or the Company designated herein which acts as agent only and shall be under no personal liability whatsoever in respect thereof. If, however, it shall be adjudged that any other than the owner or demise charterer is carrier and/or bailee of the goods all limitations of and exonerations from liability provided by law or by the terms hereof shall be available to such other.

2. In this bill of lading the word "ship" shall include any substituted vessel, and any craft, lighter or other means of conveyance owned, chartered or operated by the Carrier used in the performance of this contract; the word "Carrier" shall include the ship, her owner, master, operator, demise charterer, and if bound hereby the time charterer, and any substituted carrier, whether the owner, operator, charterer, or master shall be acting as carrier or bailee; the word "shipper" shall include the person named as such in this bill of lading and the person for whose account the goods are shipped; the word "consignee" shall include the holder of the bill of lading, properly endorsed, and the receiver and the owner of the goods; the word "charges" shall include freight and all ex-



5. The Carrier, Master and ship shall have liberty to comply with any orders or directions as to loading, departure, arrival, routes, ports of call, stoppages, discharge, destination, delivery or otherwise howsoever given by the government of any nation or department thereof or any person acting or purporting to act with the authority of such government or of any department thereof, or by any committee or person having, under the terms of the war risk insurance on the ship, the right to give such orders or directions. Delivery or other disposition of the goods in accordance with such orders or directions shall be a fulfillment of the contract voyage. The ship may carry contraband, explosives, munitions, warlike stores, hazardous cargo, and may sail armed of unarmed and with or without convoy.

In addition to all other liberties herein the Carrier shall have the right to withhold delivery of, reship to, deposit or discharge the goods at any place whatsoever, surrender or dispose of the goods in accordance with any direction, condition or agreement imposed upon or exacted from the carrier by any government or department thereof or any person purporting to act with the authority of either of them. In any of the above circumstances the goods shall be solely at their risk and expense and all expenses and charges so incurred shall be payable by the owner or consignee thereof and shall be a lien on the goods.

6. Unless otherwise stated herein, the description of the goods and the particulars of the packages mentioned herein are those furnished in writing by the shipper and the Carrier shall not be concluded as to the correctness of marks, number, quantity, weight, gauge, measurement, contents, nature, quality or value. Single pieces or packages exceeding 4480 lbs. in weight shall be liable to pay extra charges in accordance with tariff rates in effect at time of shipment for loading, handling, transshipping or discharging and the weight of each such piece or package shall be declared in writing by the shipper on shipment and clearly and durably marked on the outside of the piece or package. The shipper and the goods shall also be liable for, and shall indemnify the Carrier in respect of any injury, loss or damage arising from shipper's failure to declare and mark the weight of any such piece or package or from inadequate or improper description of the goods or from the incorrect weight of any such piece or package having been declared or marked thereon, or from failure fully to disclose the nature and character of the goods.

7. Goods may be stowed in poop, fore-castle, deck house, shelter deck, passenger space or any other covered in space commonly used in the trade and suitable for the carriage of goods, and when so stowed shall be deemed for all purposes to be stowed under deck. In respect of goods carried on deck all risks of loss or damage by perils inherent in such carriage shall be borne by the shipper or the consignee but in all other respects the custody and carriage of such goods shall be governed by the terms of this bill of lading and the provisions stated in said Carriage of Goods by Sea Act notwithstanding Sec. 1 (c) thereof, or the corresponding provisions of any Carriage of Goods by Sea Act that may be applicable. Specially heated or specially cooled stowage is not to be furnished unless contracted for at an increased freight rate. Goods or articles carried in any such compartment are at the sole risk of the owner thereof and subject to all the conditions, exceptions and limitations as to the Carrier's liability and other provisions of this bill of lading; and further the Carrier shall not be liable for any loss or damage occasioned by the temperature, risks of refrigeration, defects or insufficiency

in or accidents to or explosion, breakage, derangement or failure of any refrigerator plant or part thereof, or by or in any material or the supply or use thereof used in the process of refrigeration unless shown to have been caused by negligence of the Carrier from liability for which the Carrier is not by law entitled to exemption.

8. Live animals, birds, reptiles and fish are received and carried at shipper's risk of accident or mortality, and the Carrier shall not be liable for any loss or damage thereto arising or resulting from any matters mentioned in Section 4, Subsection 2, a to p inclusive of said Carriage of Goods by Sea Act or similar sections of any Carriage of Goods by Sea Act that may be applicable, or from any other cause whatsoever not due to the fault of the Carrier, any warranty of seaworthiness in the premises being hereby waived by the shipper. Except as provided above such shipments shall be deemed goods, and shall be subject to all terms and provisions in this bill of lading relating to goods.

9. If the ship comes into collision with another ship as a result of the negligence of the other ship and any act, neglect or default of the Master, mariner, pilot or the servants of the Carrier in the navigation or in the management of the ship, the owners of the goods carried hereunder will indemnify the Carrier against all loss or liability to the other or non-carrying ship or her owners in so far as such loss or liability represents loss of, or damage to, or any claim whatsoever of the owners of said goods, paid or payable by the other or non-carrying ship or her owners to the owners of said goods and set-off, recouped or recovered by the other or non-carrying ship or her owners as part of their claim against the carrying ship or Carrier.

The foregoing provisions shall also apply where the owners, operators or those in charge of any ship or ships or objects other than, or in addition to, the colliding ships or objects are at fault in respect of a collision or contact.

10. General average shall be adjusted, stated and settled, according to Rules 1 to 15, inclusive, 17 to 22, inclusive, and Rule F of York-Antwerp Rules 1924, at such port or place in the United States as may be selected by the Carrier, and as to matters not provided for by these Rules, according to the laws and usages at the port of New York. In such adjustment disbursements in foreign currencies shall be exchanged into United States money at the rate prevailing on the dates made and allowances for damage to cargo claimed in foreign currency shall be converted at the rate prevailing on the last day of discharge at the port or place of final discharge of such damaged cargo from the ship. Average agreement or bond and such additional security, as may be required by the Carrier, must be furnished before delivery of the goods. Such cash deposit as the Carrier or his agents may deem sufficient as additional security for the contribution of the goods and for any salvage and special charges thereon, shall, if required, be made by the goods, shippers, consignees or owners of the goods to the Carrier before delivery. Such deposit shall, at the option of the Carrier, be payable in United States money and be remitted to the adjuster. When so remitted the deposit shall be held in a special account at the place of adjustment in the name of the adjuster pending settlement of the General Average and refunds or credit balances, if any, shall be paid in United States money.

In the event of accident, danger, damage, or disaster, before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or not, for which, or for the consequence of which, the Carrier is not responsible, by statute, contract, or otherwise, the goods, the shipper and the consignee, jointly and severally, shall contribute with the Carrier in general aver-

age to the payment of any sacrifices, losses, or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the Carrier, salvage shall be paid for as fully and in the same manner as if such salving ship or ships belonged to strangers.

11. Whenever the Carrier or the Master may deem it advisable or in any case where the goods are consigned to a point where the ship does not expect to discharge, the Carrier or Master may, without notice, forward the whole or any part of the goods before or after loading at the original port of shipment, or any other place or places even though outside the scope of the voyage or the route to or beyond the port of discharge or the destination of the goods, by any vessel, vessels or other means of transportation by water or by land or by air or by any such means, whether operated by the Carrier or by others and whether departing or arriving or scheduled to depart or arrive before or after the ship expected to be used for the transportation of the goods. This Carrier, in making arrangements for any transshipping or forwarding vessel or means of transportation not operated by this Carrier shall be considered solely the forwarding agent of the shipper and without any other responsibility whatsoever.

The carriage by any transshipping or forwarding carrier and all transshipment or forwarding shall be subject to all the terms whatsoever in the regular form of bill of lading, freight note, contract or other shipping document used at the time by such carrier, whether issued for the goods or not, and even though such terms may be less favorable to the shipper or consignee than the terms of this bill of lading and may contain more stringent requirements as to notice of claim or commencement of suit and may exempt the on-carrier from liability for negligence. The shipper expressly authorizes the Carrier to arrange with any such transshipping or forwarding carrier that the lowest valuation of the goods or limitation of liability contained in the bill of lading or shipping document of such carrier shall apply even though lower than the valuation or limitation herein, provided that the shipper shall not be compelled to pay a rate higher than that applicable to the valuation contained in such bill of lading. Pending or during transshipment the goods may be stored ashore or afloat at their risk and expense and the Carrier shall not be liable for detention.

12. The port authorities are hereby authorized to grant a general order for discharging immediately upon arrival of the ship and the Carrier without giving notice either of arrival or discharge, may discharge the goods directly they come to hand, at or onto any wharf, craft or place that the Carrier may select, and continuously Sundays and holidays included, at all such hours by day or by night as the Carrier may determine no matter what the state of the weather or custom of the port may be. The Carrier shall not be liable in any respect whatsoever if heat or refrigeration or special cooling facilities shall not be furnished during loading or discharge or any part of the time that the goods are upon the wharf, craft, or other loading or discharging place. All light-erage and use of craft in discharging shall be at the risk and expense of the goods. Landing and delivery charges and pier dues shall be at the expense of the goods unless included in the freight herein provided for. If the goods are not taken away by the consignee by the expiration of the next working day after the goods are at his disposal, the goods may at Carrier's option and subject to Carrier's lien, be sent to store or warehouse or be permitted to lie where landed, but always at the expense and risk of the goods.



The responsibility of the Carrier in any capacity shall altogether cease and the goods shall be considered to be delivered and at their own risk and expense in every respect when taken into the custody of customs or other authorities. The Carrier shall not be required to give any notification of disposition of the goods.

13. The Carrier shall not be liable for failure to deliver in accordance with marks unless such marks shall have been clearly and durably stamped or marked by the shipper before shipment upon the goods or packages, in letters and numbers not less than two inches high, together with name of the port of discharge. Goods that cannot be identified as to marks or numbers, cargo sweepings, liquid residue and any unclaimed goods not otherwise accounted for shall be allocated for completing delivery to the various consignees of goods of like character, in proportion to any apparent shortage, loss of weight or damage. Loss or damage to goods in bulk stowed without separation from other goods in bulk of like quality, shipped by either the same or another shipper, shall be divided in proportion among the several shippers.

14. The goods shall be liable for all expense of mending, cooorage, baling or reconditioning of the goods or packages and gathering of loose contents of packages; also for any payment, expense, fine, dues, duty, tax, impost, loss, damage or detention sustained or incurred by or levied upon the Carrier or the ship in connection with the goods, howsoever caused, including any action or requirement of any government or governmental authority or person purporting to act under the authority thereof, seizure under legal process or attempted seizure, incorrect or insufficient marking, numbering or addressing of packages or description of the contents, failure of the shipper to procure consular, Board of Health or other certificates to accompany the goods or to comply with laws or regulations of any kind imposed with respect to the goods by the authorities at any port or place or any act or omission of the shipper or consignee.

15. Freight shall be payable on actual gross intake weight or measurement or, at Carrier's option, on actual gross discharged weight or measurement. Freight may be calculated on the basis of the particulars of the goods furnished by the shipper herein but the Carrier may at any time open the packages and examine, weigh, measure and value the goods. In case shipper's particulars are found to be erroneous and additional freight is payable, the goods shall be liable for any expense incurred for examining, weighing, measuring and valuing the goods. Full freight shall be paid on damaged or unsound goods. Full freight hereunder to port of discharge named herein shall be considered completely earned on shipment whether the freight be stated or intended to be prepaid or to be collected at destination; and the Carrier shall be entitled to all freight and charges due hereunder, whether actually paid or not, and to receive and retain them irrevocably under all circumstances whatsoever ship and/or cargo lost or not lost or the voyage broken up or abandoned. If there shall be a forced interruption or abandonment of the voyage at the port of shipment or elsewhere any forwarding of the goods or any part thereof shall be at the risk and expense of the goods. All unpaid charges shall be paid in full and without any offset, counterclaim or deduction in the currency of the port of shipment, or, at Carrier's option, in the currency of the port of discharge at the demand rate of New York exchange as quoted on the day of the ship's entry at the Custom House of her port of discharge. The Carrier shall have a lien on the goods, which shall survive delivery, for all charges due hereun-

der and may enforce this lien by public or private sale and without notice. The shipper and the consignee shall be jointly and severally liable to the Carrier for the payment of all charges and for the performance of the obligation of each of them hereunder.

16. Neither the Carrier nor any corporation owned by, subsidiary to or associated or affiliated with the Carrier shall be liable to answer for or make good any loss or damage to the goods occurring at any time and even though before loading on or after discharge from the ship, by reason or by means of any fire whatsoever, unless such fire shall be caused by its design or neglect.

17. In case of any loss or damage to or in connection with goods exceeding in actual value \$500 lawful money of the United States, per package, or, in case of goods not shipped in packages, per customary freight unit, the value of the goods shall be deemed to be \$500 per package or per unit, on which basis the freight is adjusted and the Carrier's liability, if any, shall be determined on the basis of a value of \$500 per package or per customary freight unit or pro rata in case of partial loss or damage unless the nature of the goods and a valuation higher than \$500 shall have been declared in writing by the shipper upon delivery to the Carrier and inserted in this bill of lading and extra freight paid if required and in such case if the actual value of the goods per package or per customary freight unit shall exceed such declared value, the value shall nevertheless be deemed to be the declared value and any partial loss or damage shall be adjusted pro rata on the basis of such declared value.

Whenever the value of the goods is less than \$500 per package or other freight unit, their value in the calculation and adjustment of claims for which the Carrier may be liable shall for the purpose of avoiding uncertainties and difficulties in fixing value be deemed to be the invoice value, plus freight and insurance if paid, irrespective of whether any other value is greater or less.

18. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the Carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be prima facie evidence of the delivery by the Carrier of the goods as described in the bill of lading. If the loss or damage is not apparent the notice must be given within three days of the delivery. The Carrier shall not be liable upon any claim for loss or damage unless written particulars of such claim shall be received by the Carrier within thirty days after receipt of the notice herein provided for.

19. In any event the Carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after the delivery of the goods or the date when the goods should have been delivered. Suit shall not be deemed brought until jurisdiction shall have been obtained over the Carrier and/or the ship by service of process or by an agreement to appear.

20. To avoid or alleviate preventions or delays in prosecution or completion of the voyage incident to the existence of hostilities, the Carrier has liberty and is authorized by the shipper and the owner of the goods to agree with the representatives of any government to submit the goods to examination at any place or places whatsoever and to delay delivery of the same until any restriction asserted by any governmental authority shall have been removed. The Carrier may put the goods in store ashore or afloat at the risk and expense of the owner of the same pending examination; and thereupon the Carrier's responsibility shall end. Any dam-

age or deterioration occasioned by such examination or by delay and other risks of whatsoever nature shall be solely for account of the owner of the goods. All expenses incurred by the Carrier in relation to such detention of the goods shall be paid by the shipper or consignee or owner of the goods.

21. This Bill of Lading shall be construed and the rights of the parties thereunder determined according to the law of the United States.

22. Cargo skids and labor on quay are to be provided by ship's agent for account of consignee at current rates, and any cargo which may be ordered for delivery into fiscal deposits, must be taken by an official cartman appointed by the agent of the ship, at current rates for account and risk of consignee.

23. If any bagged or baled goods are landed slack or torn, receiver and/or consignee shall accept its proportion of the sweepings. Ship not responsible for loss of weight in bags or bales torn, mended or with sample holes.

24. Cotton: Description of the condition of the cotton does not relate to the insufficiency of or torn condition of the covering, nor to any damage resulting therefrom and Carrier shall not be responsible for damage of such nature.

25. Specie: Specie will not be shipped or landed by the Carrier; it must be put on board by the shipper, and will only be delivered on board on presentation of the bills of lading properly endorsed; it may be carried on at consignee's risk if delivery is not taken during the ship's stay in port, and in every case the liability of the Carrier shall cease when the specie leaves the ship's deck.

26. SPECIFIED DOCK DISCHARGE. If the carrier makes a special agreement, whether by stamp hereon or otherwise, to deliver the goods hereby receipted for at a specified dock or wharf at the port of discharge, it is mutually agreed that such agreement shall be construed to mean that the Carrier is to make such delivery only if, in the sole judgment of the Master, the ship can safely under her own power, proceed to, lie at, and return from said dock or wharf, always afloat at any time of tide, and only if such dock or wharf is available to the ship immediately the ship is ready to discharge the goods and, that otherwise, the ship shall discharge the goods in accordance with Clause 12 of this bill of lading, whereupon Carrier's responsibility shall cease.

27. FREIGHT COLLECT. Carrier to place insurance on collect freight for account of carrier, shipper and consignee with losses, if any, payable to carrier. Consignee to pay premium for same; but if premium is higher than shipper or consignee would pay for marine and war risk on cargo difference to be absorbed by the owners.

28. All agreements or freight engagements for the shipment of the goods are superseded by this bill of lading, and all its terms, whether written, typed, stamped, or printed, are accepted and agreed by the shipper to be binding as fully as if signed by the shipper, any local customs or privileges to the contrary notwithstanding. Nothing in this bill of lading shall operate to limit or deprive the Carrier of any statutory protection or exemption from or limitation of liability. If required by the Carrier, one signed bill of lading duly endorsed must be surrendered to the agent of the ship at the port of discharge in exchange for delivery order.

2. Said bill of lading when printed shall be of a uniform size 10" x 17", to be printed in type no smaller than 7 point, the back thereof to be printed in two columns. All operators shall at their own expense, under agency agreements now or hereafter in effect, cause said bill of lading to be printed as aforesaid, and any such operator shall indicate its name and may also print appropriate and



customary house flags, office addresses, etc., on the face thereof.

3. Prior to the issuance of said bills of lading for the carriage of goods on any vessel the operator or agent thereof shall obtain the written consent of the Master of said vessel to the execution of said bills of lading, acting for and on behalf of said Master.

4. The following special terms and conditions, in addition to the terms and conditions set forth in said uniform bill of lading, shall respectively be incorporated in all bills of lading in all trades and on all routes to which they are severally appropriate, and the said special terms and conditions shall follow the general terms and conditions set forth in said uniform bill of lading:

#### SPECIAL CLAUSES FOR PARTICULAR TRADES

##### I

At *Pernambuco*, the goods are to be dispatched at custom house within 24 hours of vessel's arrival, or they will be deposited by vessel's agents at consignee's risk and expense.

##### II

At *Santos*, the customs permits for the landing of these goods at wharf shall be taken out within twenty-four (24) hours after ship's arrival, or the goods may be deposited in hulk or elsewhere at consignee's risk and expense.

##### III

At *Buenos Aires*, should the authorities order the goods or any portion thereof to be discharged or deposited at the warehouse of the Empresa de las Catalinas the consignees are bound to accept and pay the official or special tariff applicable for the goods.

##### IV

At *Rosario*, the Gas Mole charges shall be for account of the goods.

##### V

If in any situation indicated in Article 4 or 5 of this bill of lading, the goods are discharged at any port or place north of *Suez*, an additional freight of ----- per ton, weight or measurement, ship's option, shall be paid by the shipper and/or consignee, and the same shall be a lien on the goods.

##### VI

Owing to congestion at customs and bonded stores, *Suez* cargo may be landed in open spaces at entire risk of owner of goods.

##### VII

At *Montevideo*, should it be found impossible for the ship to discharge owing to there being no berth, shed, deposit or wagons available, or for lack of space on wharf at berth assigned by port authorities, or for any other cause of "force majeure" or should anything else prevent the ship from discharging on arrival, which will be verified by a declaration of the Administracion Nacional del Puerto (Port Administration), the cargo will be discharged into lighters sent by the agents for the account and risk of the consignees.

##### VIII

Flour and lard shipped to *Rio de Janeiro* shall be landed at a *Trapiche*, designated by the Carrier's agent at that port, the custom of said port to the contrary notwithstanding.

##### IX

Handling charges at *Pacific Coast Ports*: Any provisions herein to the contrary notwithstanding, goods may be received and/or delivered by Carrier at ship's tackle and receipt and delivery beyond ship's tackle shall be entirely at the option of the Carrier and

solely at the expense of the shipper or consignee.

##### X

If by reason of ice or other unforeseen accident or occurrence to or in the *Manchester Ship Channel* or its approaches the ship is prevented from proceeding to *Manchester* in the ordinary course and without delay, the goods shipped hereunder may at Carrier's option be delivered at the port of *Liverpool* against payment of the then current ocean rate of freight from the port of shipment to that port in addition to any inland freight and charges, or they may be forwarded by the Carrier for delivery at destination at the expense and risk of the owner thereof and against payment of the freight herein provided for.

##### XI

*London Clause (A)* The Carrier shall, at its option, be entitled to land the goods within mentioned on the quay, or to discharge them into craft hired by it immediately on arrival at dock, quay, river wharf or other wharf or landing place selected by the Carrier, and at consignee's risk and expense; the Carrier being entitled to collect the same charges on goods entered for landing at the docks, as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere, shall, on making application to the ship's agent, or to the dock or wharf company, within 72 hours after ship shall have been reported, except as provided hereafter, be entitled to delivery in consignee's lighters or land conveyances at the following rates, to be paid with the freight to the ship's agent, against release, or the dock or wharf company, if so directed by the ship's agent, viz.: Following wooden goods in packages; clothes-pegs, handles, blind rollers, hubs, spokes, wheels, and oars, 1/3 per ton measurement; hops, 2/9 per ton weight; lumber and logs, 2/- per ton measurement or 2/6 per ton weight at ship's option; slates, 2/- per ton weight; wheaten flour, 1/3 per ton weight. All other general cargo 1/9 per ton weight or measurement at ship's option; minimum charge, one ton.

(B) Grain for overside delivery is to be applied for within twenty-four hours of ship's arrival (or thereafter immediately it becomes clear) at any dock, quay, river wharf or other wharf or landing place selected by the ship owners or agents. In the absence of sufficient consignee's craft, with responsible persons in charge, to receive as fast as ship can discharge overside into lighters during usual working hours, the Master or agent may land or discharge into lighters at the risk and expense of the consignee. The Carrier or agent may land or discharge continuously day and/or night, any grain landed or discharged for ship's convenience during usual working hours (consignee's craft being duly in attendance) and any grain that may be landed or discharged before or after usual working hours (whether craft are then in attendance or not) is to be given up free to consignee's craft applying for same within seventy-two hours from its landing or discharge; otherwise it will be subject to the usual dock, quay, river wharf or other wharf or landing place charges.

An extra freight of 7d. per ton shall be paid to the Carrier or agent on each consignment of grain whether any portion be landed or not. The grain is to be weighed at time of discharge, either on deck and/or dock, quay, river wharf or other wharf or landing place and/or craft at ship's option. Working out charges (including weighing) as fixed by the Port of *London* Authority for grain in bulk and/or ship's bags are to be paid by the consignee with the freight to the ship's agent or to the authorized representative of

the dock, quay, river wharf or other wharf or landing place if so directed by the ship's agent in exchange for release. Neither party shall be liable for any interference with the performance of the contract herein contained, which is caused by strikes, or lock-out of seamen, lightermen, stevedores, or shore laborers, or railway or transport or other disturbances of any kind or in furtherance thereof, whether partial or otherwise, nor for any consequences thereof, and in such case the Carrier or agent shall be entitled to land or put into craft at the risk and expense of consignee. In case the grain shipped under this bill of lading forms part of a larger bulk, each bill of lading is to bear its proportion of shortage and damage, if any.

(C) *Acetone, asphalt, carbon black, celluloid, cotton, cotton waste, hay, hemp, hydrolene, istle, jute, lampblack, illuminating and oil of all kinds, whether animal, vegetable, or mineral, and the liquid products of them or any of them, pitch, rags, rosin, straw, tar, turpentine, varnish, wood spirits, also any other goods of a more or less hazardous nature.* Consignees to have craft in attendance immediately by ship's arrival at any discharging berth selected by the Carrier, to take delivery from ship or otherwise (at ship's option), of any of the above-mentioned commodities, the Carrier having the option of working continuously by day and/or night, and consignees to pay 1/3d. per ton weight or measurement at ship's option. If consignee's craft is not in attendance, the goods may be put into Captain's entry craft at risk and expense of consignees.

(D) Refrigerator cargo. Goods may be discharged immediately on arrival at dock, quay, river wharf or other wharf or landing place selected by the Carrier, who shall have the option of working continuously day and/or night and are to be removed by consignees within 24 hours after ship shall have been reported at the Custom House. Consignee is to pay 1/9d. per ton weight or measurement at ship's option, otherwise the Carrier has the right of removing or of calling upon the dock, quay or wharf authorities to receive or remove all or any part thereof for storage or realization at consignee's risk and expense.

(E) In the case of heavy timber of rafting size delivered into the water in one of the docks in the river *Thames*, each consignee of such timber shall pay two-thirds of the ship's dock dues payable in respect of the space occupied by his portion of such cargo so delivered into the water.

Craft which are in attendance for delivery under above clauses and stipulations shall wait free of demurrage their regular turn to receive goods or grain as required by Carrier, either from ship or quay or Captain's entry craft.

All Port of *London* Authority charges are to be paid by consignee of the goods, and the Carrier shall have the same lien, rights, and remedies on goods or grain referred to in the above clauses or under any other clauses of the bill of lading, as they have by law in respect to freight.

This *London Clause* is, in respect of goods destined to that port, to form part of this bill of lading, and any words at variance with them are hereby cancelled.

##### XII

On all shipments forwarded to *Lourence Marques, Mombasa*, and ports for transshipment, the landing, lighterage, and delivery charges, and pier dues at destination are to be paid by consignee.

5. The operator shall, upon previous advice to War Shipping Administration, incorporate in bills of lading any special arrangements on the face thereof and any other special



clauses respectively appropriate to the trade and route undertaken.

6. If or when a short form of bill of lading shall have been approved incorporating by reference the aforesaid terms and conditions of carriage it shall be used with the same force and effect as though the said terms and conditions had been set forth in full therein.

7. Property of the United States of America required to be shipped pursuant to the Government Form of Bill of Lading (Standard Form No. 1058) shall continue to be so shipped and the carrier's bill of lading therein referred to shall be deemed to mean the bill of lading herein approved.

8. The bill of lading herein approved need not be employed for bulk cargoes (without count or mark) customarily carried pursuant to receipt forms of bills of lading issued under charters or other contracts of affreightment.

9. The right is reserved to approve other forms of bills of lading or clauses as the Administrator may deem appropriate in special circumstances.

By order of the War Shipping Administration.

W. C. PEET, Jr.,  
Secretary.

JULY 6, 1942.

[F. R. Doc. 42-6457; Filed, July 7, 1942;  
12:10 p. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### MEMORANDUM OPINION

In the Matter of Policy and Procedure for Handling Applications Relating to Stations in the Emergency, Aviation, Miscellaneous and Experimental Services.

It has become increasingly apparent that the public interest requires a curtailment in the use of materials for the construction or change of the transmitting facilities of certain stations operating in the Emergency, Aviation, Miscellaneous and Experimental Radio Services.

On June 12, 1942, the Board of War Communications made the following two recommendations to the War Production Board and to this Commission:

1. No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated by the War Production Board, to construct or to change the transmitting facilities of any amateur or Class 3 experimental station.

2. No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated by the War Production Board, to construct or to change the transmitting facilities of any Aeronautical Fixed (domestic) Station, Itinerant Aircraft Station, Flying School Station, or station operating in the Emergency and Miscellaneous Radio Services: *Provided, however*, That upon a proper showing that any such station serves an essential military need or a vital public need,

which cannot otherwise be met, the Commission and the War Production Board will take action commensurate with the importance of the particular facility in question.

The Commission has adopted the recommendation numbered one, and hereafter as a matter of policy, until further notice, will grant no application for an authorization involving the use of any materials to construct or change the transmitting facilities of any Class 3 Experimental Station. With respect to amateur stations, the Commission will continue to follow its policy, adopted soon after December 7, 1941, of not granting any new station licenses.

In accordance with the recommendation numbered two, the Commission has adopted the policy, until further notice, of not granting any application for an authorization which involves the use of any materials to construct or change the transmitting facilities of any Aeronautical Fixed (domestic) Station, Itinerant Aircraft Station, Flying School Station, or station operating in the Emergency and Miscellaneous Radio Services;<sup>1</sup> except where it appears that the facilities to be constructed or changed will serve either (1) an essential military need, or (2) a vital public need which cannot otherwise be met.

Any application hereafter filed involving the use of any materials to construct or to change the transmitting facilities of any class of station set forth under recommendation (2) will be considered defective and returned to the applicant unless it is accompanied by a verified statement showing all the facts and circumstances which the applicant believes to demonstrate that the facilities to be constructed or changed will serve either (1) an essential military need, or (2) a vital public need which cannot otherwise be met.

In the case of any application now pending<sup>2</sup> before the Commission, or postmarked prior to the date hereof, a verified statement need not be submitted unless the Commission specifically requests such statement. Failure to file the required statement within the time designated by the Commission shall be deemed an abandonment of the pending application and such application will be retired to the closed files of the Commission and dismissed without prejudice.

<sup>1</sup> The Emergency Radio and Miscellaneous Services include the following classes of stations:

- Emergency Radio Service:
- (a) State Police Stations.
  - (b) Municipal Police Stations.
  - (c) Zone Police Stations.
  - (d) Interzone Police Stations.
  - (e) Special Emergency Stations.
  - (f) Forestry Stations.
  - (g) Marine Fire Stations.
- Miscellaneous Radio Service:
- (a) Provisional Stations.
  - (b) Motion Picture Stations.
  - (c) Relay Press Stations.
  - (d) Geological Stations.
  - (e) Mobile Press Stations.

<sup>2</sup> Includes all such applications filed prior to the date hereof irrespective of present status.

In the event that the Commission is unable to determine that the proposed facilities will serve either an essential military need or a vital public need which cannot otherwise be met, the application will be designated for hearing.

Dated: July 7, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6496; Filed, July 8, 1942;  
11:51 a. m.]

## PART 2—GENERAL RULES AND REGULATIONS

### SUPERVISION OF CERTAIN BROADCASTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of July, 1942:

It is ordered, That subsection (a) (2) of § 2.53 of the General Rules and Regulations of the Federal Communications Commission be amended to read as follows:

(2) In the case of two or more stations, except amateur and broadcast, licensed in the name of the same person to use frequencies above 30,000 kilocycles only, a licensed radio operator of any class except amateur or holder of restricted radiotelephone or radiotelegraph operator permit who has the station within his effective control, may be on duty at any point within the communication range of such stations in lieu of the transmitter location or control point during the actual operation of the transmitting apparatus and shall supervise the emissions of all such stations so as to insure the proper operation in accordance with the station license.

By the Commission,

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6497; Filed, July 8, 1942;  
11:51 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter II—Office of Defense Transportation

[Amendment 1 to General Order O.D.T. 14]

#### PART 501—CONSERVATION OF MOTOR EQUIPMENT

##### SUBPART J—RACING

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1942, and by Executive Order No. 9156, dated May 2, 1942, General Order O.D.T. No. 14,<sup>1</sup> Title 49, Chapter II, Part 501, Subpart J, is hereby amended to read as follows:

§ 501.61 *Racing of motor vehicles prohibited.* No person shall drive, or cause to be driven, or participate in driving any motor vehicle in any race.

<sup>1</sup> 7 F.R. 5091.



This subpart shall become effective July 31, 1942, and shall remain in full force and effect until the further order of this Office.

Issued at Washington, D. C., this 7th day of July 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-6471; Filed, July 8, 1942;  
9:47 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service

#### PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

##### LENORE LAKE NATIONAL WILDLIFE REFUGE, WASHINGTON

###### FISHING REGULATIONS

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II<sup>1</sup> (53 Stat. 1431), and in furtherance of the Regulations for the Administration of National Wildlife Refuges, dated December 19, 1940,<sup>2</sup> the following is hereby ordered:

§ 21.551 *Lenore Lake National Wildlife Refuge, Washington; fishing.* Non-commercial fishing is permitted in all waters of the Lenore Lake National Wildlife Refuge, Washington, each year during the season prescribed therefor by the Washington State Game Commission except during the migratory-waterfowl hunting season and the seven days preceding the said season, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Washington. Fishing shall be by hook and line only, as defined by State law.

(b) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Washington State Game Commission, if such license is required. This license shall serve as a Federal permit for fishing in the waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Washington State Game Commission or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(d) *Use of motorboats.* The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(e) *Temporary restrictions.* During periods of waterfowl concentration on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.  
JUNE 29, 1942.

[F. R. Doc. 42-6474; Filed, July 8, 1942;  
10:33 a. m.]

#### PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

##### CONCONULLY NATIONAL WILDLIFE REFUGE, WASHINGTON

###### FISHING REGULATIONS

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan II<sup>1</sup> (53 Stat. 1431), and in furtherance of § 12.3 of the Regulations for the Administration of National Wildlife Refuges, dated December 19, 1940,<sup>2</sup> the following is hereby ordered:

§ 21.176 *Conconully National Wildlife Refuge, Washington; fishing.* Noncommercial fishing is permitted in all waters of the Conconully National Wildlife Refuge, Washington, each year during the season prescribed therefor by the Washington State Game Commission except during the migratory-waterfowl hunting season and the seven days preceding the said season, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Washington. Fishing shall be by hook and line only, as defined by State law.

(b) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Washington State Game Commission, if such license is required. This license shall serve as a Federal permit for fishing in the waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Washington State Game Commission or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(d) *Use of motorboats.* The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(e) *Temporary restrictions.* During periods of waterfowl concentration on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.  
JUNE 29, 1942.

[F. R. Doc. 42-6475; Filed, July 8, 1942;  
10:34 a. m.]

#### PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

##### THIEF VALLEY NATIONAL WILDLIFE REFUGE OREGON

###### FISHING REGULATIONS

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II<sup>1</sup> (53 Stat. 1431), and in furtherance of § 12.3 of the Regulations for the Administration of National Wildlife Refuges, dated December 19, 1940,<sup>2</sup> the following is hereby ordered:

§ 21.897 *Thief Valley National Wildlife Refuge, Oregon; fishing.* Noncommercial fishing is permitted in all waters of the Thief Valley National Wildlife Refuge, Oregon, each year during the season prescribed therefor by the Oregon State Game Commission except during the migratory-waterfowl hunting season and the seven days preceding the said season, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Oregon. Fishing shall be by hook and line only, as defined by State law.

(b) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Oregon State Game Commission, if such license is required. This license shall serve as a Federal permit for fishing in the waters of the refuge and must be carried on the person of the licensee while so fishing. The

<sup>1</sup> 4 F.R. 2731.

<sup>2</sup> 5 F.R. 5284.



license must be exhibited upon the request of any representative of the Oregon State Game Commission or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(d) *Use of motorboats.* The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(e) *Temporary restrictions.* During periods of waterfowl concentration on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

JUNE 29, 1942.

[F. R. Doc. 42-6476; Filed, July 8, 1942; 10:34 a. m.]

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

CREEDMAN COULEE NATIONAL WILDLIFE REFUGE, MONTANA

FISHING REGULATIONS

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II' (53 Stat. 1431), and in furtherance of § 12.3 of the Regulations for the Administration of National Wildlife Refuges, dated December 19, 1940,<sup>1</sup> the following is hereby ordered:

§ 22.196 *Creedman Coulee National Wildlife Refuge, Montana; fishing.* Non-commercial fishing is permitted on the Creedman Coulee National Wildlife Refuge, Montana, from July 15 to the eighth day prior to the opening day of the migratory-waterfowl hunting season of each year, inclusive, in all waters of the refuge, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Montana. Fishing shall be by hook and line only, as defined by State law.

(b) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Montana State Fish and Game Commission, if such license is required. This license shall serve as

a Federal permit for fishing in the waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Montana State Fish and Game Commission or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(d) *Use of boats.* The use of boats or floating devices of any sort is prohibited on all waters of the refuge except for official purposes.

(e) *Temporary restrictions.* During periods of waterfowl concentration on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

JUNE 29, 1942.

[F. R. Doc. 42-6477; Filed, July 8, 1942; 10:34 a. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

[1942 Department Circular No. 689]

TWO PERCENT TREASURY BONDS OF 1949-51

JULY 8, 1942.

Dated and bearing interest from July 15, 1942, due December 15, 1951, redeemable at the option of the United States at par and accrued interest on and after December 15, 1949, interest payable June 15 and December 15.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2 percent Treasury Bonds of 1949-51. The amount of the offering is \$2,000,000,000, or thereabouts.

II. DESCRIPTION OF BONDS

1. The bonds will be dated July 15, 1942, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on December 15, 1942, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1951, but may be redeemed at the option of the United States on and after December 15, 1949, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as

may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including \$25,000 will be allotted in full. The basis of the allotment on all other subscriptions will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before July 15, 1942, or on later allotment. In every case where payment is not so

<sup>1</sup> 4 F.R. 2731.

<sup>2</sup> 5 F.R. 5284.



completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depository will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

#### V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 42-6494; Filed, July 8, 1942;  
11:55 a. m.]

#### WAR DEPARTMENT.

Office of the Military Governor, Territory of Hawaii, Iolani Palace, Honolulu, T. H.

[General Orders No. 118]

#### ISSUE AND USE OF UNITED STATES CURRENCY IN HAWAII

JUNE 25, 1942.

*United States Currency.* 1. By virtue of the power vested in the Military Governor of the Territory of Hawaii, J. B. Poindexter, Governor of the Territory of Hawaii, is hereby authorized to make and administer regulations relating to the issuance and use of United States currency in the Territory of Hawaii, subject to such restrictions and limitations as may be promulgated by the Congress, President, or Secretary of the Treasury.

2. Whoever is found guilty of violating any of the provisions of such regulations, shall, upon conviction, be fined not more than five thousand dollars (\$5,000), or, if a natural person, may be imprisoned for not more than five (5) years, or both, and any officer, director, or agent of any corporation who knowingly participates in such a violation may be punished by a like fine, imprisonment, or both.

By Order of the Military Governor.

[SEAL] THOMAS H. GREEN,  
Brigadier General, A. U. S.  
Executive.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-6495; Filed, July 8, 1942;  
11:51 a. m.]

#### DEPARTMENT OF AGRICULTURE.

##### Rural Electrification Administration.

[Administrative Order 712]

##### ALLOCATION OF FUNDS FOR LOANS

JUNE 13, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Montana 2024A1 Blaine.....	\$45,000
Montana 2025A1 Sheridan.....	37,000
Montana 2026A1 Valley.....	45,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6458; Filed, July 7, 1942;  
3:01 p. m.]

[Administrative Order 713]

##### ALLOCATION OF FUNDS FOR LOANS

JUNE 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Missouri 2059GT1 Cole.....	\$4,275,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6459; Filed, July 7, 1942;  
3:01 p. m.]

[Administrative Order 714]

##### ALLOCATION OF FUNDS FOR LOANS

JUNE 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Florida 2014D3 Clay.....	\$55,000
Georgia 2092A2 Brantley.....	26,000
Georgia 2095A2 Clinch.....	35,000
Idaho 2011B3 Kootenai.....	32,000
Kentucky 2018E1 Meade.....	300,000
Kentucky 2033H1 Daviess.....	132,000
Minnesota 2063E2 Scott.....	20,000
Missouri 2027D1 Andrew.....	10,000
Pennsylvania 2022B2 Jefferson.....	12,000
Wisconsin 2053D1 Eau Claire.....	90,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6460; Filed, July 7, 1942;  
3:01 p. m.]

[Administrative Order 715]

##### ALLOCATION OF FUNDS FOR LOANS

JUNE 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized

by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Iowa 2034E2 Jones.....	\$32,000
Iowa 2051C2 Winnebago.....	16,000
Louisiana 2020B1 Concordia.....	205,000
Oregon 2005B2 Clatsop.....	20,000
Oregon 2016B3 Malheur.....	36,000
Pennsylvania 2006K2 Indiana.....	18,500
Washington 2008E3 Benton.....	40,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6461; Filed, July 7, 1942;  
3:01 p. m.]

[Administrative Order 716]

##### ALLOCATION OF FUNDS FOR LOANS

JUNE 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Idaho 2010E2 Nez Perce.....	\$76,000
Indiana 2015C2 Fayette.....	15,000
Indiana 2072B2 Clark.....	13,000
Michigan 2045D2 Cass.....	30,000
Minnesota 2032D1 Fillmore.....	598,500
Missouri 2050A2 Lafayette.....	15,000
North Carolina 2031B3 Halifax.....	13,000
South Carolina 2024B2 Marion.....	11,000
South Carolina 2027B2 Marlboro.....	27,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6462; Filed, July 7, 1942;  
3:01 p. m.]

[Administrative Order 717]

##### ALLOCATION OF FUNDS FOR LOANS

JUNE 19, 1942.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
South Carolina 2043S2 York.....	\$10,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6463; Filed, July 7, 1942;  
3:01 p. m.]

[Administrative Order 718]

##### ALLOCATION OF FUNDS FOR LOANS

JUNE 19, 1942.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Indiana 2060S1 Morgan.....	\$5,000
Minnesota 2085S2 Todd.....	5,000
Missouri 2038S2 Reynolds.....	5,000
North Carolina 2056S1 Pamlico.....	5,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6464; Filed, July 3, 1942;  
3:02 p. m.]



[Administrative Order 719]

ALLOCATION OF FUNDS FOR LOANS

JUNE 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
California 2018B2 San Diego.....	\$ 18,000
Colorado 2017E3 Prowers.....	35,000
Indiana 2033C2 Hendricks.....	15,000
Indiana 2038C2 Johnson.....	12,500
Kansas 2034B1 Barton.....	125,000
Minnesota 2095B1 Lake of the Woods.....	346,500
Mississippi 2020D2 Yazoo.....	15,000
Missouri 2040A2 Pettis.....	25,000
Oregon 2018G1 Eugene.....	60,000
Tennessee 2051B2 Johnson*.....	35,000
Virginia 2031D3 Mecklenburg.....	3,000
Wisconsin 2064G4 La Crosse.....	646,200
Wisconsin 2064G5 La Crosse.....	237,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6465; Filed, July 7, 1942;  
3:02 p. m.]

[Administrative Order 720]

ALLOCATION OF FUNDS FOR LOANS

JUNE 25, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Missouri 2044C1 Grundy.....	\$118,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6466; Filed, July 7, 1942;  
3:02 p. m.]

[Administrative Order 721]

ALLOCATION OF FUNDS FOR LOANS

JUNE 25, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Texas 2087C1 Karnes.....	\$417,000
Texas 2092D1 Bandera.....	385,000
Texas 2094C1 Gonzales.....	688,000
Texas 2095D1 Medina.....	509,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-6467; Filed, July 7, 1942;  
3:02 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 103]

INVESTIGATION OF TELEGRAPH SERVICE

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 7th day of July, 1942;

The Commission having under consideration the request of the Board of War Communications that the Commission promptly undertake an investigation into the service rendered in the telegraph field and that work in this connection be expedited and the results and recommendations of the Commission forwarded to said Board as soon as possible; and

It appearing that rapid, efficient and adequate nation-wide and world-wide telegraph service is of the utmost public importance in time of war; and

It further appearing that such investigation of telegraph service is necessary in the public interest and in the interest of the successful prosecution of the war:

*It is ordered*, That an immediate investigation be undertaken to ascertain the facts concerning record communication service provided by carriers subject to the provisions of the Communications Act of 1934, as amended. Such investigation shall include but shall not be limited to

(a) the speed, accuracy, and general adequacy of such service;

(b) the manner and method of conducting operations by said carriers and the extent to which such operating methods are suitable and adequate to wartime needs;

(c) all matters pertaining to technical developments and improvements in such service; and

(d) the cause or causes for any inadequacies in service that may be found to exist; and

*It is further ordered*, That, in the conduct of such investigation the Commission, through its duly authorized members, agents, or employees, shall have access to, and the right of inspection of equipment and facilities and all relevant accounts, records, memoranda, documents, papers and correspondence kept or required to be kept by such carriers; and such carriers shall, upon request, file with or otherwise make available to the Commission such information including special reports, statistical, or other compilations in connection with such investigation as the Commission shall from time to time require; and

*It is further ordered*, That public hearings with respect to such investigation may be held at such times and places as the Commission may designate.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6498; Filed, July 8, 1942;  
11:51 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order No. 79-A]

VIRGINIAN RAILWAY COMPANY

TRAFFIC REROUTING ORDER VACATED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of July, A. D. 1942.

Good cause appearing therefor: *It is ordered*, That Service Order No. 79, made and entered July 2, 1942, be, and the same is hereby, vacated and set aside effective at once.

*It is further ordered*, That copies of this order be served upon the Virginian Railway Company and upon the Car Service Division, Association of American Railroads, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by publication in the FEDERAL REGISTER.

By the Commission, division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 42-6487; Filed, July 8, 1942;  
11:15 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-560]

NEW BEDFORD GAS AND EDISON LIGHT COMPANY AND NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of July, A. D. 1942.

New England Gas and Electric Association, a registered holding company, and its subsidiary, New Bedford Gas and Edison Light Company, having filed applications pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, and Rule U-50 thereunder, regarding the following transaction:

(a) \$1,000,000 principal amount Serial notes, Third Series, 3%, due May 31, 1957, proposed to be sold to two insurance companies at a price of \$101.50;

(b) Notes payable to bank in amounts not exceeding in the aggregate \$2,000,000, all of such notes to be issued prior to June 30, 1943 in such denominations as the company shall elect at the time of issue, to mature June 30, 1945 and to bear interest at the rate of 2¼% per annum.

New Bedford Gas and Edison Light Company has presently outstanding indebtedness aggregating \$1,750,000 due



the First National Bank of Boston, represented by notes maturing on June 30, 1943. The company now proposes to replace a portion of the above \$1,750,000 temporary indebtedness with \$1,000,000 principal amount of long-term indebtedness.

The new notes payable to the bank will be issued from time to time in such amounts as may be necessary, first to immediately pay off the remaining balance of indebtedness to the First National Bank of Boston represented by notes aggregating \$750,000, and secondly from time to time as necessary to pay for proposed extensions, additions and betterments to the plant and property of the company in the amount of \$1,250,000.

The applicants request an exemption from the requirements of Rule U-50 with respect to the sale of the above securities.

Said applications having been filed on June 6, 1942, and an amendment having been filed thereto on June 12, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application under section 6 (b) of the said Act that the requirements of said section have been satisfied, and finding that the said issue and sale of securities should be exempted from competitive bidding by virtue of paragraph (a) (5) of Rule U-50;

*It is hereby ordered*, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications, pursuant to

section 6 (b) of said Act and Rule U-50 be and hereby are granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6480; Filed, July 8, 1942;  
10:36 a. m.]

[File No. 70-531]

NORTHWESTERN ILLINOIS UTILITIES, ET AL.  
ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of June 1942.

In the matter of Northwestern Illinois Utilities, Illinois Northwestern Telephone Company, and American Utilities Service Corporation.

The above named parties having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 10 and 12, and Rules U-42, U-43 and U-44, promulgated under said Act, regarding the following transactions:

Northwestern Illinois Utilities proposes to sell all of its telephone properties to Illinois Northwestern Telephone Company and Illinois Northwestern Telephone Company proposes to acquire all of such assets, issuing in payment therefor \$75,000 of its common stock and \$125,000 of its 4% promissory notes. Northwestern Illinois Utilities will deliver the common stock as above acquired to American Utilities Service Corporation in exchange for a like amount of the common stock of Northwestern Illinois Utilities, which will then be cancelled and retired; and Northwestern Illinois Utilities will deliver the note as above acquired to American Utilities Service Corporation in payment of a like principal amount of the present note indebtedness

of Northwestern Illinois Utilities to American Utilities Service Corporation.

Additionally, Illinois Northwestern Telephone Company will issue, and American Utilities Service Corporation will acquire, for a consideration of \$100,000, one thousand shares of common stock. American Utilities Service Corporation will pledge the note and stock of Illinois Northwestern Telephone Company with Continental Illinois Bank and Trust Company of Chicago, as Trustee under the Indenture securing the Collateral Trust Bonds of American Utilities Service Corporation.

Said applications and declarations having been filed on April 11, 1942 and the last amendment thereto having been filed on June 22, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations and applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications and to permit said declarations to become effective:

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

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

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-6481; Filed, July 8, 1942;  
10:36 a. m.]