The President

EXECUTIVE ORDER

ESTABLISHING THE ECONOMIC DEFENSE BOARD

By virtue of the authority vested in me by the Constitution and statutes of the United States, by virtue of the existence of an unlimited national emergency, and for the purpose of developing and coordinating policies, plans, and programs designed to protect and strengthen the international economic relations of the United States in the interest of national defense, it is hereby ordered as follows:

1. The term “economic defense,” whenever used in this Order, means the conduct, in the interest of national defense, of international economic activities including those relating to exports, imports, the acquisition and disposition of materials and commodities from foreign countries including preclusive buying, transactions in foreign exchange and foreign-owned or foreign-controlled property, international investments and extensions of credit, shipping and transportation of goods among countries, the international aspects of patents, international communications pertaining to commerce, and other foreign economic matters.

2. There is hereby established an Economic Defense Board (hereinafter referred to as the “Board”). The Board shall consist of the Vice President of the United States, who shall serve as Chairman, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Secretary of the Navy, the Secretary of Agriculture, and the Secretary of Commerce. The Chairman may, with the approval of the President, appoint additional members to the Board. Each member of the Board, other than the Chairman, may designate an alternate from among the officials of his Department, subject to the continuing approval of the Chairman, and such alternates may act for such member in all matters relating to the Board.

3. In furtherance of such policies and objectives as the President may from time to time determine, the Board shall perform the following functions and duties:

a. Advise the President as to economic defense measures to be taken or functions to be performed which are essential to the effective defense of the Nation.

b. Coordinate the policies and actions of the several departments and agencies carrying on activities relating to economic defense in order to assure unity and balance in the application of such measures.

c. Develop integrated economic defense plans and programs for coordinated action by the departments and agencies concerned and use all appropriate means to assure that such plans and programs are carried into effect by such departments and agencies.

d. Make investigations and advise the President on the relationship of economic defense (as defined in paragraph 1) measures to post-war economic reconstruction and on the steps to be taken to protect the trade position of the United States and to expedite the establishment of sound, peacetime international economic relationships.

e. Review proposed or existing legislation relating to or affecting economic defense, and, with the approval of the President, recommend such additional legislation as may be necessary or desirable.

4. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

5. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

6. There is hereby established an Economic Defense Board established.

7. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

8. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

9. The President, recommend such additional legislation as may be necessary or desirable.

10. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

11. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

12. The President, recommend such additional legislation as may be necessary or desirable.

13. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

14. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

15. The President, recommend such additional legislation as may be necessary or desirable.

16. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

17. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

18. The President, recommend such additional legislation as may be necessary or desirable.

19. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

20. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

21. The President, recommend such additional legislation as may be necessary or desirable.

22. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

23. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

24. The President, recommend such additional legislation as may be necessary or desirable.

25. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

26. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

27. The President, recommend such additional legislation as may be necessary or desirable.

28. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

29. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

30. The President, recommend such additional legislation as may be necessary or desirable.

31. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

32. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may request.

33. The President, recommend such additional legislation as may be necessary or desirable.
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The Administrator of Export Control, the Division of Defense Aid Reports, the Coordinator of Information, and such additional departments and agencies as the Chairman may from time to time determine. The Chairman shall provide for the systematic conduct of business with the foregoing departments and agencies.

7. The Chairman is authorized to make all necessary arrangements, with the advice and assistance of the Board, for discharging and performing the responsibilities and duties required to carry out the functions and authorities set forth in this Order, and to make final decisions when necessary to expedite the work of the Board. He is further authorized, within the limits of such funds as may be allocated to the Board by the President, to employ necessary personnel and make provision for the necessary supplies, facilities, and services. The Chairman may, with the approval of the President, appoint an executive officer.

FRANKLIN D. ROOSEVELT
THE WHITE HOUSE,
JULY 30, 1941.

[NO. 88391]

EXECUTIVE ORDER

Prescribing Regulations Governing Overtime Compensation of Certain Civilian Employees of the War Department, the Navy Department, the Coast Guard, and the Panama Canal

By virtue of the authority vested in me by section 1 of the act of June 3, 1941, Public Law 100, 77th Congress, I hereby prescribe the following regulations governing the payment of compensation for employment in excess of forty hours in any administrative week in which employees whose overtime services are essential to and directly connected with the expeditious prosecution of the wartime work upon which employees enumerated in section 5 (a) of the act of June 28, 1940, 54 Stat. 676, 678, and section 1 of the act of October 21, 1940, 54 Stat. 1205, are engaged:

Section 1. Whenever the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, or the Governor of the Panama Canal considers that overtime compensation should be paid to an employee whose overtime employment is necessary to the expeditious prosecution of the war, the Secretary, or his delegate, is hereby authorized to determine the amount of such compensation.

Section 2. The President may establish regulations governing the overtime employment of employees necessary to the war effort upon which employees enumerated in section 5 (a) of the act of June 28, 1940, and section 1 of the act of October 21, 1940, are engaged:

Section 3. The salaries and compensation of employees enumerated in section 5 (a) of the act of June 28, 1940, and section 1 of the act of October 21, 1940, shall be paid out of the Treasury, for which purpose the President is authorized to make such appropriation as he may deem proper.
tive workweek at one and one-half times such employee's regular rate of pay.

Section 2. In determining the overtime compensation which may be paid to any per-annum employee under section 1 hereof, the pay for one hour shall be computed as one-eighth of such employee's pay for one day. The pay for one day shall be considered to be one three-hundred-and-sixtieth of the employee's per-annum salary.

Section 3. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Governor of The Panama Canal may designate such subordinate officers as they may deem necessary to determine the per-annum employees in their respective field services whose overtime services are essential to and directly connected with the expeditious prosecution of the overtime work upon which the employees enumerated in section 5 of the said act of June 28, 1940, and section 1 of the said act of October 21, 1940, are engaged.

Section 4. No overtime compensation may be paid under section 1 hereof to any per-annum employee who during his regular hours of employment is not normally engaged on work essential to and directly connected with the expeditious prosecution of the work upon which employees enumerated in section 5 of the said act of June 28, 1940, and section 1 of the said act of October 21, 1940, are engaged.

Section 5. No employee covered by the provisions of section 1 hereof shall be regularly required or allowed to work in excess of forty-eight hours in any administrative workweek: Provided, That such limit may be exceeded when it is considered by the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, or the Governor of The Panama Canal, or such subordinate officers as they may designate, to be necessary for the maintenance of the production schedule for an arsenal, shipyard, shop, or other establishment of a similar nature, or to meet other specific emergency situations.

Section 6. When in the judgment of the head of the department concerned, the Governor of The Panama Canal, or the subordinate officers mentioned in section 5 of these regulations, the health or efficiency of any employee will be impaired by employment for more than eight hours a day or forty hours a week, such employee shall not be required or permitted to work overtime.

Section 7. It shall be the policy of the agencies affected by this order to hold overtime work to the absolute minimum consistent with the requirements of the national-defense program.

Section 8. This order shall take effect as of June 3, 1941, and shall be published in the Federal Register.

FRANKLIN D ROOSEVELT
The White House, July 30, 1941.

[F. R. Doc. 41-5551; Filed, July 31, 1941; 9:59 a. m.]

MILITARY ORDER

ORGANIZED MILITARY FORCES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES CALLED INTO SERVICE OF THE ARMED FORCES OF THE UNITED STATES

Under and by virtue of the authority vested in me by the Constitution and the statutes of the United States, executive order No. 8798 of June 19, 1941, transferring certain vessels between the Navy Department and the Department of Commerce, is hereby amended, effective as of June 19, 1941, by substituting the United States Navy Vessel ARGUS for the United States Navy Vessel JAMESTOWN transferred by the said executive order to the Department of Commerce.

FRANKLIN D ROOSEVELT
The White House, July 30, 1941.

[F. R. Doc. 41-5551; Filed, July 31, 1941; 9:59 a. m.]

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Fourth Supplement to General Order No. C-21]

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

REGULATIONS GOVERNING REPLACEMENT OF LOST, MUTILIATED OR DESTROYED ALIEN REGISTRATION RECEIPT CARDS

JULY 30, 1941

Pursuant to the authority contained in sections 32 (a), 34 (a), and 37 (a) of Title III of the Act of June 28, 1940 (54 Stat. 674, 675; 8 U.S.C. 453 (a), 455 (a), 453 (a)), and to the powers conferred by § 501, Title 8, Chapter I, Code of Federal Regulations (5 F. R. 3502), the following regulations are hereby promulgated and published as portions of Part 170 of said Title 8, Chapter I, Code of Federal Regulations (5 F. R. 5255, 3173, 3593, 4550, 4813; 6 F. R. 292, 2509):

Section 170.4 (q) is amended to read as follows:

§ 170.4 Method of registration.

(q) A receipt shall not be issued to any person who has already obtained one unless he surrenders his former receipt, except in case of loss, mutilation, or destruction of the original receipt in which event it may be replaced in accordance with § 170.9 of this part. No person shall use a receipt relating to any other person (except in behalf of his minor child or ward). If the alien dies, permanently departs, or is deported from the United States, his receipt shall be returned to the Immigration and Naturalization Service. If any person finds a lost receipt of registration, he shall return it to the Alien Registration Division, Immigration and Naturalization Service, Washington, D. C.

The following new section is added to Part 170:

§ 170.9 Replacement of lost, mutilated, or destroyed receipt of registration.

(a) Except as hereinafter provided, any alien whose registration receipt card has been lost, mutilated, or destroyed may apply for a new receipt card in lieu thereof. Such application shall be made under oath or affirmation, upon a form prescribed for that purpose, and shall be filed with the district director of the Immigration and Naturalization Service having jurisdiction over the place of the applicant's residence.

(b) When the application for a new receipt card is received by the district director, he shall assign the investigation of the application to any officer of the Service within his jurisdiction. The investigating officer shall conduct such in-
quire into the circumstances surrounding the alleged loss, mutilation, or destruction of the original receipt card as to satisfy himself that such loss, mutilation, or destruction has occurred. If a receipt card has been lost, mutilated, or destroyed, it must be returned to the investigating officer before a new card will be issued. The investigating officer shall also satisfy himself that the applicant is the individual to whom the registration record relates, and shall make any further inquiry justified by the facts in a particular case. If deemed advisable, written sworn statements concerning any pertinent facts may be obtained from the applicant and any other persons whose testimony should be secured. Upon completion of the investigation, the investigating officer shall recommend the granting or denial of the application for a new receipt card, and if his recommendation is adverse, he shall state the reasons therefor in writing. The investigating officer shall obtain the applicant's signature and a print of his right index finger upon Form AR-3a and shall type on the face of that form the name and present address of the applicant. If for any reason the impression of the right index finger cannot be taken, the impression of another finger should be obtained and the form suitably endorsed to show which finger and hand.

(c) The investigating officer shall then forward the application and any testimony taken from the applicant and other persons, together with Form AR-3a, to the district director having jurisdiction. The district director or an officer designated by him shall review the record and may, if he deems it advisable, refer the case to the same or any other officer of the Service for further investigation. If no further investigation is considered necessary, the entire record shall be forwarded to the Alien Registration Division. The reviewing officer shall indicate whether he concurs with the recommendation of the investigating officer, and if not, he shall state the reasons for his non-concurrence.

(d) Upon consideration of the application and record in the Central Office, the Chief of the Alien Registration Division may, if he is satisfied that the original receipt card has been lost, mutilated, or destroyed, sign the Form AR-3a, place thereon the proper registration number, and mark the form to show that it is a duplicate issued in lieu of an original receipt which has been lost, mutilated, or destroyed. Both the original date of registration and the date of issuance of the duplicate shall be shown on the new card. If the said officer is not satisfied that a duplicate should be issued, he shall deny the application. If the record indicates that any further action is desirable or necessary in connection with the case of the alien, it should be referred to the appropriate division of the Central Office for consideration of such further action.

(e) If a duplicate receipt card on Form AR-3a is issued, it shall be sent direct to the applicant by the Alien Registration Division, such officer where the application is filed shall be advised of the final disposition of the case.

(f) Any alien child who was less than fourteen years of age at the time of his registration upon the basis of an application made by his parent or legal guardian under §170.1 (c) or 170.1 (d) and who desires to obtain a new registration receipt card in lieu of a lost, mutilated, or destroyed original may, if the alien is less than fourteen years of age at the time application is made, obtain a new card through the procedure specified in paragraphs (a) to (e) of this section. In such cases, however, the application for a new card shall be executed by the child's parent or guardian, preferably the same person who made application for the original registration; the testimony of the parent or guardian instead of that of the child shall be obtained and the new Form AR-3a, if issued, shall be delivered to the parent or guardian. No fingerprint of the alien child need be obtained on Form AR-3a, which shall be signed by the parent or guardian. In any such case in which no parent or guardian is available, the matter shall be referred to the Alien Registration Division for special instructions concerning the procedure to be followed in replacing the original receipt card.

(g) Replacements of lost, mutilated, or destroyed receipt cards in the cases of alien seamen shall be governed by the following:

(1) An alien who has been lawfully admitted to the United States for permanent residence and who, by occupation a seaman may replace a lost, mutilated, or destroyed Form AR-3 in the manner specified in paragraphs (a) to (e) of this section.

(2) An alien seaman who was registered under §170.8 (d) may, if less than one year has elapsed since the date of his registration and he is in the United States at the time of filing his application, replace a lost, mutilated, or destroyed Form AR-103 in the manner specified paragraphs (a) to (e) of this section.

Effective October 1, 1941, Part 61 of the Civil Air Regulations is amended by the addition of a new §61.340 to read as follows:

§61.340 First aid equipment. No aircraft shall be operated in scheduled air transportation unless equipped with a conveniently accessible first aid kit adequate for proper first aid treatment of passengers and crew which shall contain medical equipment and supplies approved by the Administrator as suitable and sufficient for the type of operation involved.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EMILY, Secretary.

[F. R. Doc. 41-5547; Filed, July 30, 1941: 4:08 p. m.]
§ 270.12f-2 Custody of securities maintained by management company. The securities and similar investments of a registered management company may be maintained in the custody of such company upon the following conditions:

(a) Except as provided in paragraph (b), all such securities and similar investments shall be deposited in a vault or other depository maintained by a bank or other company whose functions and physical facilities are supervised by Federal or State authority.

(b) The provisions of paragraph (a) shall not apply to securities on loan which are collateralized to the extent of their full market value, or to securities hypothecated, pledged, or placed in escrow for the account of such registered company in connection with a loan or other transaction authorized by specific resolution of its board of directors, or to securities in transit in connection with a sale, an exchange pursuant to a plan of reorganization, recapitalization or otherwise, redemption, maturity or conversion, the exercise of warrants or rights, assets to changes in terms of the securities, or other transactions necessary in the ordinary routine relating to the management of securities.

(c) The securities and investments deposited pursuant to paragraph (1) shall be physically segregated at all times from those of any other person.

(d) The securities and investments deposited pursuant to paragraph (a) shall be withdrawn only in connection with transactions of the character described in paragraph (b).

(e) No person shall be authorized or permitted to withdraw from the depository securities and investments, unless the Commission shall have made an examination of such securities and investments and found such securities and investments to be in proper condition in all respects.

(f) Each person designated pursuant to paragraph (e), when deposing in or withdrawing from the depository securities and investments, shall sign a notation in respect of each deposit or withdrawal, which shall show (1) the date and time of the deposit or withdrawal, (2) the name and amount of the securities and other investments deposited and withdrawn, and an identification thereof by certificate numbers or otherwise, and (3) the manner of acquisition of securities and investments deposited or the purpose for which such securities and investments have been withdrawn. Such notation shall be transmitted promptly to an officer or director of the registered management company designated by its board of directors who shall not be a person designated for the purpose of paragraph (e).

(g) Such securities and investments shall be verified by complete examination by an independent public accountant retained by such registered company at least three times during the fiscal year, at least two of which shall be chosen by such accountant without prior notice to such company. A certificate of such accountant, stating that he has made an examination of such securities and investments and describing the nature and extent of the examination, shall be transmitted to the Commission promptly after such examination.

(h) Such securities and investments shall be subject to inspection by the Commission through its authorized employees or agents accompanied, unless otherwise directed by order of the Commission, by one or more of the persons designated pursuant to paragraph (e).

(i) All such securities and investments which are stocks and other equity securities acquired by such registered management company after August 14, 1941, for which the issue or its agent maintains a record or registry of ownership, shall be registered or recorded in the name of such company within 30 days after any such acquisition: Provided, however, that this paragraph shall not apply to securities on loan or securities pledged in connection with a loan or other transaction authorized by a specific resolution of its board of directors.

Effective August 15, 1941.

By the Commission.

[Seal] FRANCIS F. BRASSO, Secretary.

[F. R. Doc. 41-5601; Filed, July 31, 1941; 11:46 a.m.]

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and it appearing that the above-entitled matters raise analogous issues; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and it appearing that this action is necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-1, § 323.8 (Special prices—b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.6 (Special prices—c) Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement R-III, and § 323.23 (General prices) is amended by adding thereto Supplement R-IV, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applica-
### § 323.33 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

<table>
<thead>
<tr>
<th>Code member Index</th>
<th>Mine name</th>
<th>Scan</th>
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#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 3

**Note:** The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and Supplements thereto.

#### § 323.37 Alphabatical list of code members—Supplement T-I

[Alphabetical list of code members having railway loading facilities, choosing price classification by the group Nos.]

<table>
<thead>
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<th>Mine Index No.</th>
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<td>[Details omitted for brevity]</td>
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</tbody>
</table>
§ 332.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 332.8 (b) in Price Schedule No. 1, Group No. 1: 218, 221, 222, 223, 593, 698, 1015; Group No. 2: 933; Group No. 3: 220; Group No. 6: 219.

§ 332.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 332.8 (c) in Price Schedule No. 1, Group No. 1: 218, 221, 222, 223, 593, 698, 1015; Group No. 2: 933; Group No. 3: 220; Group No. 6: 219.

TRUCK SHIPMENTS

§ 332.23 General prices—Supplement T

Prices in cents per ton for shipment into All market areas.

<table>
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<td>0</td>
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<td>James, Wm. W.</td>
<td>Pittsburgh</td>
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<tr>
<td>0</td>
<td>220</td>
<td>Little Coal Co.</td>
<td>Charleston</td>
<td>M. V. Freeport</td>
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<td>El Dorado</td>
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<tr>
<td>0</td>
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<td>Watson &amp; Geese</td>
<td>Pittsburgh</td>
<td>Mt. Vernon</td>
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<td>223</td>
<td>West Fork Coal &amp; Coke Co.,</td>
<td>Pittsburgh</td>
<td>Hanover</td>
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</table>

[F.R. Doc. 41-5516; Filed, July 30, 1941: 10:00 a.m.]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT No. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT No. 11

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 11; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and no petitions of intervention having been filed with this Division in the above-entitled matter; and

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, and § 331.10 (Special prices: Railroad locomotive fuel) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: July 18, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

Note: The material contained in these supplements is to be read in the light of the classifications, prices, Instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 Alphabetical list of code members—Supplement R-I

<table>
<thead>
<tr>
<th>Mine Index No.</th>
<th>Code member</th>
<th>Mine</th>
<th>Seam</th>
<th>Sub-dst.</th>
<th>Freight origin group No.</th>
<th>Price group</th>
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</thead>
<tbody>
<tr>
<td>100</td>
<td>Beech Coal Company (Bill Duncan)</td>
<td>Beech III, Veh...</td>
<td>III</td>
<td>LS</td>
<td>60</td>
<td>2</td>
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Mine Index No. 110 shall be included in Price Group 2 and shall be accorded the prices shown for other mines in Price Group 2 listed in Part 331 in Minimum Price Schedule for District No. 11 for shipment into various market areas. It shall also be accorded adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to other mines in Freight Origin Group 60 having the same freight rates.

§ 331.10 Special prices: Railroad locomotive fuel—Supplement R-II

<table>
<thead>
<tr>
<th>Mine Index No.</th>
<th>Code member</th>
<th>Mine</th>
<th>Seam</th>
<th>Sub-dst.</th>
<th>Freight origin group No.</th>
<th>Price group</th>
</tr>
</thead>
<tbody>
<tr>
<td>110</td>
<td>Beech Coal Company (Bill Duncan)</td>
<td>Beech III, Veh...</td>
<td>III</td>
<td>LS</td>
<td>60</td>
<td>2</td>
</tr>
</tbody>
</table>

Mine Index No. 110 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11 as those shown for Mine Index Nos. 1, 2, 3, 23, 30, 56, 68, 70, 73.

[F.R. Doc. 41-5516; Filed, July 30, 1941: 10:01 a.m.]
cottonseed by a crushing mill that makes only one cut.*

§ 1335.14 Reports. Each cottonseed oil crushing mill engaged in the production of cotton linters shall each month report to the Office of Production Management the manner of its compliance with this program, and such report shall include a certified statement of the intake of cottonseed by such mill and its production of lint, by grades. And every person purchasing second cut chemical grade and mill run linters shall each month report to the Office of Production Management his purchases and dispositions of such linters.*

§ 1335.15 Enforcement. This program shall be administered and enforced by the Office of Production Management.*

Issued this 31st day of July, 1941.

Leon Henderson, Administrator.

[F. R. Doc. 41-5202; Filed, July 31, 1941; 11:51 a. m.]

Notice

TREASURY DEPARTMENT.
Bureau of the Public Debt. [1941 Department Circular No. C07]

The United States of America Treasury Notes, Dated August 1, 1941, Due August 1, 1943, Issued at Par and Accrued Interest, Acceptable at Par and Accrued Interest in Payment of Federal Income Taxes

July 22, 1941.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale, to the people of the United States, through the Federal Reserve Banks, at par and accrued interest, two issues of nontransferable notes of the United States, designated Treasury Notes of Tax Series A-1943, and Treasury Notes of Tax Series B-1943. As hereinafter provided, the notes of both series will be acceptable at par and accrued interest in payment of Federal income taxes: Provided, however, That not exceeding $1,200 principal amount of notes of Tax Series A-1943, and the accrued interest thereon, will be accepted from any one owner in any period of twelve consecutive months in payment of taxes due from such owner. If not presented in payment of taxes, the notes will be redeemable at the purchase price as hereinafter provided.

2. Descriptions of the notes of both series, and their terms are hereinafter set forth. All cuts subsequent to the first. "Mill run linters" means all those linters resulting from the cutting of cottonseed by a crushing mill that makes more than one cut. "Second cut chemical grade linters" means all those linters resulting from the cutting of cottonseed by a crushing mill that makes more than one cut. "Second cut chemical grade linters" means all those linters resulting from the cutting of cottonseed by a crushing mill that makes more than one cut.

* § 1335.11 Cutting of linters. No cottonseed oil crushing mill engaged in the production of cotton linters and using more than one cut in the process shall cut first cut linters to a higher proportion of those linters resulting from the cutting of the United States.*

5:10 p. m.

Executive Order No. 8734.

§ 1335.13 Definitions. As used in this order, "first cut cotton linters" means those linters resulting from the first cutting of cottonseed by a crushing mill that makes more than one cut. "Second cut chemical grade linters" means all those linters resulting from the cutting of cottonseed by a crushing mill that makes more than one cut. "Second cut chemical grade linters" means all those linters resulting from the cutting of cottonseed by a crushing mill that makes more than one cut. "Second cut chemical grade linters" means all those linters resulting from the cutting of cottonseed by a crushing mill that makes only one cut. 
than $1,200 principal amount of notes of Tax Series A–1943 from any one owner in any period of twelve consecutive months will be acceptable, at par and accrued interest, in payment of Federal income taxes (current and back personal and corporation taxes, and excess-profits taxes). The conditions of presentation, surrender and acceptance of the notes in payment of such taxes are set forth in Section IV of this circular.

5. Payment or redemption for cash. The notes of either series may not be called by the Secretary of the Treasury for redemption prior to maturity. If such notes are not presented in payment of taxes: (1) they will be payable at maturity, and (2) they will be redeemable prior to maturity, at the owner's option and request, as hereinafter provided for the sale of, or for the handling of applications for Treasury notes to be issued hereunder.

6. Taxation. Income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes 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.

III. PURCHASE OF NOTES

1. Applications and payment. Applications will be received by the Federal Reserve Banks and Branches, and by the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit applications for account of customers, but only the Federal Reserve Banks and the Treasurer of the United States are authorized to act as official agencies. Every application must be accompanied by payment in full, at par and accrued interest to the month in which payment is received by a Federal Reserve Bank or Branch, or the Treasurer of the United States. Any form of exchange, including personal checks, will be accepted subject to collection, and should be drawn to the order of the Federal Reserve Bank or of the Treasurer of the United States, as the case may be. Any depository, qualified pursuant to the provisions of Treasury Department Circular No. 92 (revised February 23, 1932, as supplemented) will be permitted to make payment by credit for notes applied for on their books for its customers, up to any amount for which it shall be qualified in excess of existing deposits.

2. Reservations. The Secretary of the Treasury reserves the right to reject any application in whole or in part, and to refuse to issue or permit to be issued hereunder any such note, in any case in any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. If an application is rejected, in whole or in part, any payment received therefor shall be refunded. The Secretary of the Treasury, in his discretion, may designate agencies other than those herein provided for the sale of, or for the handling of applications for Treasury notes to be issued hereunder.

3. Delivery of notes. Upon acceptance of full-paid applications, notes will be duly issued and, unless delivered in person, will be delivered by registered mail within the Continental United States, the Territories and Insular Possessions of the United States, the Canal Zone and the Philippine Islands. No deliveries elsewhere will be made.

4. Form of application. In applying for notes under this circular, care should be exercised to specify whether those of Tax Series A–1943, or Tax Series B–1943 are desired, and there must be named the address of the individual, corporation or other entity in which the notes are to be issued; and if address for the delivery of the notes is different, appropriate instructions should be given. The name should be in the same form as that used in the Federal income tax return of the purchaser. The use of an official application form is desirable, but not necessary. Appropriate forms may be obtained on application to any Federal Reserve Bank or Branch, and banking institutions generally will supply such forms.

IV. PRESENTATION IN PAYMENT OF TAXES

1. After three months from month of purchase (as shown by the date of issue on each note), but not before January 1, 1942, during such time, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, notes issued hereunder in the name of a taxpayer (individual, corporation, or other entity) may be presented and surrendered by such taxpayer, his agent, or his estate, to the Collector of Internal Revenue, to whom the tax return was made and will be receivable by the Collector at par and accrued interest from August 1941, to the month, inclusive (but no accrual beyond August 1943), in which presented in payment of any Federal income taxes (current and back personal and corporation taxes, and excess-profits taxes) assessed against the original purchaser or his estate, but not more than $1,200 principal amount of notes of Tax Series A–1943, and the accrued interest thereon, may be accepted by the Collector in any period of 12 months in payment of Federal income taxes due from such owner. The notes must be forwarded to the Collector at the risk and expense of the owner, and, for his protection, should be forwarded by registered mail, if not presented in person.

V. CASH REDEMPTION AT OR PRIOR TO MATURITY

1. General. Any Treasury note of Tax Series A–1943 or Tax Series B–1943 will be redeemed for cash at the purchase price at or before maturity. Notes of Tax Series A–1943 may be redeemed before maturity without advance notice, but notes of Tax Series B–1943 will be redeemed before maturity only after 90 days from date of issue and on 30 days' advance notice. The timely surrender of a note of Tax Series B–1943, bearing a properly executed request for payment, will be accepted, without constituting the advance notice required heretofore.

2. Execution of request for payment. The owner in whose name the note is inscribed must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, either at maturity or on redemption before maturity, and in the presence of such officer sign the request for payment appearing on the back of the note, adding the address to which check is to be mailed. After the request for payment has been so signed, the witnessing officer should complete and sign the certificate provided for his use.

3. Officers authorized to witness and certify requests for payment. Any officers authorized to witness and certify requests for payment of United States Savings Bonds, as set forth in Treasury Department Circular No. 550, Fourth Revision, as amended are hereby authorized to witness and certify requests for cash redemption of Treasury notes issued under this circular. Such officers include United States postmasters, certain other post office officials, and the executive officers of all banks and trust companies incorporated in the United States or its organized territories, including officers at branches thereof who are certified to the Treasury Department as executive officers.

4. Presentation and surrender. Notes bearing properly executed requests for payment must be presented and surrendered to the Federal Reserve Bank of issue at the expense and risk of the owner. For the owner's protection, notes should be forwarded by registered mail, if not presented in person.

5. Disability or death. In case of the disability or death of the owner, and the notes are not to be presented in payment of Federal income taxes due from his estate, instructions should be obtained from the Federal Reserve Bank of issue before the request for payment is executed, or the notes presented.

6. Partial redemption. Partial cash redemption of notes of either series, corresponding to an authorized denomination, may be made in the same manner, appropriate changes being made in the request for payment. In case of partial redemption of a note, the remainder will be reissued with the same date of issue as the note surrendered.

7. Payment. Payment of any note, either at maturity or on redemption before maturity, will be made only by the Federal Reserve Bank that issued the note, and will be made by check drawn to the order of the owner, and mailed to the address given in his request for payment. In any case, payment will be
made at the purchase price of the note, that is, at par and accrued interest (if any) paid at the time of purchase.

VI. GENERAL PROVISIONS

1. Federal Reserve Banks, as fiscal agents of the United States, are authorized to perform such services or acts as may be appropriate and necessary under the provisions of this circular, and under any instructions given by the Secretary of the Treasury.

2. The Secretary of the Treasury may at any time or from time to time suppress or amend the terms of this circular, or of any amendments or supplements thereto, and may at any time or from time to time prescribe amendatory rules and regulations governing the offering of the notes, information as to which will promptly be furnished to the Federal Reserve Banks.

[Seal] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

TREASURY NOTES—Tax Series E-1943

PURCHASE PRICE AND TAX-PAYMENT VALUE DURING SUCCESSIVE MONTHS

Table, showing for each month from August 1941, to August 1943, for notes of each denomination, the principal amount with accrued interest added. The total shown for any denomination, for any month—August through December 1941—while the notes remain on sale, is the Purchase Price, or Cost, of the note during that month. Also, the total shown for any denomination for any month thereafter is the Tax-Payment Value, or the amount at which the note will be acceptable during that month in payment of Federal income taxes.

<table>
<thead>
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<th>Denomination</th>
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<th>$1,000</th>
<th>$10,000</th>
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<td></td>
<td></td>
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<td><strong>Tax-payment value</strong></td>
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<td>1,283.50</td>
<td>12,835.00</td>
<td>128,350.00</td>
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</table>

FEDERAL REGISTER, Friday, August 1, 1941

WAR DEPARTMENT.

[Contract No. W 595 oo-45]

SUMMARY OF CONTRACT 1 FOR SUPPLIES

contractor: UNILOY ACCESSORIES CORPORATION

Contract for: Oxygen Regulators

- Amount: $1,010,278.14
- Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 123-39 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 15th day of June 1941.

Scope of the contract. The contractor shall furnish and deliver **Oxygen Regulators** for the consideration stated one million, ten thousand two hundred eighty seven dollars and fourteen cents ($1,010,278.14) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

1. Approved by the Under Secretary of War, June 31, 1941.

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

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

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Value, or the amount at which the note will be acceptable during that month in payment of Federal income taxes.
would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Option. The Government is granted the right and option at any time during the life of this contract to increase the quantity of Regulators called for under Item 1 by any amount not exceeding $303,083.44 or thirty percent (30%) of the contract price.

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

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

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

[3834 FEDERAL REGISTER, Friday, August 1, 1941]

Scope of this contract. The contractor shall furnish and deliver maintenance parts for * * * * airplanes for the consideration stated seven million eight hundred ninety seven thousand ($7,809,597.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

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

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

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

Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The contract prices stated in this contract for Parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Parts.

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

Partial payments. The contracting officer may, from time to time, authorize partial payments to the contractor upon property acquired and/or produced by it for the performance of this contract.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

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

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

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

[Contract No. W 535-80-18984; 4705]

SUMMARY OF CONTRACT 1 FOR SUPPLIES
CONTRACTOR: GENERAL MOTORS CORPORATION, AEROPRODUCTS DIVISION
Contract for: * * * Propeller Assemblies and Data.
Amount: $1,461,088.50.
Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.
The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities listed below, the available balances of which are sufficient to cover cost of same.

AC 34 P 12–3037 A 0705–01
AC 38 P 31–3037 A 0705–01
AC 38 P 52–3037 A 0705–01

This contract, entered into this 21st day of May 1941.

Scope of this contract. The contractor shall furnish and deliver * * * propeller assemblies and data for the consideration stated One Million Four Hundred Eighty One Thousand Eighty Dollars and Fifty Cents ($1,481,088.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

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

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

1 Approved by the Under Secretary of War June 30, 1941.
Scope of this contract. The contractor shall furnish and deliver ** • • ** airplanes, spare parts therefor and data for the consideration stated not to exceed Ten Million Five Hundred Eighty-seven Thousand and six hundred Ninety-two Dollars ($10,587,192.00) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

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

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

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

Option. The Government is granted the right and option at any time prior to ** • • ** to increase the quantity of propeller assemblies called for under paragraph (1) of Article 16 hereof to any quantity not exceeding ** • • **.

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

This contract authorized under the provisions of Section 1 (a) Act of July 2, 1940.
Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made at rates that payments should equal or exceed either $1,000 or 50 percent of the total amount of the contract.

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

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

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

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

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

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

This contract is authorized under the provisions of section 1 (a), Act of July 2, 1940.

Frank W. Bullock,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

DEPARTMENT OF THE INTERIOR.
Bituminous Coal Division.

[Doc. No. 1732-FJ]

IN THE MATTER OF OWL COAL COMPANY, A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 15, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the period March 1, 1941, to March 4, 1941, inclusive, the defendant violently the effective minimum prices by selling to various purchasers including Walter Scott, Jesse Mason, Tom Whailer, Har- old Walter, Levi Gambill, and Chester Bodweeris, approximately 21,200 pounds of coal prepared over a one-inch bar screen, produced at the defendant's McCammon Mine, Mine Index No. 1133 located in Sul- vai County, Indiana, at the price of $1.80 per ton f. o. b. mine whereas the effective minimum price for such coal, Size Group No. 6, was and is $2.20 per ton.

Dated: July 28, 1941.

[Seal]
Dan H. Wheeler,
Acting Director.

[Doc. No. 1681-FJ]

IN THE MATTER OF A. E. Bonds,
Defendant

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, as follows: That Travis Wil- liams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoenas, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith by law.

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

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bitu- minous Coal Code or rules and regulations thereunder as follows: That during the period March 1, 1941, to March 4, 1941, inclusive, the defendant violated the effective minimum prices by selling to various purchasers including Walter Scott, Jesse Mason, Tom Whailer, Har- old Walter, Levi Gambill, and Chester Bodweeris, approximately 21,200 pounds of coal prepared over a one-inch bar screen, produced at the defendant's McCammon Mine, Mine Index No. 1133 located in Sul- vai County, Indiana, at the price of $1.80 per ton f. o. b. mine whereas the effective minimum price for such coal, Size Group No. 6, was and is $2.20 per ton.

Dated: July 28, 1941.

[Seal]
Dan H. Wheeler,
Acting Director.

[F. R. Doc. 41-6552: Filed, July 31, 1941; 10:04 a. m.]

[F. R. Doc. 41-5596: Filed, July 31, 1941; 10:36 a. m.]
NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (J) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period October 1, 1940, through February 1, 1941, to Tombrello Coal Company, Cardif, Alabama, approximately 949 tons of 15 1/2" x 0 coal, Size Group No. 23, produced at defendant's Norman Coal Co. Mine, Mine Index No. 523, located in Jefferson County, Alabama, in District No. 13, at a price of $2.40 per ton delivered to Cardif, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is $2.40 per ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941
[SEAL]    DAN H. WHEELER,
             Acting Director.

[F. R. Dcc. 41-5554; Filed, July 31, 1941; 10:04 a.m.]

[Docket No. 1622-FD]

IN THE MATTER OF C. T. NORMAN,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (J) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period October 1, 1940, through February 1, 1941, to Tombrello Coal Company, Cardif, Alabama, approximately 949 tons of 15 1/2" x 0 coal, Size Group No. 23, produced at defendant's Norman Coal Co. Mine, Mine Index No. 523, located in Jefferson County, Alabama, in District No. 13, at a price of $2.40 per ton delivered to Cardif, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is $2.40 per ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941
[SEAL]    DAN H. WHEELER,
             Acting Director.

[F. R. Dcc. 41-5554; Filed, July 31, 1941; 10:04 a.m.]

[Docket No. 1620-FD]

IN THE MATTER OF ED SHEELEO,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections
4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division, Jefferson County Court House, Birmingham, Alabama.

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

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling subsequent to September 30, 1940, to Tumborello Coal Company, Cardiff, Alabama, approximately 90 tons of 1 1/4 x 0 coal, Size Group No. 23, produced at defendant's Sheefer Mine, Mine Index No. 371, located in Jefferson County, Alabama, in District No. 13, at a price of $2.05 per ton delivered to Cardiff, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is $2.30 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5555; Filed, July 31, 1941; 10:04 a.m.]

[Note No. 1666-FD]

IN THE MATTER OF DAISY CITY COAL COM-
PANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 20, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling subsequent to September 30, 1940, to Tumborello Coal Company, Cardiff, Alabama, approximately 1202 tons of 1 1/4 x 0 coal, Size Group No. 23, produced at defendant's Daisy City Coal Co. #1 & #2 Mine, Mine Index No. 319, located in Jefferson County, Alabama, in District No. 13, at a price of $2.05 per ton delivered to Cardiff, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is $2.40 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary
NOTICE is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint, for intervention, for appeal, and otherwise, and all persons are cautioned to be guided accordingly.

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

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Room 303, Jefferson County Court House, Birmingham, Alabama.

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

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

Dated: July 28, 1941.

[SEAL]  
DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-5555; Filed, July 31, 1941; 10:05 a. m.]

[DOCKET NO. 1657-FD]

IN THE MATTER OF K. D. ABNEY,  
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (I) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division, alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder; It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Room 303, Jefferson County Court House, Birmingham, Alabama.

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

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

Dated: July 28, 1941.

[SEAL]  
DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-5557; Filed, July 31, 1941; 10:05 a. m.]

[DOCKET NO. 1657-FD]

IN THE MATTER OF LONG & EARLY,  
DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (I) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division, alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder; It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at a hearing room of the Bituminous Coal Division, Room 303, Jefferson County Court House, Birmingham, Alabama.

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

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

Dated: July 28, 1941.

[SEAL]  
DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-5557; Filed, July 31, 1941; 10:05 a. m.]

[DOCKET NO. 1657-FD]
The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period October 1, 1940, through February 28, 1941, at the net price of $2.05 per ton delivered to Carmel, Indiana, 49 tons of 1½" x 0 coal, Size Group No. 23, produced at defendants' Long & Ely Mine, Mine Index No. 345, located in Jefferson County, Alabama, in District No. 13, at a price of $2.05 per ton delivered to Carmel, Indiana, whereas the applicable minimum price f. o. b. the mine established for such coal is $2.40 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipment, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation from the mine to the point from which such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941.

[Seal]
DAV H. WHEELER,
Acting Director.

[F. R. Doc. 41-5589; Filed, July 31, 1941; 10:05 a. m.]

(Docket No. 1666-FD)

IN THE MATTER OF W. H. WARNER & CO.
ANY, INC., REGISTERED DISTRIBUTOR,
REGISTRATION NO. 9432, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 ('the Act'), to determine
(a) whether or not W. H. Warner & Company, Inc., Registered Distributor, whose address is 510 Union Commerce Building, Cleveland, Ohio, located in District No. 4, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed July 20, 1939, by respondent, pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division, July 4, 1939;
(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;
and for said purposes gives notice that information in the possession of the Division is to the effect that:

2. During the months of October, November, December, 1940, the respondent purchased large quantities of ¾" slack coal from Costanzo Coal Mining Company, Registered Distributor, at prices below the effective minimum prices therefor, and resold and delivered the same to the Ohio Edison Company at Toronto, Ohio, at less than the effective minimum prices therefor, and in addition thereto failed to add at least the actual transportation charges from the respective mines at which the coal was produced in the point of purchase, at which such charges were assumed and directly paid by the Ohio Edison Company at Toronto, Ohio, as follows:

<table>
<thead>
<tr>
<th>Producer</th>
<th>Total tons</th>
<th>Minimum Price F. O. B. Mine, Truck Shipment</th>
<th>Price at which delivered to Ohio Edison Co. at Toronto, Ohio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberty Coal Co.</td>
<td>10,520.40</td>
<td>$1.90</td>
<td>$1.45</td>
</tr>
<tr>
<td>Perry Coal Co.</td>
<td>19,40</td>
<td>63.95</td>
<td>1.90</td>
</tr>
<tr>
<td>Royman Coal Co.</td>
<td>321.40</td>
<td>63.95</td>
<td>1.90</td>
</tr>
<tr>
<td>Short Creek Coal Co.</td>
<td>14,00</td>
<td>63.95</td>
<td>1.90</td>
</tr>
<tr>
<td>Bellefonte Coal Co.</td>
<td>391,90</td>
<td>63.95</td>
<td>1.90</td>
</tr>
<tr>
<td>Total</td>
<td>10,520.40</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The respondent, in making the sales heretofore described, violated section 4 (e) of the Act, the Schedule of Effective Minimum Prices, for District No. 6, for Truck Shipment, paragraph (6) of the Price Instructions of said Schedule, and paragraphs (b), (e) and (e) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on September 11, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the New Post Office Building, Room 4083, Cleveland, Ohio.

It is further ordered, That W. A. Cuff or any other officer or members of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter.

The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed Findings of Fact and Conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

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

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

Dated: July 28, 1941.

[Seal] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5589; Filed, July 31, 1941; 10:05 a. m.]

(Docket No. 1739-FD)

IN THE MATTER OF NORRIS COAL COMPANY, A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 1, 1941, pursuant to the provisions of sections 4 (j) and (k) of the Bituminous Coal Act of 1937, having been duly filed on May 7, 1941, by Bituminous Coal Producers Board for District 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division Circuit Court Room, County Court House, Marion, Illinois.

It is further ordered, That Charles B. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under §301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 26, 1941, by Bituminous Coal Producers Board for District 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division at the Circuit Court Room, County Court House, Marion, Illinois.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and all persons and entities having an interest in such proceeding.

That defendant violated the Effective Minimum Prices by selling and delivering to Ray Minter, on or about February 20, 1941, at the price of $1.53 per ton f. o. b. the mine, whereas the effective minimum price for such coal was and is $1.80 per ton f. o. b. the mine.

Dated: July 28, 1941.

[Seal]

DAN H. WHEELER,
Acting Director.

[FR Doc. 41-6520; Filed, July 31, 1941; 10:06 a.m.]
IN THE MATTER OF MORRIS PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine whether:

(a) whether or not the Forest City Coal Company, Registered Distributor, Registration No. 3092, whose address is Rockefeller Building, Cleveland, Ohio, the respondent in the above-entitled matter, has violated any provisions of the Act, Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors and the Distributor's Agreement (the "Agreement") executed April 25, 1939, by respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, in Federal Docket No. 12, which was adopted as an Order of the Division July 1, 1939; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed, and for said purposes gives notice that information in the possession of the Division is to the effect that:

2. On or about February 11, 1941, respondent purchased 54.20 tons of 1/4" x 5" egg industrial coal from Industrial Coal & Iron Company, Pittsburgh, Pennsylvania, Mine No. 7-Apex, Code member, District No. 4, and resold and delivered said coal to United Milk Products Company of Cleveland, Ohio, at its Kent, Ohio, plant. The respondent prepaid transportation charges on said coal to said point of delivery, of $73.71, and accepted discounts from the effective minimum prices for such coal, in violation of section 4 II (h) and subsections 3 and 6 of section 4 II (l) of the Act, Rule 1 (J) of section VII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement.

3. Between March 4 and March 20, 1941, both dates inclusive, respondent purchased 8 carloads of coal from Industrial Coal & Iron Company, Pittsburgh, Pennsylvania, and other Code members in District No. 4, and resold and delivered said coal to United Milk Products Company of Cleveland, Ohio, at its Kent, Ohio, plant. The respondent prepaid transportation charges on said coal to said point of delivery, and accepted discounts from the effective minimum prices for such coal in violation of section 4 II (h) and subsections 3 and 6 of section 4 II (l) of the Act, Rule 1 (J) of section VII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on September 12, 1941 at 10 a.m. at a hearing room of the Bituminous Coal Division at the New Post Office Building, Room 4083, Cleveland, Ohio.

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

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

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

Dated: July 26, 1941.

[ SEAL ]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5629; Filed: July 31, 1941; 10:05 a.m.]
The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That subsequent to October 1, 1940, the defendant violated the effective minimum prices by selling to various purchasers including W. H. Dean, Sullivan Cheese Factory, Jesse Clark, and G. Weaver, unknown quantities of lump coal produced at the defendants' Rock Hollow Mine, Mine Index No. 941, located in Sullivan County, Indiana, at the price of $1.80 per ton; and by selling on January 30, 1941, to Jim Unstead, Hymera, Indiana, at the price of $1.80 per ton f. o. b. the mine, 2,100 pounds of lump coal produced at defendants' said mine and hauled to the place of delivery by one James Smallwood, whereas the effective minimum prices for all sizes of lump coal produced at the defendants' said mine are in excess of $1.80 per ton.

Dated July 28, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5563; Filed, July 31, 1941; 10:06 a. m.]

[Docket No. 1758-FD]

IN THE MATTER OF McCANNON BROS. COAL COMPANY, A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 6, 1941, pursuant to the provisions of sections 4 (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 15, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, Walter Fiscus, known quantities of lump coal produced at the defendants' Rock Hollow Mine, Mine Index No. 941, located in Sullivan County, Indiana, at the price of $1.50 per ton, f. o. b. the mine, whereas the effective minimum prices for such coal were and are $1.60 per ton, f. o. b. the mine for mine run coal and $1.50 per ton, f. o. b. the mine for 1¼" lump coal produced at the defendant's Rock Hollow Mine, Mine Index No. 941, located in Sullivan County, Indiana, at the price of $1.50 per ton, f. o. b. the mine.

Dated July 28, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5564; Filed, July 31, 1941; 10:06 a. m.]

[Docket No. 1761-FD]

IN THE MATTER OF ALLEN FISTON, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 6, 1941, pursuant to the provisions of sections 4 (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 15, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Commissioners' Court Room, County Court House, Evansville, Indiana.

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

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

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, G. M. Hahn, failed to file an answer within the period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, G. M. Hahn, failed to file an answer within the period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the period, January 28, 1941, to February 17, 1941, defendant sold and delivered to various purchasers, coal produced by him at his Payton Mine, Mine Index No. 921, located in Warrick County, Indiana, in District No. 11, at prices below the effective minimum prices established for such coal, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, as follows:

<table>
<thead>
<tr>
<th>Amount in tons</th>
<th>Size Group</th>
<th>Selling Price Eff. Min. Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>200.07</td>
<td>2&quot; lumpy</td>
<td>$2.32</td>
</tr>
<tr>
<td>192.18</td>
<td>2½ x 1&quot; cut</td>
<td>$1.70</td>
</tr>
<tr>
<td>22.70</td>
<td>Mine run</td>
<td>$1.75</td>
</tr>
<tr>
<td>2</td>
<td>Mine run</td>
<td>$1.625</td>
</tr>
</tbody>
</table>

Dated July 28, 1941.
[Seal]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5566; Filed, July 31, 1941; 10:07 a.m.]

[Docket No. 1759-FD]

IN THE MATTER OF HARVEY W. WRALEY,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 13, 1941, pursuant to the provisions of sections 4 (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 28, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division at the County Court House, Shoals, Indiana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding.

Dated July 28, 1941.
[Seal]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5566; Filed, July 31, 1941; 10:07 a.m.]

[Docket No. 1759-FD]

IN THE MATTER OF MELVIN FOSTER,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 13, 1941, pursuant to the provisions of sections 4 (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder; It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 28, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division at the County Court House, Shoals, Indiana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding.

Dated July 28, 1941.
[Seal]
fore the date herein set for hearing on the complaint.

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

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

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

That since October 1, 1940, defendant has sold to various purchasers, including Cecil Elliot and Alva Curtis, an undetermined amount of coal of unknown size, produced at his Foster Mine, Mine Index No. 312, located in Dubois County, Indiana, in District No. 11, which actually contained 11/4 x 7/8 over-size coal, Screen Group No. 10, at a price of $5.50 per ton, f. o. b. the mine, whereas the effective minimum price established for such coal was and is $7.10 per net ton, f. o. b. the mine, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments; and

That subsequent to September 30, 1940, defendant violated paragraph 8 of section 4 II (f) of the Act, and Rule 8 of section XIII of the Marketing Rules and Regulations by invoicing and selling the above-named coal as 11/4 x 7/8 screenings coal.

Dated: July 28, 1941.

[SEAL]

James H. Wheeler,
Acting Director.

[F. R. Doc. 41-5553; Filed, July 31, 1941; 10:07 a.m.]

[DOCKET No. 1754-FD]

IN THE MATTER OF CHESTER TIDD, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That since October 1, 1940, defendant sold to various purchasers, including Alva Curtis, an undetermined amount of 3/4 x 0 screenings coal, Screen Group No. 15, produced at its Kiefner Mine, Mine Index No. 312, located in Dubois County, Indiana, in District No. 11, which actually contained 3/4 x 0 over-size coal, Screen Group No. 10, at a price of $5.50 per ton, f. o. b. the mine, whereas the effective minimum price established for such coal was and is $7.10 per net ton, f. o. b. the mine, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments; and

That subsequent to September 30, 1940, defendant violated paragraph 8 of section 4 II (f) of the Act, and Rule 8 of section XIII of the Marketing Rules and Regulations by invoicing and selling the above-named coal as 3/4 x 0 screenings coal.

Dated: July 28, 1941.

[SEAL]

James H. Wheeler,
Acting Director.

[F. R. Doc. 41-5553; Filed, July 31, 1941; 10:07 a.m.]

[DOCKET No. 1754-FD]

IN THE MATTER OF KIEFFNER COAL COMPANY, A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 14, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That since October 1, 1940, defendant sold to various purchasers, including Alva Curtis, an undetermined amount of 3/4 x 0 screenings coal, Screen Group No. 15, produced at its Kiefner Mine, Mine Index No. 312, located in Dubois County, Indiana, in District No. 11, which actually contained 3/4 x 0 over-size coal, Screen Group No. 10, at a price of $5.50 per ton, f. o. b. the mine, whereas the effective minimum price established for such coal was and is $7.10 per net ton, f. o. b. the mine, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments; and

That subsequent to September 30, 1940, defendant violated paragraph 8 of section 4 II (f) of the Act, and Rule 8 of section XIII of the Marketing Rules and Regulations by invoicing and selling the above-named coal as 3/4 x 0 screenings coal.

Dated: July 28, 1941.

[SEAL]

James H. Wheeler,
Acting Director.
and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

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

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereof. That during the months of January, 1941 and February, 1941, defendant sold and delivered to various purchasers, including W. H. Purschler, approximately 38 tons of 1½' x 1' nut coal at a price of $1.65 per ton f. o. b. the mine, and approximately 50 tons of 1' x 0 screenings coal, at a price of 60¢ per ton f. o. b. the mine, produced at his Chester Teedrow Mine, Mine Index No. 433, located in Martin County, Indiana, in District No. 11, whereas the effective minimum prices established for such coal were and are $1.85 per net ton f. o. b. the mine, for the 1½' x 1' nut coal, and $1.55 net per ton f. o. b. the mine for the 1' x 0 screenings coal, as contained in the Schedule of Effective Minimum Prices for District No. 11 for such shipments.

Dated July 28, 1941.

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5569; Filed, July 31, 1941; 10:07 a.m.]

[General Docket No. 13]

IN THE MATTER OF PENDING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO DISTRIBUTORS UNDER SECTION 4, PART II (h) OR (s) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4, PART II (h) OR (s) OF THE BITUMINOUS COAL ACT; AND IN RE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10, FOR ORDER MODIFYING SCHEDULE OF MAXIMUM DISCOUNTS THAT MAY BE ALLOWED TO REGISTERED DISTRIBUTORS ON COAL OF DISTRICT NO. 10 Mined Resold to the Wabash Railway Company

ORDER OF POSTPONEMENT OF HEARING

The American Coal Distributors Association, on July 26, 1941, having moved that the hearing in the above-entitled matter, set for August 4, 1941, be postponed to a date not earlier than August 26, 1941, representing that its participation in the proceedings, in General Docket No. 21 precludes it "from fairly and properly devoting adequate time now in the preparation of its case in the above-entitled matter," and that the Petitioner herein, District Board No. 10, would be prejudiced by said Motion for a postponement, and it appearing that the Movant, as well as other parties having an interest in
the subject matter of this hearing, are engaged in the proceedings in General Docket No. 21, and good cause having been shown,

It is ordered, That the hearing in the above-entitled matter, originally set for August 4, 1941, at 10:00 a.m. in a hearing room in Washington, D.C., be and the same is hereby postponed to August 26, 1941, at the same time and place.

Dated July 30, 1941.

H. A. Gray,
Director.

[F. R. Doc. 41-5571: Filed, July 31, 1941; 10:08 a.m.]

[Docket No. A-664]

PETITION OF SWANTON BIG VEIN COAL COMPANY, A CODE MEMBER IN DISTRICT No. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF THE SWANTON NO. 1 MINE (MINE INDEX No. 837) OF THE SWANTON BIG VEIN COAL COMPANY;

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

An original petition and amendment thereto, pursuant to section 411(d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party requesting the establishment of both temporary and permanent price classifications and minimum prices for coals to be produced at the Swanton No. 1 mine (Mine Index No. 837) of the petitioner; and

District Board No. 1 having filed a petition for leave to intervene in the above-entitled proceeding and an answer to the aforesaid petition;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act and the rules and regulations of the Division, on August 29, 1941, at 10 o'clock a.m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D.C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

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

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 411(d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 25, 1941.

The matter concerned herewith is in regard to the petition of the Swanton Big Vein Coal Company, a code member in District No. 1, for the establishment of price classifications and minimum prices for all shipments except truck and for truck shipments of coals to be produced at the Swanton No. 1 mine (Mine Index No. 837) of the Swanton Big Vein Coal Company.

It is further ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, is temporarily amended by adding thereto the following:

<table>
<thead>
<tr>
<th>Mine Index No.</th>
<th>Code Number</th>
<th>Mine Name</th>
<th>Sub-Dept. No.</th>
<th>Scam</th>
<th>Fracht Order Group No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>837 Swanton Big Vein Coal Company, Co R. C. Clark</td>
<td>Swanton No. 1</td>
<td>41 Big Vein</td>
<td>104</td>
<td>D D D D</td>
<td></td>
</tr>
</tbody>
</table>

Notices is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to Section 411(d) of the Bituminous Coal Act of 1937.

Dated July 30, 1941.

H. A. Gray,
Director.

[F. R. Doc. 41-5572: Filed, July 31, 1941; 10:03 a.m.]

[Docket No. 1639-FD]

IN THE MATTER OF F. B. FRY, CODE MEMBER, DEFENDANT;
CEASE AND DESIST ORDER

A complaint, dated March 28, 1941, in the above-entitled matter, having been filed with the Bituminous Coal Division (the "Division") pursuant to the provisions of sections 411(f) and 5(b) of the Bituminous Coal Act of 1937 (the "Act") by the Bituminous Coal Producers Board for District No. 8, complaining, alleging that F. B. Fry, the defendant herein, willfully violated the provisions of the Bituminous Coal Code (the "Code") and the effective minimum prices, by selling, delivering and offering to sell four (4) tons or more of 23/4 by 33/4 stoker (Size Group 5) coal on February 12, 1941, produced by the defendant at his Fry Mine, Mine Index No. 2921, located at or near Wayne County, West Virginia, in District No. 8, to Cherly Short and Cecil Brown, truckers of coal, at a price of $1.00 per net ton f. o. b. truck transportation facilities at said mine, whereas the effective minimum price for such coal was $1.85 per net ton f. o. b. transportation facilities at said mine; and the complaint herein and notice of and order for hearing thereon having been duly served on the defendant on April 21, 1941; and...
The defendant, by stipulation made July 2, 1941, a true copy of which is on file herein, having admitted the truth of the allegations contained in the complaint herein and the facts set out in said stipulation and being consented to the making and entry of this order:

It is hereby found That:

1. On June 12, 1940, the defendant filed with the Division his acceptance dated June 12, 1940, of the Code. Said acceptance was approved by the Division to take effect as of June 12, 1940. The defendant has been since June 13, 1940, and is now a code member in District No. 8.

2. The defendant willfully violated the provisions of the Code and the effective minimum prices established by the Division by offering to sell, selling and delivering four (4) tons or more of 2½ x 3½' stoker (Size Group 5) coal on February 12, 1941, produced by the defendant at his Fry Mine, Mine Index No. 2921, located at or near Washington County, West Virginia, to Charles Short and Cecil Brown, truckers of coal, at a price of $1.00 per ton f. o. b. truck transportation facilities at said mine.

The effective minimum price established for such coal was $1.05 per ton f. o. b. said transportation facilities at said mine.

Now, therefore, based upon the above findings and the defendant's above stipulation:

It is ordered, That the defendant, his representatives, agents, servants, employees and attorneys and all persons acting or claiming to act in his behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from violating the Code and the effective minimum prices established by the Division;

It is further ordered, That the Division, in its discretion, may apply to the Circuit Court of Appeals of the United States within any circuit where such defendant resides and carries on business for the enforcement hereof; and

It is further ordered, That this order shall not constitute a waiver by or on behalf of any person entitled to file a complaint under sections 4 (c) or 5 (b) of the Act, or of either of them, of or any right which they or any of them or which the Division may have against the defendant or of any penalty or forfeiture to which the defendant may be subject by reason of any violation other than those referred to in paragraph 2 of the findings herein, or a waiver by or on behalf of any code member of any right which he may have against the defendant under section 1 (5) of the Act in respect to said violations.

Dated: July 28, 1941.

[Seal] DAN H. WHEELER,
Acting Director.

[FR Doc. 41-5573; Filed, July 31, 1941; 10:08 a. m.]
rates decreased; as a result, the Twin Cities market was virtually lost to Illinois coals; during the last five years the upper part of the Mississippi River has been developed by the Federal Government; due to this development, and because of lower transportation charges for river as compared to all-rail shipments, Illinois coals began to move by barge to the Twin Cities, and beginning in 1939 moved in continually increasing quantities until the establishment of effective minimum prices on October 1, 1940.

It was also testified that the cities of Minneapolis and St. Paul, in order that their inhabitants might enjoy the lower river transportation rates, constructed coal docks on the Mississippi River; that these docks are operated as a municipal function at moderate cost with allocation of storage space to retail coal dealers on a yearly basis; and that although actual storage space on the dock is limited, there is ample capacity for movement of coal to and from the dock for storage at inland retail coal yards.

It was further testified that: In 1939 and 1940 petitioners shipped a substantial percentage of the Illinois coal moving by river to the Twin Cities; in 1939 Sahara shipped via the Minneapolis dock to about six purchasers, including retail coal dealers, and to its own retail coal yard on the Minneapolis dock where it sold to retail coal dealers and in 1940 to the dockyard of its own subsidiary, Sibley Coal and Dock Co., and to others including retail coal dealers with inland retail coal yards; United Electric shipped to retail coal dealers over the St. Paul dock; Delta's coals moved via the Minneapolis dock to Republic Coal & Coke Company, its exclusive sales agent, acting as a retail coal dealer on the dock, to retail coal dealers and to certain consumers taking coal over the dock direct from barge to railroad car; interveners, Franklin County Coal Corporation et al., also shipped by river to the Twin Cities, Franklin Corporation, and Peabody Coal Company, at least, shipping on a regular basis and in substantial tonnages; since October 1, 1940, neither original petitioners nor any of the interveners have shipped coal via river to retail coal dealers in the Twin Cities; in fact, very little Illinois coal has since been delivered to such retail coal dealers either by river or all-rail.

It appears that under the established minimum prices, water-borne Illinois coals have been unable to compete with water-borne eastern coals from Minnesota. In Price Area 1, having the advantage of the Great Lakes dock rates. Since it is estimated that 85-95% of the coal delivered in the Twin Cities is water-borne, these eastern coals present the real competition to the coal from District No. 10.

Petitioners contended that either free alongside prices should be granted or, if the relationship of the Illinois coals must be maintained, that the prescribed differential should be revised properly to take into account, not only the lower cost of river over all-rail transportation, but also certain cost factors involved in the handling of river coals, and that relief should be extended to inland retail coal dealers as well as those having dockyards, because storage space on the municipal docks is limited and occupied only by a few persons and because much of the coal has customarily moved across the docks to inland retail coal dealers' yards for storage. There appear to be no private coal docks and no possible locations for them within the Twin Cities area.

Certain interveners, particularly District Board 7, opposed the granting of any relief, temporary or permanent, arguing that it would upset coordination with eastern Lake dock coals by depriving them of their existing competitive opportunities in the Twin Cities market by failing properly to reflect relative market values.

District Board 7 produced two witnesses who testified concerning the propriety of f. a. s. prices. One of these witnesses stated that he was opposed to such relief whereas another witness, representing Lake dock interests regularly shipping the preponderant tonnages consumed in the Twin Cities, stated that f. a. s. prices should be established for sales to retail coal dealers with dock facilities at the Twin Cities. The witnesses for District Board 7 also testified concerning the effect of the establishment of f. a. s. prices upon coordination at the Twin Cities.

Entirely apart from, and without considering, the issue of re-coordination, it is appropriate, on the basis of the above-mentioned temporary relief under section 3 (A) (a) of the Special River Price Instructions and Exceptions in the Minimum Price Schedule for District No. 10. Unless petitioners are granted temporary relief they will suffer irreparable injury, due to the shortness of the river navigation season. And unless such relief is granted immediately, petitioners will be deprived of any opportunity to negotiate for the sale and shipment of river coals during the current season. Half of the season already having passed, substantially less Illinois coal can be shipped during the remainder of the season than was shipped during 1940; certainly no more. There can not be possible prejudice, therefore, to the eastern producers of temporary relief, as hereinafter provided, is granted.

Whether temporary relief should be made permanent and whether permanent relief should be granted under the "Special Cases" provision, by a re-coordination of established minimum prices, or by any other means is a matter which can only be determined after more studied consideration of the record in this proceeding. And in that connection, pending final disposition of the petition, the Division will also study carefully the results which follow from the granting of temporary relief.

Now, therefore, it is ordered, That temporary relief pending final disposition of this proceeding is granted forthwith by temporarily amending the schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, as follows:

Under the Section "Prices for River (free alongside delivery) and Ex-River Shipments, Special River Price Instructions and Exceptions," "Special Cases G," page 53, add the following provision:

Any code member producer, sales agent or registered distributor offering for sale, selling or reselling any coal pursuant to this Order shall submit only to coal shipped from the mine subsequent to the date hereof, and

Provided, however, That the relief herein granted shall apply only to coal shipped from the mine subsequent to the date hereof, and

Provided further, That any code member, sales agent or registered distributor offering for sale, selling or reselling any coal pursuant to this Order shall submit to the Bituminous Coal Division at 734 Fifteenth Street NW., Washington, D. C. within five (5) days after such offer, sale or resale, a complete description of such offer, sale or resale as is required by the Marketing Rules and Regulations of the Division, Order 313, and any other orders of the Division. The filing of this data at the offices of the Bituminous Coal Division in Washington, D. C. shall be in addition to that required for filing with the field office.

Each report or description required herein shall be duly verified and marked for incorporation in this docket as part of the record in these proceedings.

It may be required from time to time that there shall be made available for inspection for representatives of the Bituminous Coal Division at all reasonable times and places, all books, records, correspondence or other documents pertaining to the offer for sale, sale, delivery or other transactions of and involving such coals.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regu-
IN THE MATTER OF BECKLEY FIRE CREEK COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR REN

STATEMENT OF CODE MEMBERSHIP

A written complaint, dated February 6, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), alleging willful violation by the Beckley Fire Creek Coal Company ("Beckley"), of the Bituminous Coal Code (the "Code"), and rules and regulations thereunder; and

An Order having been made herein on July 15, 1941, by the Acting Director, pursuant to stipulation of Beckley and said District Board, dated July 16, 1941, cancelling and revoking the code membership of Beckley and providing that such cancellation and revocation shall become effective six (6) days after service thereof on Beckley; and

Said Order having been duly served on Beckley on July 23, 1941; and

Beckley having filed with the Division its application, dated July 25, 1941, for reinstatement of code membership to become effective simultaneously with the effective date of such cancellation and revocation of its code membership; and

It appearing from said application that Beckley has paid to the Collector of Internal Revenue at Parkersburg, West Virginia, the sum of One Thousand Nine Hundred Seven Dollars and Thirty-seven Cents ($1,907.37), pursuant to said Order made July 18, 1941, as a condition precedent to reinstatement of its code membership.

It is ordered, That said application of Beckley, dated July 25, 1941, for reinstatement of its code membership be and it hereby is granted.

It is further ordered, That the code membership of Beckley be and it hereby is restored as of the effective date of said cancellation and revocation of code membership.

Dated July 30, 1941.

[seal]

H. A. GRAY, Director.

IN THE MATTER OF THE APPLICATION OF BELLEVILLE FUELS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; IN RE: APPLICATION OF THE APPLICANT FOR RENEWAL OF THE ORDER GRANTING IT PROVISIONAL APPROVAL AS A MARKETING AGENCY

The Bituminous Coal Division by Order of the Director dated January 9, 1940, as modified by Order of the Director dated January 15, 1941, having granted the application of the Belleville Fuels Division to be provisionally approved as a marketing agency for one year from the date of said Order of January 9, 1940, subject to renewal upon application therefor; and

Applicant having on June 23, 1941, filed an application for renewal of said Order granting it provisional approval as a marketing agency, requesting that said Order be renewed retroactively to January 9, 1941; and

By an Order dated July 15, 1941, a hearing having been scheduled on said application for renewal of the Order granting Applicant provisional approval as a marketing agency, at 10 o'clock in the forenoon of August 4, 1941, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.; and Applicant having been required at the same time to show cause why its provisional approval, if renewed, should not be modified and amended in certain specified respects;

Now, therefore, it is ordered, That, pending the determination of the afore-mentioned proceeding, an interim renewal of the Order granting the Applicant provisional approval as a marketing agency is hereby granted as of January 9, 1941;

It is further ordered, That the renewal of the provisional approval hereby granted is specifically subject to such further orders as may be entered in this docket.

Dated July 28, 1941.

[seal]

DAN H. WHEELER, Acting Director.

APPLICANTS FOR REGISTRATION AS DISTRIBUTOR

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name, address, and date application filed:
Montevallo Coal Mining Co., Afton, Ala., 6/2/41.

Clarence Payne, Barbourville, Ky., 7/21/41.

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before August 15, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated July 29, 1941.

[seal]

H. A. GRAY, Director.

IN THE MATTER OF THE WYATT COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9906, DEFENDANT

ORDER OF SUSPENSION OF REGISTRATION

The Notice of and Order for Hearing in the above entitled matter dated February 17, 1941, having been duly made by the Director pursuant to the provisions of Section 304.14 of the Rules and Regulations for the Registration of Distributors, promulgated by the Bituminous Coal Division (the "Division"), pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 (the "Act"), to determine whether the Wyatt Coal Sales Company ("Wyatt"), registered distributor, Registration No. 9906, defendant in the above entitled matter has violated the provisions of section 4 II (e) and (f) of the Act, § 304.12 (b) of the Rules and Regulations for the Registration of Distributors, and Sections 6 and 8 (o) of the agreement executed by said defendant pursuant to said § 304.12 (b), and said Notice of and Order for Hearing having been duly served upon the defendant on February 19, 1941; and

The defendant having filed its answer herein with the Division on March 3, 1941, and an order having been made and entered herein, dated July 23, 1941, permitting the withdrawal thereof; and

The defendant having by stipulation made July 19, 1941, a true copy of which is annexed hereto and made a part hereof, admitted the truth of the allegations contained in said Notice of and Order for Hearing, and the facts set out in said stipulation and having consented to the making and entry of this order of suspension; and

The defendant having by said stipulation waived (a) hearing on the Notice of and Order for Hearing herein; (b) oral argument on the filing of briefs bo-
fore the Director or other presiding officer; (c) the preparation and submission of any report, findings of fact or recommendations by the Director or other presiding officer; (d) the presentation of oral argument by the Director or other presiding officer and (e) the preparation and submission of tentative findings of fact or proposed order by the Director; and

The defendant, by said stipulation (a) having filed an improperly substituting, during the months of October and November, 1940, as agent for the Beckley Fire Creek Coal Company ("Beckley") 2,717.05 tons of 3/4" x 0 slack coal produced at the Penman Mine, Mine Index No. 140, located in District No. 7, on an order of Bethlehem Steel Company, dated October 30, 1940, for 2,400 tons of 3/4" x 0 slack coal at $1.75 per net ton f. o. b. said mine; whereas the effective minimum price for said substituted 3/4" x 0 slack coal was $1.80 per net ton f. o. b. said mine, having further admitted the statements of fact and conclusions of law contained in the order made by the Director dated July 18, 1941, in Docket No. 1557-FD, canceling and revoking the code membership of Beckley and assessing the tax payable by Beckley at Nineteen Hundred and Seven Dollars and Thirty-seven Cents ($1907.37), as a condition to its reinstatement to membership in the Bituminous Coal Code ("Code"); and (c) having further admitted that the transactions set forth in (a) and (b) hereof violated the applicable minimum prices set out in the Schedule of Effective Minimum Prices for District No. 7, for All Shipments Except Truck, § 304.12 (b), 2, 3, and 5 of the Rules and Regulations for the Registration of Distributors, paragraphs (b), (c), and (d) of the Agreement made April 25, 1939 (the "Distributor's Agreement"), pursuant to the order of the National Bituminous Coal Commission ("Commission") dated March 24, 1939, entered in General Docket No. 12 and adopted as an order of the Division on July 1, 1939, the execution of said agreement by the defendant having been a condition precedent to the granting of the defendant's application for registration as a distributor, Rules 1 (a), (b), (c) and (d) and 2 of Section XI, Rule 3 of Section XII and Rule 6 of Section XIII of the Marketing Rules and Regulations and section 4 II (e) and (h) and paragraph 6 of Section 4 II (c) of the Code.

It is hereby found that:

(1) The defendant is a corporation organized and existing under and by virtue of the laws of the State of West Virginia, with its principal office located at Charleston, West Virginia, and is engaged under the powers granted to it by its corporate charter in the business of selling and distributing coal.

(2) On April 26, 1939, pursuant to the Order of the Commission dated March 24, 1939, entered in General Docket No. 12 and adopted as an order of the Division on July 1, 1939, the defendant filed with the Commission its application dated April 25, 1939, for registration as a distributor which was accompanied by its Agreement executed April 23, 1939, (the "Distributor's Agreement"), said application was approved by the Division on November 10, 1939, and certificate No. 9900 was issued to the defendant authorizing it to act as a registered distributor and the defendant has been engaged since the last-mentioned date and is now acting as a registered distributor.

(3) Beckley is duly organized and existing under and by virtue of the laws of the State of West Virginia, whose principal office is located at Charleston, West Virginia, and is engaged under the powers granted to it by its corporate charter, in the business of mining and producing bituminous coal.

(4) On June 19, 1937, Beckley filed with the Commission its acceptance of the Code dated June 17, 1937; said acceptance was approved by the Commission on June 19, 1937, to take effect as of June 19, 1937, and was carried on file as of July 1, 1939, by the Division, and Beckley since said last-mentioned date, has been a code member operating the Penman Mine, Mine Index No. 140, located in District No. 7 in Raleigh County, West Virginia.

(5) The defendant owns all the outstanding corporate shares of stock of Beckley and controls its corporate acts and doings. The defendant acted as the duly authorized agent of Beckley in the transaction referred to in (6) hereof.

(6) The defendant sold and substituted during the months of October and November, 1940, as agent for Beckley 2,717.05 tons of 3/4" x 0 slack coal produced at the Penman Mine, Mine Index No. 140, located in District No. 7, on the order of Bethlehem Steel Company, dated October 30, 1940, for 2,400 tons of 3/4" x 0 slack coal at $1.75 per net ton f. o. b. said mine, whereas the effective minimum price for said substituted 3/4" x 0 slack coal was $1.80 per net ton f. o. b. said mine, whereinafter the defendant having further admitted the statements of fact and conclusions of law contained in the order made by the Director dated July 18, 1941, in Docket No. 1557-FD, canceling and revoking the code membership of Beckley and assessing the tax payable by Beckley at Nineteen Hundred and Seven Dollars and Thirty-seven Cents ($1907.37), as a condition to its reinstatement to membership in the Bituminous Coal Code ("Code"); and (c) having further admitted that the transactions set forth in (a) and (b) hereof violated the applicable minimum prices set out in the Schedule of Effective Minimum Prices for District No. 7, for All Shipments Except Truck, § 304.12 (b), 2, 3, and 5 of the Rules and Regulations for the Registration of Distributors, paragraphs (b), (c), and (d) of the Agreement made April 25, 1939 (the "Distributor's Agreement"), pursuant to the order of the National Bituminous Coal Commission ("Commission") dated March 24, 1939, entered in General Docket No. 12 and adopted as an order of the Division on July 1, 1939, the execution of said agreement by the defendant having been a condition precedent to the granting of the defendant's application for registration as a distributor, Rules 1 (a), (b), (c) and (d) and 2 of Section XI, Rule 3 of Section XII and Rule 6 of Section XIII of the Marketing Rules and Regulations and section 4 II (e) and (h) and paragraph 6 of Section 4 II (c) of the Code.

It is ordered, That the registration of the defendant in the above entitled matter, Wyatt Coal Sales Company, as a distributor is hereby suspended for a period of thirty (30) days from the date of service hereof upon the defendant herein and that the defendant, its officers, representatives, agents, servants, employees and attorneys and all affiliates and subsidiaries of the defendant shall be and are hereby prohibited from engaging in the business of buying, selling and distributing coal and shall continue fully to observe, abide by, and faithfully abide and comply with all the provisions of Section 304.15 of the Code.

Provided, however, That the said suspension: Provided, however, That the said suspension shall continue fully to observe, abide by, and remain in all respects subject to
all pertinent and applicable provisions of the Act, Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, the Distributor’s Agreement and all applicable orders of the Division; and

It is further ordered, That in the event the defendant shall hereafter violate any of its agreements set forth in said stipulation dated July 19, 1941, a true copy of which is annexed hereto and made a part hereof, this matter may be reopened and such action taken and orders entered herein as to the Director may seem just and proper under the circumstances, and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated July 30, 1941

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-5898; Filed, July 31, 1941; 10:16 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL No. 165, ALASKA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 49 Stat. 729; 49 U.S.C. 214, that the public lands lying within the following described boundaries in the vicinity of McGrath, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

TRACT No. 1

Beginning at a point on the south boundary of U. S. Survey No. 1962, from which corner No. 3 of such survey bears west 178.8 feet in approximate latitude 62° 57' 30" N., longitude 165° 37' W. Thence by metes and bounds, E. 1623.4 feet to a point on the left bank of Kuskokwim River;

Thence with meanders of the left bank, N. 73° 40' W., 622.7 feet;

N. 76° 00' W., 500.0 feet;

N. 70° 00' W., 251.7 feet to a stake,

thence North 360.1 feet to the place of beginning containing 24.8 acres.

TRACT No. 2

Beginning at a point on the west boundary of U. S. Survey No. 1962, from which corner No. 3 of such survey bears south 2263.3 feet. Thence by metes and bounds, S. 81° 14' W., 1873.6 feet to a stake on the left bank of Kuskokwim River;

Thence with meanders of left bank, N. 20° 14' E., 171.5 feet;

N. 43° 14' E., 300.0 feet;

N. 47° 10' E., 288.6 feet to a stake; thence N. 81° 14' E., 1386.8 feet to a stake on the west boundary of U. S. Survey No. 1962, thence South, 605.9 feet along the west boundary of such survey to the place of beginning, containing 18.4 acres.

TRACT No. 3

A 100-foot right-of-way, the center line as follows:

Beginning at a point on the west boundary line of the tract withdrawn October 1, 1940, under Air Navigation Site Withdrawal No. 145, from which U. S. L. M. 1961, located on

the northeast bank of the Kuskokwim River and in the south edge of the town of Old McGrath, bears

N. 49° 60' W., 335 feet;

N. 70° 00' W., 945.3 feet;

N. 49° 60' W., 649.8 feet, in approximate latitude 62° 57' 30" N., longitude 165° 37' W.

Thence by metes and bounds, E. 67° 00' W., 1090.0 feet;

E. 70° 00' W., 1100.0 feet;

N. 70° 28' W., 1100.0 feet;

N. 49° 60' W., 1100.0 feet;

N. 32° 37' W., 2115.5 feet;

N. 49° 60' W., 400.0 feet more or less, to a point on the east boundary line of U. S. Survey No. 1932.

"HAROLD L. ICKES,
Secretary of the Interior.

JULY 16, 1941.

[F. R. Doc. 41-832; Filed, July 31, 1941; 10:16 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6159]

ORDER IN THE MATTER OF WITHDRAWAL OF FREQUENCIES FROM AMATEUR SERVICE

At a meeting of the Federal Communications Commission held in its offices in Washington, D. C., on the 29th day of July, 1941:

The Commission having under consideration its Rules Governing Amateur Radio Stations and Operators with particular reference to the provisions governing the use of frequencies; and

It appearing that the needs of National Defense require the temporary re-assignment, on September 1, 1941, of one hundred and at later dates of an additional two hundred kilocycles presently allocated to amateur stations under §§ 12.111, 12.115 and 12.116, to the conduct of communications necessary for the training of military airplane pilots exclusively;

It is ordered, That on August 18, 1941, a public hearing be held at the offices of the Commission in Washington, D. C., to determine whether the adoption of the following order will promote public convenience or interest or will serve public necessity or enable a fuller compliance with the provisions of the Communications Act of 1934, as amended;

It is ordered, That §§ 12.111, 12.115 and 12.116 of Part 12 of the Rules and Regulations of the Commission, insofar as they pertain to the continental limits of the United States, be, and they are hereby, suspended until further order of the Commission;

It is further ordered, That the following Temporary Rules Governing Amateur Radio Stations be effective during the period of the suspension of the foregoing sections:

Temporary Rule 12.111 Frequencies for exclusive use of amateur stations. The following bands of frequencies are allocated exclusively for use by amateur stations subject to change with respect to 150 frequencies in the 3800-3900 kilocycle band and 50 frequencies in the 3900-4000 kilocycle band upon further order of the Commission:

1,750 to 2,050 kilocycles
3,500 to 3,800 kilocycles
7,000 to 7,300 kilocycles
14,000 to 14,400 kilocycles
28,000 to 30,000 kilocycles
65,000 to 66,000 kilocycles
112,000 to 116,000 kilocycles
125,000 to 129,000 kilocycles
400,000 to 401,000 kilocycles

Provided, However, That amateur licenses located in the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Wyoming, Montana, Idaho, Oregon, and Washington, may use the frequencies in the band 3800-3900 kilocycles for Type A-1 emission during the period between two hours after local sunrise and two hours before local sunset subject to the condition that no interference is caused to government operation on these frequencies. The privileges conferred by this proviso with respect to any amateur or to the amateurs within any area may be terminated at any time without advance notice or hearing should interference develop.

Temporary Rule 12.115 Additional bands for types of emission using amplitude modulation. The following bands of frequencies are allocated for use by amateur stations using additional types of emission as shown:

1,700 to 1,900 kilocycles
1,900 to 2,000 kilocycles
2,000 to 4,000 kilocycles
7,250 to 7,300 kilocycles
14,250 to 14,250 kilocycles
28,000 to 30,000 kilocycles
55,000 to 60,000 kilocycles
112,000 to 116,000 kilocycles
125,000 to 129,000 kilocycles
400,000 to 401,000 kilocycles

This order shall take effect September 1, 1941.

It is further ordered, That any existing holder of an amateur radio station license desiring to object to the foregoing proposed order shall, not later than August 14, 1941, file an appearance with the Commission setting forth in detail the grounds of such objection.

By the Commission.

[SEAL]

T. J. SLOWE,
Secretary.

[F. R. Doc. 41-5898; Filed, July 31, 1941; 10:11 a. m.]

NOTICE RELATIVE TO AMERICAN REPUBLI-
CANS, INC. (WBCY)

Application dated February 20, 1941, for modification of C. P. class of service, broadcast; class of station, broadcast; location, Waterbury, Connecticut; operating assignment specified: Frequency, 580 kc.; power, 1 kw. (DA night and day) hours of operation, unlimited.
You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether completion of construction heretofore authorized (B1-250) was prevented by causes not under control of the applicant-permittee.

2. To determine whether the granting of the instant application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 207 (b) of the Communications Act of 1934, as amended.

3. To determine whether the granting of this application would be consistent with the standards of good engineering practice, particularly in view of the expected nighttime interference limitation to the service of Station WBRY as proposed.

4. To determine whether the proposed directional antenna array would afford adequate protection to the services of Stations WFIL and WGAN, particularly in view of the distances between said stations and Station WBRY.

5. To determine the extent of any interference which would result from simultaneous operation of Station WBRY as proposed, and Stations WMCA, WFIL and WGAN.

6. To determine the areas and populations which may be expected to lose interference-free primary service, particularly from Stations WMCA, WGAN and WFIL, should Station WBRY operate as proposed, and what other broadcast service is available to these areas and populations.

7. To determine the areas and populations now receiving interference-free primary service from Station WBRY which may be expected to lose such service should this application be granted, and what other broadcast service is available to these areas and populations.

8. To determine areas and populations which may be expected to gain interference-free primary service from the operation of Station WBRY, as proposed, and what other broadcast service is available to these areas and populations.

9. To determine the extent of any interference which would result from simultaneous operation of Station WBRY, as proposed, and WFIL as proposed in application B1-250, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

10. To determine whether in view of the facts adduced under the foregoing issues that filing a written appearance in accordance and necessity will be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issue by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Dated at Washington, D. C., July 29, 1941.

By the Commission.

T. J. Slowie,
Secretary.

[F. R. Doc. 41-5533; Filed, July 31, 1941; 10:11 a.m.]

[Notice No. 6024]

NOTICE RELATIVE TO SEABOARD RADIO BROADCASTING CORPORATION (WEBG)

Application dated March 18, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Glenside, Pennsylvania; operating assignment specified: Frequency, 990 kc.; power, 1 kw. day; hours of operation, limited to Knoxville, Tenn.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement.

2. To determine whether, in view of the facts adduced under the foregoing issue and the issues relating to the application for renewal of license of Station WEBG, Docket No. 6023, public interest, convenience and necessity will be served by the granting of the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issue by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:
Seaboard Radio Broadcasting Corp., Radio Station WEBG, Easton Road and Mt. Carmel Avenue, Glenside, Pennsylvania.

Dated at Washington, D. C., July 23, 1941.

By the Commission.

T. J. Slowie,
Secretary.

[F. R. Doc. 41-5533; Filed, July 31, 1941; 10:11 a.m.]

[Notice No. 6131]

NOTICE RELATIVE TO HENNESSY BROADCASTING COMPANY (NEW)

Application dated April 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Butte, Montana; operating assignment specified: Frequency, 1,490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine applicant's legal, technical, and other qualifications to
construct and operate the proposed station,
2. To determine the type and character of the service, both program and technical, which applicant may be expected to render if granted a permit to construct the proposed station.
3. To determine the identity, residence, experience and familiarity with the needs of the population to which it is proposed to render a local broadcast service, of the persons having ultimate control of the applicant.
4. To determine the practices and policies which the applicant may be expected to follow in the operation of the proposed station, particularly in view of its connections with the Hennessy Company, owner of a retail department store in Butte, Montana, and the Mercantile Stores Company, Inc., engaged in the business of operating department stores and owning real estate.
5. To determine whether public interest, convenience or necessity would be served by a grant of this application and the application of the Hennessey Broadcasting Company (File No. BS-P-3158, Docket No. 6131), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing. The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure. The applicant's address is as follows:

Hennessy Broadcasting Company, 122 W. Broadway, Butte, Montana.

Dated at Washington, D. C., July 28, 1941.
By the Commission.

T. J. SLOWIE, Secretary.

[F. R. Doc. 41-5587; Filed, July 31, 1941; 10:12 a.m.]

[Docket No. 6151]

NOTICE RELATIVE TO BARCLAY CRAIGHEAD (NEW)

Application dated March 28, 1941, for renewal of license; class of service, aviation; class of station, airport; location, Roosevelt Field, Mineola, New York; operating assignment specified: Frequency, 527 kilocycles; power, 5,000 watts; emission, A-3; Pts. of Comm., ground to aircraft stations.

Dated at Washington, D. C., July 29, 1941.
By the Commission.

T. J. SLOWIE, Secretary.

[F. R. Doc. 41-5587; Filed, July 31, 1941; 10:12 a.m.]

FEDERAL POWER COMMISSION.

[Docket No. 72-5721]

IN THE MATTER OF MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JULY 29, 1941.

Notice is hereby given that on July 29, 1941, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $350,000,000 of unsecured Purchase Money Notes in three equal installments on or before April 1, 1943, January 1, 1944, and October 1, 1944, respectively, and bearing interest at the rate of 21/2 per cent per annum; all as more fully appears in the application on file with the Commission.
SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF APPLICATIONS BY THE CHICAGO STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO TWENTY (20) STOCKS

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D.C., on the 30th day of July, A.D. 1941.

The Chicago Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to twenty securities; and

After appropriate notice a hearing having been held in this matter in Chicago, Illinois; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the instant applications of such exchange be and the same are hereby granted by the Commission permitting the applicant exchange to extend unlisted trading privileges to twenty securities; and

Notice is hereby given that any interested person may, not later than August 15, 1941, at 4:45 p.m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C.

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

Consolidated Electric and Gas Company, a registered holding company, proposes to sell to Southeastern Indiana Power Co., an Indiana corporation, the following described securities of its subsidiary, Hoosier Public Utility Company:

(a) 17,270 shares of the Common Stock of no par value;
(b) $318,750 principal amount of 6% 10-Year Note, dated July 1, 1935 and due July 1, 1945; and
(c) $150,000 principal amount of the First Mortgage 5% Sinking Fund Bonds, due December 1, 1934, with all unmatured coupons appertaining thereto attached.

The purchase price to be paid for the foregoing securities is the sum of the following:

(a) One Million One Hundred Thousand Dollars ($1,100,000);
(b) Interest on the Note and Bonds described above, accrued to date of closing and unpaid; and
(c) An amount equal to the net earnings of Hoosier Public Utility Company applicable to the Common Stock of Hoosier Public Utility Company described above, from January 1, 1941 to the date of closing, less an amount equal to the total amount of all payments made by Hoosier Public Utility Company to Consolidated Electric and Gas Company during the period from January 1, 1941 to the date of closing, representing dividends paid on the Common Stock of Hoosier Public Utility Company described above.

The foregoing securities are now pledged with the City National Bank and Trust Company of Chicago, Successor Trustee under the Collateral Trust Indenture of Central Gas and Electric Company securing its Collateral Trust Bonds, due 1946, (assumed by Consolidated Electric and Gas Company), and the proceeds representing said purchase price will be applied to acquire and retire such Collateral Trust Bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSON,
Secretary.

[F. R. Doc. 41-5538; Filed, July 31, 1941; 11:35 a.m.]