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Washington, Tuesday, September 19, 1944

The President

EXECUTIVE ORDER 9482

AUTHORIZING THE SECRETARY OF THE INTERIOR TO TAKE POSSESSION OF AND OPERATE CERTAIN MINES, COLLIERIES, AND PREPARATION FACILITIES

WHEREAS after investigation I find and proclaim that there are interruptions of the operations of the mines, collieries, and preparation facilities designated in the list attached hereto and made a part hereof, as a result of existing and threatened strikes and other labor disturbances; that the effective prosecution of the war will be unduly impeded or delayed by such interruptions; and that the exercise, as herein specified, of the powers vested in me is necessary to insure, in the interest of the war effort, the operation of these mines, collieries, and facilities:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Interior is authorized and directed to take possession of the mines, collieries, and preparation facilities designated in the list attached hereto and made a part hereof, and of any real or personal property, and other assets, used in connection with the operation thereof; to operate or arrange for the operation of such mines, collieries, and facilities in such manner as he deems necessary for the successful prosecution of the war; and to do all things necessary for, or incidental to, the production, sale and distribution of the coal produced, prepared, or handled by the said mines, collieries, and facilities.

2. The Secretary of the Interior shall operate the said mines, collieries, and facilities in accordance with the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the provisions of sec-

tion 5 of the War Labor Disputes Act. He shall provide such protection of the employees as may be necessary to maintain production, and shall take such appropriate disciplinary action, not inconsistent with law, as may be necessary to effectuate the purposes of this order.

3. In carrying out this order, the Secretary of the Interior shall act through or with the aid of such public or private instrumentalities or persons as he may designate. All Federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, the War Department, and the Department of Justice, are directed to cooperate with the Secretary of the Interior to the fullest extent possible in carrying out the purposes of this order.

4. The Secretary of the Interior shall permit the managements of the mines, collieries, and facilities taken under the provisions of this order to continue with their managerial functions to the maximum degree possible, consistent with the aims of this order.

5. Possession of the mines, collieries, and facilities taken under this order shall be terminated by the Secretary of the Interior within sixty days after he determines that the productive efficiency of the mines, collieries, and facilities has been restored to that prevailing prior to the interruption of production referred to in the recitals of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 14, 1944.

LIST OF MINES, COLLIERIES, AND PREPARATION FACILITIES

Christopher Mining Co., No. 6 Mine, Four States, W. Va.
Crab Orchard Improvement Co., No. 5 and No. 6 Mines, Eccles, W. Va.
Eastern Coal Corporation, No. 7 Mine, McVeigh, Ky.
Industrial Collieries Corporation, No. 21 Mine, Dellslow, W. Va.
Industrial Collieries Corporation, No. 41 Mine, Barrackville, W. Va.
Industrial Collieries Corporation, No. 42 Mine, Dakota, W. Va.
Industrial Collieries Corporation, No. 43 Mine, Carolina, W. Va.

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It is ordered, That the respondent Universal Industries, Inc, a corporation, its officers, representatives, agents, and employees, the respondent Abraham Leonard Koolish, an individual, and respondent George William Ehrlich, an individual, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of sales stimulator plans or devices, including trade cards, circulars, and other advertising material, and tableware, and other products used as premium merchandise in connection with the operation of any sales stimulator plan, do forthwith cease and desist from:

(1) Misrepresenting, in any manner, the financial condition and assets of respondents' business or the length of time in which said respondents have been engaged in business.

(2) Representing as customary or regular prices or values for any of respondents' products prices or values which are, in fact, fictitious or greatly in excess of the prices at which such products are customarily offered for sale and sold in the normal course of business.

(3) Representing any specified sum of money as possible earnings or profits of agents, salesmen, representatives, or distributors for any stated period of time which is not a true representation of the net earnings or profits which have been made for such stated period of time by a substantial number of respondents' active agents, salesmen, representatives, or distributors in the ordinary course of business under normal conditions and circumstances.

(4) Representing any specified sum of money as earnings or profits of any specified agent, salesman, representative, or distributor for any stated period of time which has not, in fact, been consistently earned, net, by such agent, salesman, representative, or distributor in the ordinary course of business and under normal conditions and circumstances.

(5) Using the term "free," or any other term of similar import or meaning, to describe or refer to articles offered as compensation for distributing respondents' merchandise.

(6) Misrepresenting the cost of any sales plan or sales stimulator to any dealer or merchant by failing to reveal that additional sums of money must be paid by such dealer or merchant in the operation of such sales plan or the use of such sales stimulator.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-14385; Filed, Sept. 18, 1944; 10:39 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency
[Gen. Order 21-39]

PART 705—DELEGATIONS OF AUTHORITY
CONTRACT SETTLEMENT AUTHORITY OF COMMISSIONER OF FEDERAL PUBLIC HOUSING AUTHORITY

Sec.

705.1 General policy.

705.2 Authorizing the Commissioner of the Federal Public Housing Authority to act for the National Housing Administrator under the "Contract Settlement Act of 1944."

Authority: §§ 705.1 to 705.2, inclusive, issued under 55 Stat. 833, 50 U.S.C., App., Sup., 601, E.O. 9070; E.O. 9116; Title 3, supra.

§ 705.1 *General policy.* The purpose of this general order is to delegate to the Commissioner of the Federal Public Housing Authority all of the functions, powers and duties contained in the Contract Settlement Act of 1944, Public Law No. 395, 78th Congress, Second Session, or contained in applicable orders and regulations issued thereunder by the Director of Contract Settlement.

§ 705.2 *Authorizing the Commissioner of the Federal Public Housing Authority to act for the National Housing Administrator under the "Contract Settlement Act of 1944."* (a) The Contract Settlement Act of 1944, Public Law No. 395, 78th Congress, Second Session, requires contracting agencies to modify and amend war contracts in the appropriate cases where such contracts do not provide for or provide against fair compensation for their termination. The act further authorizes contracting agencies to take appropriate action to accomplish the objectives of the act. A contracting agency is defined as any Government agency authorized to make contracts pursuant to section 201 of the First War Powers Act, 1941.

(b) Pursuant to authority vested in me by said Contract Settlement Act of 1944, I hereby designate the Federal Public Housing Commissioner and any officer of the Federal Public Housing Authority who is designated to act as Federal Public Housing Commissioner to perform and exercise, with respect to contracts made or to be made by the Federal Public Housing Authority connected with or related to the prosecution of the war, all of the functions, powers and duties contained in said act or contained in applicable orders and regulations issued thereunder by the Director of Contract Settlement.

(c) The Federal Public Housing Commissioner and any officer of the Federal Public Housing Authority who is designated to act as Federal Public Housing Commissioner may delegate to persons under him any of such powers, functions and duties as he may deem necessary.

JOHN B. BLANDFORD, Jr.,
Administrator.

SEPTEMBER 8, 1944.

[F. R. Doc. 44-14322; Filed Sept. 18, 1944; 11:30 a. m.]

TITLE 25—INDIANS

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

Subchapter Q—Leases and Permits on Restricted Indian Lands

PART 171—LEASING OF INDIAN ALLOTTED AND TRIAL LANDS FOR FARMING, GRAZING AND BUSINESS

FORT MADISON AND TULALIP RESERVATIONS

This part is amended by adding the following section thereto:

§ 171.32a *Port Madison and Tulalip Reservations.* Except as otherwise provided in this section, any Indian lands on the Port Madison and Snohomish or Tulalip Reservations in the State of Washington may be leased by the Indians with the approval of the Secretary of the Interior under the terms and conditions prescribed in this part. No lease shall be made for a period in excess of 25 years. Where the lease so provides it may be renewed for an additional term not to exceed 25 years. (54 Stat. 1057; 25 U.S.C. 403, a)

Dated: September 12, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 44-14336; Filed, Sept. 18, 1944; 11:07 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5494]

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

RATES AND CREDITS

In order to conform Regulations 112 (Part 35, Title 26, Code of Federal Regulations, Cum. Supp.) to sections 201 and 208 (a), (b), (c), and (f) of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 35.735-1 the following:

SEC. 208. NONTAXABLE INCOME OF CERTAIN INDUSTRIES WITH DEPLETABLE RESOURCES. (Revenue Act of 1943, Title II.)

(a) *Technical amendment.* So much of section 735 (relating to nontaxable income from certain mining and timber operations) as precedes subsection (a) is amended to read as follows:

SEC. 735. NONTAXABLE INCOME FROM CERTAIN MINING AND TIMBER OPERATIONS, AND FROM NATURAL GAS PROPERTIES.

(b) *Definitions.* (1) "Lessors", "natural gas company", etc. Section 735 (a) (1), (2), (3), (4), and (5) (defining terms used) are respectively amended to read as follows:

(1) *Producer; lessor; natural gas company.* The term "producer" means a corporation which extracts minerals from a mineral property, or which cuts logs from a timber block, in which an economic interest is owned by such corporation. The term "lessor" means a