

be subjected (i) to a lien for a loan made against securities carried for the account of customers, provided the pledgee agrees that securities which it is informed are carried for the account of customers will be physically segregated from any other securities, or (ii) to a lien for a loan made and to be repaid on the same calendar day. For the purpose of this exemption, a loan shall be deemed to be "made against securities carried for the account of customers" if only securities carried for the account of customers are used to obtain or to increase such loan or as substitutes for other securities carried for the account of customers.

(f) *Notice and certification requirements.* No person subject to this rule shall hypothecate any security carried for the account of a customer unless, at or prior to the time of each such hypothecation, he gives written notice to the pledgee that the security pledged is carried for the account of a customer and that such hypothecation does not contravene any provision of this rule, except that in the case of an omnibus account the broker or dealer for whom such account is carried may furnish a signed statement to the person carrying such account that all securities carried therein by such broker or dealer will be securities carried for the account of his customers and that the hypothecation thereof by such broker or dealer will not contravene any provision of this rule. The provisions of this clause shall not apply to any hypothecation of securities under any lien or claim of a pledgee securing a loan made and to be repaid on the same calendar day. (Sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; sec. 2, 52 Stat. 1075; 15 U.S.C. 780 and Sup. III) [Gen. Rules & Regs., Rule X-15C2-1, effective February 17, 1941.]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4918; Filed, November 15, 1940;
4:14 p. m.]

TITLE 22—FOREIGN RELATIONS CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER C—NEUTRALITY

PART 149—COMMERCE WITH STATES EN- GAGED IN ARMED CONFLICT¹

Additional Regulations

§ 149.1 *Exportation or transportation of articles or materials* * * *

(j) *Greece.* The regulations under section 2 (c) and (i) of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 10² and November 25,³ 1939, henceforth apply equally

¹ The number of this part has been changed from 12 to 149.

² 22 CFR 149.1 (a)-(d). 4 F.R. 4598.

³ 22 CFR 149.1 (e). 4 F.R. 4701.

in respect to the export or transport of articles and materials to Greece. (54 Stat. 4, 6; 22 U.S.C., Supp. V, 245j-1; Proc. No. 2444, November 15, 1940)

[SEAL] SUMNER WELLES,
Acting Secretary of State.
NOVEMBER 15, 1940.

[F. R. Doc. 40-4931; Filed, November 16, 1940;
10:30 a. m.]

SUBCHAPTER C—NEUTRALITY

PART 156—TRAVEL¹

Pursuant to the provisions of section 5 of the joint resolution of Congress, approved November 4, 1939, and of the President's proclamation of April 10, 1940, the regulations in 22 CFR 156.1 and 156.2 of November 6, 1939,² as amended November 17, 1939,³ April 25, 1940,⁴ May 11, 1940,⁵ and June 10, 1940,⁶ are hereby amended to read as follows:

§ 156.1 *American diplomatic, consular, military, and naval officers.* American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa; Norway; Belgium; the Netherlands; Italy; and Greece if the public service requires. (54 Stat. 7; 22 U.S.C., Supp. V, 245j-4; Proc. No. 2444, November 15, 1940.)

§ 156.2 *Other American citizens.* Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa; Norway; Belgium; the Netherlands; Italy; and Greece: *Provided, however,* That travel on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Passport Division of the Department of State or an American diplomatic or consular officer abroad in each case. (54 Stat. 7; 22 U.S.C., Supp. V, 245j-4; Proc. No. 2444, November 15, 1940)

[SEAL] SUMNER WELLES,
Acting Secretary of State.
NOVEMBER 15, 1940.

[F. R. Doc. 40-4933; Filed, November 16, 1940;
10:30 a. m.]

¹ The number of this part has been changed from 55C to 156.

² 4 F.R. 4509.

³ 4 F.R. 4640.

⁴ 5 F.R. 1597.

⁵ 5 F.R. 1695.

⁶ 5 F.R. 2211.

SUBCHAPTER C—NEUTRALITY

PART 161—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS¹

Additional Regulations

§ 161.20 *Contributions for use in Greece.* The rules and regulations (22 CFR 161.1-16) under section 8 of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 6, 1939,² henceforth apply equally to the solicitation and collection of contributions for use in Greece. (54 Stat. 8; 22 U.S.C., Supp. V, 245j-7; Proc. No. 2444, November 15, 1940)

[SEAL] SUMNER WELLES,
Acting Secretary of State.
NOVEMBER 15, 1940.

[F. R. Doc. 40-4932; Filed, November 16, 1940;
10:30 a. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 71—GENERAL GRAZING REGULATIONS

AUTHORITY TO SELL GRAZING PRIVILEGES ON TRIBAL AND ALLOTTED LAND

Section 71.10 is amended to read as follows:

§ 71.10 *Authority to sell grazing privileges on tribal and allotted land.* Grazing privileges may be sold for all Indian land, other than tribal land required to meet the Indian free grazing privileges: *Provided,* That authority to do so has been granted in the following manner:

(a) Authority to sell grazing privileges on tribal lands shall be granted by a majority vote of the Indians in general council or their duly authorized representatives.

(b) Authority to sell grazing privileges on allotted land may be granted by the allottees, except those classes herein-after described in paragraphs (c) and (d), by means of "Powers of Attorney" or "Authorities to Grant Grazing Privileges." In unorganized tribes these instruments may be made out to the Superintendent or to any tribal body that may be authorized by the Commissioner of Indian Affairs to receive such instruments. In organized tribes, such instruments may be accepted by any tribal agency or officer authorized, under the Constitution, bylaws, and charter of the tribe, to receive the same, or by the Superintendent.

(c) Authority to grant grazing privileges on the allotments of minors, other than orphans, shall be given by the head of the family.

(d) The Superintendent may grant grazing privileges on the restricted al-

¹ The number of this part has been changed from 40 to 161.

² 4 F.R. 4510.

lotments or fractions thereof owned by Indian orphan minors, Indians non-compositis and on restricted inherited or devised allotments when the heirs or devisees of such deceased allottees have not been determined. The Superintendent may also grant grazing privileges when the heirs or devisees of such deceased allottees have been determined and the lands are not in use by any of the heirs or devisees and the heirs or devisees have not been able for a three months' period to agree upon the granting of grazing privileges by reason of the number of heirs or devisees, their absence from the reservation, or for other cause: *Provided*, That the Superintendent or his authorized representative shall notify absentee heirs and devisees by mailing to their last known address notice that the heirs have a three months' period from the date of the notice to reach an agreement with respect to the granting of grazing privileges on their inherited or devised restricted allotments. The authority of this section, particularly with respect to the granting of grazing privileges on inherited and devised restricted allotments of adults shall be exercised with the greatest degree of care to insure the heirs and devisees their right to grant grazing privileges on their inherited and devised restricted allotments. The proceeds derived from such grazing privileges granted pursuant to this section shall be credited to the individual Indian money accounts of the estates or other accounts of the individuals entitled thereto in accordance to their respective interests.

(e) The person or persons granting the authority to sell grazing privileges shall also determine the minimum rate which will be accepted for the land over which he has authority. (R.S. 161, 465, sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, sec. 1, 30 Stat. 85, sec. 1, 31 Stat. 229, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, sec. 1, 41 Stat. 1232, secs. 6, 16, 17, 18, 48 Stat. 986, 987, 988; 54 Stat. —, 5 U.S.C. 22, 25 U.S.C. 9, 397, 402, 395, 403, 394, 393, 466, 476, 477, 478)

W. C. MENDENHALL,
Acting Assistant Secretary
of the Interior.

NOVEMBER 5, 1940.

[F. R. Doc. 40-4926; Filed, November 16, 1940;
9:39 a. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-190]

PART 331—MINIMUM PRICE SCHEDULE,
DISTRICT No. 11

ORDER GRANTING TEMPORARY RELIEF AND
CONDITIONALLY PROVIDING FOR FINAL
RELIEF

The original petition in the above-entitled matter prays for the issuance

of temporary and final orders providing that the effective minimum price for Mine Index 54, District 11, (Lincoln City Coal Company, Inc., Lone Eagle Mine) in Size Group 27, dry dedusted screenings, be reduced 10 cents per ton, or, in other words, that Mine Index 54 be priced the same in Size Group 27 as in Size Group 14, raw screenings.

No petitions of intervention opposing the relief sought have been filed in this matter to date.

On October 31, 1940, an informal conference concerning temporary relief in this matter was held pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, upon telegraphic notice to the original petitioner and the Statistical Bureau for District No. 11, and notice by memorandum to the Consumers' Counsel. The original petitioner was instructed to notify interested persons of the conference, and the Statistical Bureau to post its notice thereof. Only the original petitioner appeared at the conference.

It was represented that the Lone Eagle Mine produces coal of the same quality as that produced at the Clinton Mine, Mine Index 22, of the Ayrshire Patoka Collieries Corporation; that the Clinton Mine is located within a short distance of the Lone Eagle Mine and is the only other rail mine in the Brazil-Clinton sub-district of District 11 producing Sixth Vein coal; that the same price was established for the dedusted screenings, Size Group 27, of Mine Index 22 as was established for its 1¼" screenings, Size Group 14; and that the same prices were established for Mine Index Numbers 54 and 22 in all size groups except Size Group 27.

It was further represented by the original petitioner that because of the excessive amount of impurities contained in the fines of the coal produced by its Lone Eagle Mine, the Lincoln City Coal Company, Inc., is unable to sell the 1¼" x 0 screenings produced by that mine at the price established therefor, and will be unable to do so unless permitted to remove therefrom up to 50% of the ¾" x 0 fines; and that even then the Code member will experience difficulty in selling its 1¼" screenings as thus modified or dedusted in competition with 1¼" x 0 screenings produced at the Standard Fifth Vein mines, included in Price Groups 9, 10 and 11, and also in competition with the substandard coals included in Price Groups 1 and 3 of District 11. In view of the foregoing circumstances the Director is of the opinion that a reasonable showing has been made for the necessity of permitting Mine Index 54 to reduce its effective minimum price in Size Group 27 by 10 cents.

Now therefore it is ordered, That the request for temporary relief in the original petition is granted, and that pending the final disposition of the original petition herein, the Schedule of effective

Minimum Prices for District No. 11 For All Shipments Except Truck is amended by including Mine Index 54 within Price Exception No. 4 (§ 331.1, *Price Instructions and Exceptions*)¹ so that it will read

For the mines with Index Numbers 3, 21, 22 and 54 the prices listed herein for Size Group No. 14 shall apply to coals included in Size Group No. 27.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in proceedings instituted pursuant to section 4 II (d) of the Act, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: November 14, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4934; Filed, November 16, 1940;
10:32 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE
INSPECTION AND NAVIGATION

[Order No. 63]

SUBCHAPTER K—SEAMEN

PART 132—RULES AND REGULATIONS FOR
ISSUANCE OF CERTIFICATES AND CONTINUOUS
DISCHARGE BOOKS

NOVEMBER 18, 1940.

Subsection (n)² of § 138.9 *Rules and regulations covering discharge of seamen* is amended to read as follows:

(n) To further facilitate the keeping of a complete record of entries made in continuous discharge books and the certificates of discharge, when seamen are not shipped and discharged before a shipping commissioner or collector or deputy collector of customs the master of the vessel shall certify to the Bureau of Marine Inspection and Navigation, Washington, D. C., on Form 719-g,³ a complete record of the entries made in continuous discharge books and certificates of discharge.

The master of the vessel shall, as soon as practicable, make a report to a regional office of the Bureau of Marine Inspection and Navigation on Form 735 (T)³ containing the names and the other data (except the date and place of discharge) prescribed on that form with respect to each individual member of the crew employed or serving on the vessel at midnight on September 10, 1940. The master shall report to the same re-

¹ 5 F.R. 3255.

² 5 F.R. 3616.

³ Filed as part of the original document.