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The President

EXECUTIVE ORDER 9126

TRANSFERRING COGNIZANCE OF THE DUTIES AND FUNCTIONS OF THE HYDROGRAPHIC OFFICE AND THE NAVAL OBSERVATORY FROM THE BUREAU OF NAVIGATION, NAVY DEPARTMENT, TO THE CHIEF OF NAVAL OPERATIONS

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), and for the more effective exercise and more efficient administration of my powers as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The duties and functions of the Hydrographic Office and Naval Observatory, Bureau of Navigation, Navy Department, are hereby transferred to the cognizance and jurisdiction of the Chief of Naval Operations under the direction of the Secretary of the Navy.

2. All personnel, together with the whole of the records and public property now under the cognizance of the Bureau of Navigation in the Hydrographic Office and the Naval Observatory are assigned and transferred to the Office of Chief of Naval Operations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 8, 1942.

[F. R. Doc. 42-3179; Filed, April 9, 1942; 2:41 p. m.]

EXECUTIVE ORDER 9127

DESIGNATING THE DEPARTMENTS AND AGENCIES TO INSPECT THE PLANTS AND AUDIT THE BOOKS AND RECORDS OF DEFENSE CONTRACTORS UNDER TITLE XIII OF THE SECOND WAR POWERS ACT, 1942

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, and Title XIII of the Second War Powers Act, 1942, as President of the United States

and Commander in Chief of the Army and Navy of the United States, and in order to prevent the accumulation of unreasonable profits, to avoid waste of Government funds, and to implement other measures which have been undertaken to forestall price rises and inflation, it is hereby ordered as follows:

1. I hereby designate the War Production Board, the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation as the governmental agencies authorized to inspect the plant and to audit the books and records, as provided by Title XIII of the said Second War Powers Act, 1942. Such inspection and audit and the determination whether a given contract is a defense contract, as defined in Title XIII of the Second War Powers Act, 1942, may be made in the case of (a) any contractor with whom a defense contract has been placed by such agency, or, in the case of the Reconstruction Finance Corporation, by any corporation created or organized by it, at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war, and in the case of (b) any subcontractor performing work required by any such defense contract. The Chairman of the War Production Board is authorized to issue rules and regulations and to establish policies to coordinate and govern the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation in exercising the functions vested in them by this order.

2. The authority herein conferred may be exercised by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agencies designated by them for

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THE PRESIDENT

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swers of respondents, certain stipulated facts read into the record, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it, and briefs filed herein in support of and in opposition to the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Indianapolis Soap Company, a corporation, Williams Soap Company, a corporation, their directors, officers, agents, and employees; Jesse M. Daily, an individual, Robert S. Daily, an individual, and Sidney F. Daily, Jr., an individual, and their agents, representatives, or employees; jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of soap or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease, and desist from:

(1) Representing, by the use of fictitious price marks or in any other manner, that soaps or other products have retail values or prices in excess of the prices at which such products are regularly and customarily sold at retail;

(2) Using, on or in connection with soap or other products, fictitious price representations or marks which import or imply, or placing in the hands of others such means of representing, that the retail value or price of any product, either alone or in combination with other products, is in excess of the price at which such product or combination of products is regularly and customarily sold at retail;

(3) Representing that soaps which are waterfilled or contain an excessive quantity of water are of superior quality;

(4) Representing that respondents' soaps "open up the pores and give nature the opportunity to function properly," by the use of the words stated or by the use of any other words or terms of similar import or meaning.

It is further ordered, That respondents shall, within sixty (60) days after the 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.

It is further ordered, That for the reason stated in the findings as to the facts in this proceeding the complaint herein be, and the same hereby is, dismissed as to respondent Maud S. Daily.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3202; Filed, April 10, 1942;
10:59 a. m.]

TITLE 25—INDIANS

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

PART 71—GENERAL GRAZING REGULATIONS

Title 25, Chapter I, Subchapter I, Grazing, Part 71, General Grazing Regula-

tions, pages 116-125 (792-801), § 71.21 is amended to read as follows:

§ 71.21 *Trespass.* The owner of any livestock grazing in trespass on restricted Indian lands is liable to a penalty of \$1 per head for each animal thereof together with the reasonable value of the forage consumed and damages to property injured or destroyed.

The following acts are prohibited:

(a) The grazing upon or driving across any restricted Indian lands of any livestock without an approved grazing or crossing permit, except such Indian livestock as may be exempted from permit.

(b) Allowing livestock not exempt from permit to drift and graze on restricted Indian lands without an approved permit.

(c) The grazing of livestock upon restricted Indian lands within an area closed to grazing of that class of livestock.

(d) The grazing of livestock by a permittee upon an area of restricted Indian lands withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the livestock, after the receipt of notice from the Superintendent of such withdrawal, or refusal to remove livestock upon instructions from the Superintendent when an injury is being done to the Indian lands by reason of improper handling of livestock. (R.S. 2117; 25 U.S.C. 179.)

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

MARCH 24, 1942.

[F. R. Doc. 42-3207; Filed, April 9, 1942;
9:48 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1182, Part II]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE DAVIS MINE, MINE INDEX NO. 1285, OF THE L. & R. COAL COMPANY, (JOHN R. LANDERS) AND THE CHARTER OAK NO. 2 MINE, MINE INDEX NO. 14, OF THE CHARTER OAK COAL COMPANY (M. L. FRENCH)

Docket No. A-1182 was instituted upon a petition filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition proposed and sought, *inter alia*, the establishment of effective minimum prices for the coals of code members in District 4 for which no minimum prices have heretofore been established. The petition also proposed the designation of two rail shipping points, to-wit: Pomeroy, Ohio, on the C. & O. Railroad and Hobson, Ohio, on the New York Central Railroad, for the Davis Mine, Mine Index No. 1285 of the L. & R. Coal Company. Petitioner further proposed the establishment of an

additional rail shipping point, to-wit: Hobson, Ohio on the N. Y. C. Railroad, for the coals of Charter Oak No. 2 Mine of the Charter Oak Coal Co. (M. L. French) heretofore classified and priced for shipment from Pomeroy, Ohio, in General Docket 15.

By order, dated January 6, 1942, 7 F.R. 463, temporary and provisionally final relief was granted as requested except that only one loading point each was assigned to the Charter Oak No. 2 Mine and the Davis Mine. By the same order that portion of the proceeding relating to the propriety of assigning two loading points for The Charter Oak No. 2 and Davis Mine was severed from Docket No. A-1182, and designated Docket No. A-1182, Part II, and a hearing thereon was scheduled to be held, and it was held, on February 6, 1942, in Washington, D. C. before W. A. Shipman, a duly designated Examiner of the Division. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered in behalf of District Board 4, petitioner, and District Board 6, which had intervened.

At the conclusion of the hearing, all parties waived the preparation and filing of a report by the Examiner. The record was thereupon submitted to the Acting Director.

Neither the L. & R. Coal Company nor the Charter Oak Coal Company had a representative at the hearing. Ezra Van Horn, Chairman of District Board 4, testified that these operators had requested the additional rail shipping points. Mr. Van Horn exhibited four letters which were filed as exhibits. These exhibits reveal that witness Van Horn on January 16, 1942, wrote both L. & R. Coal Company and Charter Oak Coal Company calling their attention to the hearing in this matter on February 6, 1942, and requested the above-named coal producers to advise him as to whether or not they would be present at the hearing, and if not, to further advise him as to which rail shipping point would be preferable to them, provided the Division should permanently establish only one shipping point. Replies were received from both the L. & R. Coal Company and Charter Oak Coal Company, which letters were also filed as exhibits, wherein the L. & R. Coal Company stated they would prefer Pomeroy on the C. & O. Railroad as a shipping point should the Division allow them only one rail shipping point. The Charter Oak Coal Company stated they would prefer Hobson on the New York Central Railroad, provided the Division should allow them only one rail shipping point.

The testimony further discloses that the two mines involved in this hearing are small producers, the Davis Mine producing 1,415 tons, 701 tons, 371 tons and 1,116 tons, respectively, for the years 1937 to 1940, inclusive, and the Charter Oak No. 2 Mine produced 1,049 tons, 1,113 tons, 742 tons and 1,763 tons, respectively, for the same years. No figures of either mine are available for the year 1941.

The witness further testified that he believed one shipping point would be sufficient for the Charter Oak No. 2 Mine, and that that one should be Hobson on