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Federal - Civil Aeronautics Board of the Department of Commerce of the United States

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FEDERAL
CIVIL AERONAUTICS BOARD
of the
DEPARTMENT OF COMMERCE OF THE
UNITED STATES
Docket No. 435*

In the Matter of Application of Seaboard Airways, Inc., for a Certificate
of Convenience and Necessity, Under Section 401 of the
Civil Aeronautics Act of 1938.

Petition for Leave to Intervene, filed on behalf of:

Louisville and Nashville Railroad Company,
Atlanta and West Point Rail Road Company,
Atlanta and West Point Railroad Company,
The Western Railway of Alabama.

Come now petitioners, Louisville and Nashville Railroad Company, Atlanta and West Point Rail Road Company, and The Western Railway of Alabama, respectfully urging that they have, and each of them has, a property and financial interest in the matter to be considered and decided by this honorable tribunal in the above-entitled proceeding, which may not be adequately represented by applicant or other parties thereto; and that they desire, and each of them desires, to intervene in and become a party to said proceeding, further supporting their plea as follows:

1. Applicant, Seaboard Airways, Inc., seeks authority to operate aircraft service for the transportation of mail, persons, express, and freight between Boston, Mass., and Miami, Fla., and intermediate points; and between Boston, Mass., and New Orleans, La., and intermediate points, notwithstanding the existence of similar and adequate aircraft service currently operated from and to the identical cities which applicant seeks to serve.

2. Petitioner, Louisville and Nashville Railroad Company, is a corporation organized and existing under the laws of the State of Kentucky; petitioner, Atlanta and West Point Rail Road Company, is a corporation organized and existing under the laws of the State of Georgia; and petitioner, The Western Railway of Alabama, is a corporation organized and existing under the laws of the State of Alabama.

Petitioners are common carriers by railroad operating lines in various states of southeastern United States, and separately or jointly in connection with other common carriers by railroad now serve each and every city and community sought to be served by applicant with its proposed aircraft service.

3. Petitioners and their rail connections have pioneered in, developed and now maintain adequate transportation facilities and synchronized schedules of operation for the carriage of mail, persons, express, and freight from and to

* Recorded in Docket Section, Proceedings Division, Dec. 5, 2:44 P. M. 1940, Economic Bureau, Civil Aeronautics Board. The importance of this document lies in the fact that it is the first and only petition of intervention filed to date by a carrier not directly financially interested in an air carrier.

all points now sought additionally to be served by applicant.

4. Petitioners aver that they and their rail connections presently meet the requirements of public convenience and necessity, and that they are fit, willing, and able to provide additional transportation facilities and schedules as future need therefore may dictate.

5. Petitioners verily believe and accordingly declare that the establishment and operation of the proposed aircraft service will increase the competition for the carriage of mail, persons, express, and freight; and will displace and divert traffic and revenue from the rail carriers to their irreparable injury and the serious injury of their ability adequately to continue to serve the public and meet the needs of the commerce of the United States, of the Postal Service, and of the national defense, thus handicapping existing transportation agencies in their efforts to effectuate compliance with the national transportation policy recently declared by the current Congress of the United States, which concludes as follows:

" * * * all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, *as well as other means*, adequate to meet the needs of the commerce of the United States, the Postal Service, and of the national defense."

(Transportation Act of 1940, Title 49, U. S. Code, Annotated)
(Emphasis supplied)

6. Petitioners submit that the granting of authority sought in the pending application will result in an unnecessary and wasteful duplication of transportation facilities throughout the area covered thereby; will tend to increase the cost of transportation; and, hence, would be contrary to the public interest.

WHEREFORE, petitioners respectfully pray that they, and each of them, be permitted to intervene in and to become a party to the above-entitled proceeding, with the right to receive notice of meetings, appear at hearings, produce witnesses, examine and cross-examine witnesses, file briefs, and be heard at oral argument, if argument is granted.

Respectfully submitted,

908 W. Broadway,
Louisville, Ky.,
December 4, 1940.

W. A. NORTHCUTT,
Wm. C. BURGER,
Attorneys for Petitioners.

STATE OF KENTUCKY }
COUNTY OF JEFFERSON }^{ss.}

W. A. Northcutt, being duly sworn, deposes and says that he is duly authorized to sign the foregoing petition, and is familiar with the contents thereof; that he intends and desires that in granting or denying the prayer of said petition the Civil Aeronautics Board shall place full and complete reliance upon the accuracy of each and every statement therein contained; and that to the best of his information and belief every statement contained therein is true, and no such statement is misleading.

(Signed) W. A. Northcutt.

Subscribed and sworn to before me this 4th day of December, 1940. My commission expires May 9, 1942.

Notary Public, Jefferson Co., Ky.

CIVIL AERONAUTICS AUTHORITY

Docket No. 371*

Application by United Airlines Transport Corporation for a permanent certificate of public convenience and necessity under Section 401 (d) (1) of the Civil Aeronautics Act of 1938 for the following route and classes of services: Persons, property and mail from Boston, Mass., via Hartford, Conn., to Cleveland, Ohio, and return.

Petition of the Boston Port Authority for Leave to Intervene

Your petitioner, the Boston Port Authority, respectfully submits that it has an interest in the matter involved in the above-entitled proceeding, and moves that it be allowed to intervene therein, and for cause of intervention avers:

I.

That your petitioner is a public board organized and existing under and by virtue of the laws of the Commonwealth of Massachusetts, has its principal office in the City of Boston in said Commonwealth and is duly authorized to appear before various Boards and Commissions, including the Civil Aeronautics Authority.

II.

That the above-entitled petition seeks a permanent certificate of public convenience and necessity for authority to establish new services for transportation by airplane of persons, property and mail between Boston and Cleveland, Ohio; and the granting or denial of such certificate by your honorable body would affect the transportation by railroad or motor bus to or from Boston or by vessels operating to and from the Port of Boston in interstate or foreign trade.

WHEREFORE, the Boston Port Authority prays leave to intervene in the above-entitled proceeding, and to be treated as a party thereto, with the right to present evidence relevant to the issue, to suggest questions or interrogatories to be propounded by counsel for the Authority to witnesses called by other persons, to produce and cross-examine witnesses, and be heard in person or by counsel upon brief and oral argument, if oral argument is granted.

BOSTON PORT AUTHORITY,
By WALTER W. MCCOUBREY,

Dated at
Boston, Mass.
January 15, 1940.

Commerce Assistant,
1600 Custom House,
Boston, Mass.

PHOTOGRAPHIC RULES GOVERNING FLIGHT OVER
MILITARY AND NAVAL ZONES†

The attention of all pilots, photographers, cartographers, etc., is directed to Presidential Order No. 8381, dated March 22, 1940. To prevent the infliction

* Petition was filed with the Docket section, Jan. 20, 1940 and was granted by the Board, Jan. 28, 1941.

The Boston Port Authority was established by an act of the legislature in 1929 to "facilitate, regulate, and expand the commerce of the Port of Boston." The Port Authority is financed and controlled jointly by the City of Boston and the Commonwealth of Massachusetts. It has no direct connection whatsoever with air transportation but has cooperated in the development of the Boston Airport.

† Taken from the Weekly Notice to Airmen, Department of Commerce, Civil Aeronautics Administration, January 16, 1941.

of a penalty on any individual of the aforesaid classes because of his lack of knowledge of this order, it is quoted below:

WHEREAS section 1 of the act of January 12, 1938, 52 Stat. 3, provides:

"That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment."

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provisions, and in effectuation of the purposes of the said act of January 12, 1938, I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

1. All military or naval installations and equipment which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret," "confidential," or "restricted," and all military or naval installations and equipment which may hereafter be so classified, designated, and marked with the approval or at the direction of the President, and located within:

(a) Any military or naval reservation, post, arsenal, proving ground, range, mine field, camp, fort, yard, station, district, or area.

(b) Any defensive sea area heretofore or hereafter established and existing under authority of section 44 of the United States Criminal Code, as amended by the act of March 4, 1917, 39 Stat. 1194 (U.S.C., title 18, sec. 96).

(c) Any airspace reservation heretofore or hereafter established and existing under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570, U.S.C., title 49, sec. 174).

(d) Any naval harbor closed to foreign vessels.

(e) Any area required for fleet purposes.

(f) Any commercial establishment engaged in the development or manufacture of military or naval arms, munitions, equipment, designs, ships, or vessels for the United States Army or Navy.

2. All military or naval aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army or Navy, or in the course of experimentation, development, manufacture, or delivery for the Army or Navy, which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret," "confidential," or "restricted," and all such articles, materials, or equipment which may hereafter be so classified, designated, and

marked with the approval or at the direction of the President.

3. All official military or naval books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications, which are now marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret," "confidential," or "restricted," and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President.

Franklin D. Roosevelt.

The White House,
March 22, 1940

Furthermore, flights of aircraft over *many areas* listed above are a violation whether or not aerial photographs are being made. To prevent a heavy penalty being imposed, pilots are again warned to acquaint themselves with any such areas which may be in their locality or within their flight courses and to avoid flying over them.

The seriousness of flights over these areas is such that any offender will be penalized to the fullest extent of the law, and ignorance of such areas will not be an excuse for any violations of this Order.

Regulations
Serial Number 140

**UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.**

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of January, 1941.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205(a) and 1001 thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

**SECTION 287.3 OF THE REPRESENTATION OF PRIVATE
ECONOMIC REGULATIONS PARTIES BY PERSONS FORMERLY
ASSOCIATED WITH THE BOARD**

(a) No person who has been associated with the Civil Aeronautics Board as a member, officer, or employee thereof shall be permitted, within six months from the date of the termination of such association, to appear before the Board in behalf of, or to represent in any manner, any private party in connection with any proceeding which was pending before the Board at the time of his association with the Board.

(b) This regulation shall become effective on January 27, 1941, but shall not apply to any member, officer, or employee who has terminated his association with the Board prior to said date.

By the Civil Aeronautics Board:

/s/ Thomas G. Early
Thomas G. Early
Secretary.

(SEAL)

INTERNATIONAL

DEPARTMENT OF STATE

December 10, 1940
No. 527

Arrangement between the Government of the United States of America and the Government of Canada to give effect to Article III of the Air Transport arrangement entered into between the two governments on August 18, 1939.

By an exchange of notes between the Secretary of State and the *Chargé d'Affaires ad interim* of Canada, the Governments of the United States and Canada entered into an arrangement accepting the recommendations of the competent aeronautical authorities of the two Governments resulting from a meeting of the representatives of these authorities held at Ottawa, Canada, on September 9 and 10, 1940. The note of the Secretary of State is dated November 29, 1940, and the reply of the *Chargé d'Affaires ad interim* of Canada is dated December 2, 1940. The arrangement became effective on December 3, 1940.

It was provided in Article III of the air transport arrangement between the United States and Canada entered into on August 18, 1939, that the details of the application of the principle of reciprocity with respect to the operation of air transport services between the United States and Canada should be the subject of amicable adjustment between the competent aeronautical authorities of the two countries. As a result of the meeting at Ottawa in September, 1940, these authorities recommended that Article III of the arrangement of August 18, 1939, should be given effect in accordance with the following enumerations:

"International air transport services actually in operation between the two countries, for which certificates and permits have been issued by the respective Governments, to be confirmed. Services with respect to which applications for formal certificates or permits are now pending, other than those services specifically listed below, shall be subject to disposition at the sole discretion of the appropriate agency of the Government before which such applications are pending.

"With respect to new services:

"Each Government to take the appropriate steps to permit the operation by air carrier enterprises of the other, holding proper authorization from their own Governments, respectively, during the period ending December 31st, 1942, in accordance with the following specification of the routes and of the nationalities of the air carriers by which service over each route will be operated between:

Bangor, Maine—Moncton, New Brunswick—United States
New York, New York—Toronto, Ontario—Canada
Buffalo, New York—Toronto, Ontario—United States
Windsor, Ontario—Any point or points in the United States—United States
Detroit, Michigan—Any point or points in Canada—Canada
Great Falls, Montana—Lethbridge, Alberta—United States

"The Canadian Government to co-operate in, or to permit or undertake the establishment on behalf of a United States air carrier, subject to Canadian law, of the necessary aids to air navigation, along the coast of British Columbia.

"Further decisions with respect to routes and services to Alaska to be reserved for future consideration."

The arrangement resulting from the exchange of notes dated November 29, 1940, and December 2, 1940, will remain in effect until December 31, 1942. This arrangement provides that at least six months prior to December 31, 1942, a further conference of representatives of the competent aeronautical authorities of the two Governments will be called for the purpose of considering any revision or modification of the recommendations resulting from the meeting at Ottawa in September, 1940, as well as any new problems pertaining to air transport services which may have arisen in the interim.

NAVAL AND AIR BASES

Arrangement between the United States of America and Great Britain

EXECUTIVE AGREEMENT SERIES NO. 181

Signed September 2, 1940

Effected by Exchange of Notes

The British Ambassador (Lothian) to the Secretary of State (Hull)

BRITISH EMBASSY,
WASHINGTON, D. C.
September 2nd, 1940

SIR,

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to cooperate effectively with the other nations of the Americas in the defence of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate establishment and use of naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the Avalon Peninsula and on the southern coast of Newfoundland, and on the east coast and on the Great Bay of Bermuda.

Furthermore, in view of the above and in view of the desire of the United States to acquire additional air and naval bases in the Caribbean and in British Guiana, and without endeavouring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States for immediate establishment and use naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the eastern side of the Bahamas, the southern coast of Jamaica, the western coast of St. Lucia, the west coast of Trinidad in the Gulf of Paria, in the island of Antigua and in British Guiana within fifty miles of Georgetown, in exchange for naval and military equipment and material which the United States Government will transfer to His Majesty's Government.

All the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of ninety-nine years, free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question.

His Majesty's Government, in the leases to be agreed upon, will grant to the United States for the period of the leases all the rights, power and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defence of such bases, and appropriate provisions for their control.

Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within these areas and the jurisdiction of the authorities of the territories in which these areas are situated, shall be determined by common agreement.

The exact location and bounds of the aforesaid bases, the necessary seaward, coast and anti-aircraft defences, the location of sufficient military garrisons, stores and other necessary auxiliary facilities shall be determined by common agreement.

His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes. Should these experts be unable to agree in any particular situation, except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

LOTHIAN

The Honourable CORDELL HULL,

*Secretary of State of the United States,
Washington, D. C.*

The Secretary of State (Hull) to the British Ambassador (Lothian)

DEPARTMENT OF STATE

WASHINGTON

September 2, 1940.

EXCELLENCY:

I have received your note of September 2, 1940, of which the text is as follows:

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to cooperate effectively with the other nations of the Americas in the defence of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate establishment and use of naval and air bases and facilities for entrance thereto and the operation

and protection thereof, on the Avalon Peninsula and on the southern coast of Newfoundland, and on the east coast and on the Great Bay of Bermuda.

Furthermore, in view of the above and in view of the desire of the United States to acquire additional air and naval bases in the Caribbean and in British Guiana, and without endeavouring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States for immediate establishment and use naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the eastern side of the Bahamas, the southern coast of Jamaica, the western coast of St. Lucia, the west coast of Trinidad in the Gulf of Paria, in the island of Antigua and in British Guiana within fifty miles of Georgetown, in exchange for naval and military equipment and material which the United States Government will transfer to His Majesty's Government.

All the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of ninety-nine years, free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question.

His Majesty's Government, in the leases to be agreed upon, will grant to the United States for the period of the leases all the rights, power, and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defence of such bases, and appropriate provisions for their control.

Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within these areas and the jurisdiction of the authorities of the territories in which these areas are situated, shall be determined by common agreement.

The exact location and bounds of the aforesaid bases, the necessary seaward, coast and anti-aircraft defences, the location of sufficient military garrisons, stores and other necessary auxiliary facilities shall be determined by common agreement.

His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes. Should these experts be unable to agree in any particular situation, except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs.

I am directed by the President to reply to your note as follows:

The Government of the United States appreciates the declarations and the generous action of His Majesty's Government as contained in your communication which are destined to enhance the national security of the United States and greatly to strengthen its ability to cooperate effectively with the other nations of the Americas in the defense of the Western Hemisphere. It therefore gladly accepts the proposals.

The Government of the United States will immediately designate experts to meet with experts designated by His Majesty's Government to determine upon

the exact location of the naval and air bases mentioned in your communication under acknowledgment.

In consideration of the declarations above quoted, the Government of the United States will immediately transfer to His Majesty's Government fifty United States Navy destroyers generally referred to as the twelve hundred-ton type.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Right Honorable THE MARQUESS OF LOTHIAN, C. H.

British Ambassador.

NOTES, COMMENTS AND DIGESTS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CIVIL AERONAUTICS BOARD OF THE
CIVIL AERONAUTICS AUTHORITY,

Plaintiff,

- against -

Civil 10-381

CANADIAN COLONIAL AIRWAYS, INC.,
Defendent.

CONSENT DECREE AND JUDGMENT

This cause came on to be heard upon the consent of the parties, and the parties having represented to the Court as follows:

1. Defendant has abandoned the operation of the air transport service which is the subject of the complaint herein and states that it has no intention to resume said service;

2. Defendant does not admit any of the allegations of the complaint herein otherwise than as admitted in its answer, nor does defendant admit that, except for its consent, plaintiff is entitled to the relief prayed in the complaint, or any relief;

3. Defendant has granted its consent to this decree only because, in the light of all the circumstances, it believes that it is in the best interests of defendant and its stockholders and of the Government of the United States to terminate this litigation through consent to this decree, particularly in view of the expense to defendant and to the Government of continuing this litigation concerning a practice which defendant has abandoned and which it states it has no intention to resume;

4. This cause is submitted for final decree on all the proceedings and the record heretofore had and made herein; and

5. The parties hereto waive findings of fact and conclusions of law;

NOW, THEREFORE, on all the proceedings and the record heretofore had and made herein and on the consent of all the parties hereto subscribed at the foot hereof, it is hereby

ORDERED, ADJUDGED AND DECREED:

I. The Court has jurisdiction of all persons and parties hereto; and for the purposes of this decree and proceedings for the enforcement thereof this Court has jurisdiction of the subject matter hereof; the complaint states a cause of action against defendant under sections 401(a), 403(a), 604, 610(a) (4), and 1007 of the Civil Aeronautics Act of 1938 (49 U.S.C.A., sections 481(a), 483(a), 554, 560(a) (4), and 647) as amended, said Act as so amended being hereinafter referred to as the Act.

II. Defendant, its subsidiaries, affiliates, successors and assigns, its and their officers, agents, servants, employees, and attorneys, all persons acting under, through, by, or in behalf of them or any of them or claiming so to act, are hereby permanently enjoined, restrained and prohibited from engaging, directly or indirectly, in the carriage by aircraft of persons or property as a common carrier for compensation or hire:

- (a) between New York, N. Y. and Niagara Falls, N. Y. or Buffalo, N. Y., either direct or via one or more intermediate points and irrespective of whether the route followed is through the air space over the State of New York or through the air space over any place outside thereof, or
- (b) in any case where such carriage is part of an intended and completed journey or shipment (i) commencing at a place within the State of New York and terminating at a place outside thereof or (ii) commencing at a place outside the State of New York and terminating at a place in the State of New York or (iii) commencing and terminating at places respectively without the State of New York but passing through the air space over the State of New York, whether such journey or shipment is wholly by aircraft or partly by aircraft and partly by other forms of transportation.

unless prior to engaging in such carriage defendant shall have secured from the Civil Aeronautics Board a certificate of public convenience and necessity issued pursuant to section 401 of the Act authorizing such carriage and shall have obtained in respect of such carriage an air carrier operating certificate issuable under section 604 of the Act.

III. For the purpose of securing compliance with this decree, duly authorized representatives of the Civil Aeronautics Board shall, on written request by said Board and on reasonable notice to defendant or any other person bound by this decree, be permitted (1) reasonable access during office hours to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendant or such other persons, respectively, relating to any of the matters contained in this decree, and (2) subject to the reasonable convenience of defendant or such other persons, respectively, and without restraint or interference from them, to interview officers or employees of defendant or other persons bound by this decree, who may have counsel present, regarding any such matters.

IV. The provisions of this decree shall not in any way abridge or impair the powers or remedies of the Civil Aeronautics Board under provisions of law now or hereafter in effect, and the enforcement of this decree shall be available to said Board in addition to any other remedies now or hereafter provided by law. The term "Civil Aeronautics Board," as used in this decree, means (1) plaintiff as at present constituted and (2) any agency or agencies of the United States Government charged with the powers and duties created by Titles IV and VI of the Act or with similar powers and duties.

V. Jurisdiction of this cause is retained for the purpose of enabling any persons bound by this decree, including the Civil Aeronautics Board, to apply to the Court at any time for the enforcement of this decree, for the punishment of violations thereof, and for the making of such other and further orders and decrees or taking such other action as may from time to time be necessary or appropriate.

VI. This decree shall be effective from the date of the entry thereof.

Approved

Edward A. Conger
United States District Judge.

Dated:

December 12, 1940.