FEDERAL REGISTER

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VOLUME 16 NUMBER 130

Washington, Friday, July 6, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10267

INCLUDING CERTAIN LANDS IN THE NANTAHALA NATIONAL FOREST

WHEREAS on March 22, 1951, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement (designated as a supplemental agreement of transfer) providing for the transfer by the said Authority to the said Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands therein designated and described in Swain County, North Carolina, so that such lands might be included in and reserved as a part of the Nantahala National Forest, in accordance with the terms and conditions of the agreement and subject to the approval thereof by the President of the United States; and

WHEREAS I have this day approved the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that the inclusion of such lands in the Nantahala National Forest would be in the public interest:

Now, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, I hereby include in and reserve as part of the Nantahala National Forest the following-described lands, such inclusion and reservation to be in accordance with and subject to the terms and conditions of the said agreement of March 22, 1951, between the Tennessee Valley Authority and the United States Department of Agriculture.

LANDS INCLUDED IN THE NANTAHALA NATIONAL FOREST

TRACT 6

A tract of land lying in the Nantahala, Forneys Creek, and Charleston Townships of Swain County, State of North Carolina, on the east shores of the Little Tennessee and Nantahala River Arms of Fontana Lake and on the south shores of the Tuckasegee River Arm of the lake, and extending from a point on the Tuckasegee River Arm approximately 3½ miles downstream from Bryson City to a point on the Nantahala River Arm approximately 5 miles upstream from its confluence with the Little Tennessee River Arm, and being more particularly described as follows:

Beginning at a point (Coordinates: N. 6[illegible],119; E. 661,436) in the center line of Laurel Branch and in the US-TVA Purchase Boundary, the said point being witnessed by an iron pipe and hemlock stump and being approximately 1825 feet upstream from the mouth of Laurel Branch in the Tuckasegee River Arm of Fontana Lake, the mouth of Laurel Branch being approximately 3½ miles downstream along the Tuckasegee River Arm from Bryson City.

From the initial point with the US-TVA Purchase Boundary, N 12° 21′ W, 636 feet to an iron pipe,

N 20° 02′ W, 511 feet to a fence corner (Coordinates: N. 645,220; E. 661,125);

N 74° 51′ E, 516 feet to an iron pipe;

N 49° 39′ E, 219 feet to an iron pipe;

N 21° 34′ E, 214 feet to an iron pipe and 12-inch spanish oak tree;

N 2° 44′ E, 125 feet to an iron pipe;

N 7° 10′ E, 88 feet to an iron pipe;

N 32° 23′ E, 100 feet to an iron pipe and 8-inch hickory tree;

N 14° 35′ W, 310 feet to an iron pipe and 9-inch hickory tree;

N 3° 40′ W, 456 feet to an iron pipe and 9-inch hickory tree;

N 9° 27′ W, 136 feet to an iron pipe and 10-inch pine tree;

N 48° 34′ W, 227 feet to an iron pipe;

N 45° 00′ W, 339 feet to an iron pipe (Coordinates: N. 647,270; E. 661,400) and 12-inch pine tree;

N 84° 05′ W, 292 feet to an iron pipe;

N 75° 12′ W, 274 feet to an iron pipe;

N 45° 00′ W, 156 feet to an iron pipe;

N 39° 48′ W, 39 feet to an iron pipe;

N 48° 49′ W, 53 feet to a stake;

N 45° 00′ W, 71 feet to an iron pipe;

N 34° 10′ W, 169 feet to an iron pipe;

N 12° 16′ W, 118 feet to an iron pipe;

N 39° 10′ W, 174 feet to an iron pipe and 12-inch red oak tree;

N 62° 45′ W, 186 feet to an iron pipe and 22-inch black oak tree;

N 50° 56′ W, 444 feet to Corner 26, an iron pipe and 4-inch chestnut tree;

S 54° 08′ W, 1,024 feet to an iron pipe;

S 68° 56′ W, 723 feet to an iron pipe and 4-inch white oak tree;

S 13° 40′ E, 762 feet to an iron pipe;

N 55° 15′ E, 437 feet to an iron pipe (Coordinates: N. 646,999; E. 658,914) and 10-inch spanish oak stump;

S 38° 08′ E, 464 feet;

S 3° 37′ W, 1,028 feet;

S 57° 24′ W, 2,220 feet to an iron pipe and black oak tree;

S 48° 46′ W, 205 feet to a 4-inch white oak tree (Coordinates: N. 644,277; E. 657,111);

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N 26° 03' W, 1,050 feet to an iron pipe;
N 83° 40' W, 453 feet to an iron pipe and 4-inch chestnut oak tree;
S 2° 07' W, 270 feet to an iron pipe;
N 73° 44' W, 125 feet to an iron pipe;
S 61° 49' W, 731 feet to an iron pipe (Coordinates: N. 644,690; E. 655,426);
N 3° 49' W, 870 feet to an iron pipe;
S 66° 04' W, 1,084 feet to an iron pipe;
S 36° 05' W, 1,046 feet to an iron pipe and chestnut oak tree;
S 42° 55' E, 430 feet to an iron pipe;
S 61° 50' W, 129 feet to an iron pipe and 4-inch hickory tree;
S 24° 44' E, 104 feet to an iron pipe;
S 38°35' W, 774 feet to an iron pipe;
N 83° 21' W, 1,150 feet to a stake (Coordinates; N. 643,331; E. 652,359);
S 29° 53' W, 1,603 feet to a stake;
S 14° 56' E, 1,904 feet to an iron pipe (Coordinates: N. 640,101; E. 652,051);
S 88° 48' W, 286 feet to a stake;
N 45° 00' W, 205 feet to an iron pipe;
N 35° 32' W, 172 feet to a stake;
N 12° 12' W, 1,083 feet to an iron pipe (Coordinates: N. 641,439; E. 651,291);
S 87° 13' W, 391 feet to an iron pipe;
S 65° 42' W, 340 feet to an iron pipe;
N 86° 07' W, 296 feet to an iron pipe;
N 57° 07' W, 313 feet to an iron pipe;
N 33° 29' W, 368 feet to an iron pipe;
N 13° 03' W, 92 feet to an iron pipe;
N 41° 33' W, 289 feet to an iron pipe;
N 18° 11' W, 141 feet to an iron pipe;
S 67° 17' W, 477 feet to an iron pipe;
N 56° 29' W, 92 feet to an iron pipe;
N 7° 27' W, 216 feet to an iron pipe (Coordinates: N. 642,298; E. 649,027) and stone;
S 83° 44' E, 1,194 feet to an iron pipe (Coordinates: N. 642,162; E. 650,195);
N 8° 22' E, 683 feet to an iron pipe;
S 84° 14' E, 938 feet to an iron pipe and chestnut stump;
N 5° 29' E, 1,004 feet to an iron pipe;
N 84° 16' W, 936 feet to an iron pipe (Coordinates: N. 643,831; E. 650,398);
N 5° 34' E, 286 feet to an iron pipe;
N 74° 21' W, 1,564 feet to an iron pipe;
S 4° 59' W, 453 feet to an iron pipe;
N 83° 39' W, 1,340 feet to Corner 73 (Coordinates: N. 644,246; E. 647,561); an iron pipe and 8-inch hickory tree;
N 4° 57' E, 1,203 feet to an iron pipe in the center line of Flat Branch;
With the center line of Flat Branch as it meanders downstream approximately 1,680 feet to a point;
Leaving Flat Branch,
S 5° 16' W, 1,566 feet, passing a spruce pine tree at 30 feet, to an iron pipe and dead 20-inch black oak tree;
N 72° 49' W, 1,223 feet to an iron pipe (Coordinates: N. 644,201; E. 644,692) and stone;
N 71° 34' W, 155 feet to an iron pipe at the top of a ridge;
With the top of the said ridge as it meanders in a southerly direction approximately along the following bearings and distances: S 29° W, 300 feet, S 8° W, 440 feet, S 22° W, 370 feet, S 23° E, 275 feet, S 6° E, 290 feet to a 12-inch black oak tree, and S 66° 36' E, 194 feet to Corner 79 (Coordinates: N. 642,590; E. 644,568), an iron pipe and pine stump;
Leaving the ridge,
S 11° 14' E, 2,896 feet to an angle iron;
S 77° 24' E, 1,470 feet to a locust snag (Coordinates: N. 639,428; E. 646,576);
S 18° 31' W, 220 feet to a point at the top of a ridge;
With the top of the said ridge as it meanders in a general southerly direction approximately along the following bearings and distances: S 85° E, 365 feet; S 59° E, 580 feet, S 42° E, 595 feet, S 57° W, 85 feet to an 8-inch black oak stump, S 1° W, 165 feet to a 14-inch post oak tree, S 19° E, 335 feet to a black oak tree, S 49° E, 350 feet, S 23° E, 310 feet, S 29° W, 600 feet, S 24° W, 285 feet to an iron pipe, and S 3° W, 510 feet to a 20-inch pine stump;
Leaving the ridge,
S 60° 31' E, 975 feet to a rock (Coordinates: N. 635,611; E. 648,590);
S 77° 28' W, 239 feet to a rock;
S 31° 47' E, 133 feet to a 12-inch pine tree;
S 30° 22' W, 216 feet to a 5-inch hickory tree;
S 7° 46' E, 222 feet to a stake;
S 28° 44' W, 308 feet to an 8-inch apple tree in the center line of Sawyer Branch;
With the center line of Sawyer Branch as it meanders upstream approximately 70 feet to a stake;
Leaving the branch,
S 10° 37' W, 407 feet to a rock;
S 61° 12' W, 241 feet to an 18-inch hickory tree;
S 46° 17' W, 317 feet to a stake;
Due south, 177 feet to a 4-inch ash tree;
N 72° 40' W, 198 feet to a 24-inch white oak stump;
S 66° 01' W, 436 feet;
S 72° 51' W, 181 feet to an 8-inch chestnut tree;
S 61° 18' W, 555 feet to an iron pipe (Coordinates: N. 633,390; E. 646,501);
S 72° E, 280 feet to an 18-inch white oak tree;
S 52° E, 80 feet to a stake;
S 58° E, 115 feet to a 10-inch white oak tree;
S 41° E, 165 feet to a stake;
S 64° E, 225 feet to a 20-inch black oak tree;
S 5° E, 330 feet to a rock;
S 47° W, 110 feet to a stake;
S 10° W, 220 feet to a stake at the top of a ridge;
With the top of the said ridge as it meanders in an easterly direction approximately along the following bearings and distances: S 74° 30' E, 240 feet, N 80° 30' E, 560 feet, S 72° E, 200 feet to an 8-inch pine tree, S 58° 30' E, 420 feet, S 77° 30' E, 240 feet, S 75° E, 120 feet, and S 85° E, 230 feet to a point;
Leaving the ridge;
N 88° E, 165 feet to a 3-inch black gum tree (Coordinates: N. 632,013; E. 649,207);
N 36° 43' E, 144 feet to a stake;
S 33° 23' E, 263 feet to an 8-inch white oak tree;
S 30° 58' E, 58 feet to a stake on the southeast side of a county road;
S 28° 56' E, 703 feet to a 10-inch post oak tree;
N 45° 40' E, 308 feet to a 16-inch red oak tree;
N 85° 26' E, 251 feet to a stake;
S 81° 15' E, 197 feet to a 14-inch black oak tree;
N 74° 37' E, 207 feet to an 18-inch pine tree;
S 56° 36' E, 281 feet to an iron pipe;
S 76° 46' E, 175 feet to a 6-inch black oak tree;
S 33° 14' E, 173 feet to an iron pipe;
S 25° 01' E, 83 feet to an iron pipe;
S 84° 36' E, 372 feet to a 24-inch pine stump;
S 34° 50' W, 152 feet to a 20-inch black oak snag (Coordinates: N. 630,930; E. 651,493);
S 36° 59' E, 776 feet, passing an iron pipe at 612 feet, to a rock;
S 34° 34' W, 449 feet, passing an iron pipe at 231 feet, to a rock;
S 72° 11' E, 147 feet to a 10-inch poplar tree;
S 74° 03' E, 36 feet to a point in the center line of Alarka Creek;
With the center line of Alarka Creek as it meanders upstream approximately 230 feet;
Leaving the creek,
S 8° 36' E, 523 feet, passing a 6-inch dogwood tree at 20 feet, to a rock;
S 76° W, 288 feet to a rock;
S 87° 16' W, 248 feet to an 8-inch pine tree;
S 10° 35' W, 361 feet to an 8-inch pine tree;
S 46° 49' W, 136 feet to a point witnessed by post oak sprouts;
S 55° 38' W, 232 feet to a 12-inch pine tree;
S 66° 53' W, 394 feet to a 14-inch white oak tree;
S 76° 28' W, 992 feet to Corner 135 (Coordinates: N. 628,167; E. 649,862); a stake at the top of a ridge;
With the top of the said ridge as it meanders in a southwesterly direction approximately along a bearing and distance of S 24° 30' W, 482 feet to a 12-inch hickory tree;
Leaving the ridge,
S 84° 52' E, 78 feet to a 48-inch black oak stump;
S 35° 19' E, 1,114 feet to a chestnut stump at the top of a ridge;
With the top of a ridge as it meanders approximately along the following bearings and distances: S 80° E, 500 feet to a 10-inch black oak tree, N. 58° E, 270 feet, N 84° E, 360 feet to an 8-inch pine tree, S 43° E, 450 feet, S 67° E, 605 feet to a 4-inch red oak tree, S 30° E, 310 feet, S 48° E, 930 feet, S 63° E, 340 feet to a 5-inch black oak tree, S 13° W, 195 feet, and S 70° W, 185 feet to an iron pipe (Coordinates: N. 625,042; E. 653,252) and 12-inch black oak tree;
Leaving the top of the ridge,
S 6° 05' W, 310 feet to an iron pipe and 15-inch chestnut oak tree at the top of the said ridge;
S 58° 00' W, 503 feet to an iron pipe and 30-inch pine stump;
S 16° 50' W, 248 feet to an iron pipe;
S 8° 25' E, 427 feet to an iron pipe;
S 42° 30' E, 368 feet to an iron pipe;
S 5° 30' E, 622 feet to an iron pipe;
S 58° 06' E, 434 feet to an iron pipe (Coordinates: N. 622,687; E. 653,460) and 4-inch dogwood tree;
S 9° 39' W, 896 feet to a point in the center line of U. S. Highway No. 19;
With the center line of U. S. Highway No. 19 in a westerly direction and subsequently in a northwesterly direction for a total distance of approximately 1,890 feet, crossing the Little Tennessee River, to a point (Coordinates: N. 622,504; E. 651,602);
Leaving the highway,
S 3° 44' W, 937 feet to an iron pipe and a stone;
S 0° 42' E, 360 feet to an iron pipe and 18-inch post oak tree;
S 78° 44' W, 338 feet to an iron pipe;
S 87° 46' W, 280 feet to an iron pipe;
S 68° 03' W, 288 feet to an iron pipe;
S 27° 10' W, 283 feet to an iron pipe;
S 32° 27' W, 166 feet to a stone;
N 83° 10' W, 592 feet to an iron pipe;

N 5° 46′ E, 1,775 feet, crossing U. S. Highway No. 19 at approximately 740 feet, to an iron pipe and 24-inch chestnut tree;
N 5° E, 241 feet to a point at a 300-foot elevation above the low water line of the Little Tennessee River;
With the 300-foot elevation line above the low water line of the Little Tennessee River as it meanders in a general northwesterly direction approximately 1,440 feet;
Leaving the 300-foot elevation line,
S 10° W, 873 feet to an iron pipe (Coordinates: N. 622,300; E. 648,978);
N 41° 58′ W, 337 feet to an iron pipe and 21-inch spanish oak tree;
S 80° 53′ W, 377 feet to an iron pipe;
S 30° 11′ W, 242 feet to an iron pipe;
S 78° 27′ W, 460 feet to an iron pipe and 12-inch pine tree;
N 36° 28′ W, 671 feet to an iron pipe;
N 12° 41′ W, 510 feet to an iron pipe;
S 89° 05′ W, 288 feet to a 24-inch pine stump (Coordinates: N. 623,222; E. 647,010);
S 57° 22′ W, 415 feet to an iron pipe;
S 3° 54′ E, 114 feet to an iron pipe;
S 53° 59′ E, 431 feet to an iron pipe;
S 41° 36′ W, 288 feet to an iron pipe and 14-inch red oak tree;
S 70° 15′ W, 506 feet to an iron pipe and 30-inch pine tree;
S 74° 38′ W, 488 feet to an iron pipe and 16-inch white oak tree;
S 58° 31′ W, 348 feet to an iron pipe and spanish oak tree;
S 35° 37′ W, 603 feet to an iron pipe and white oak tree;
S 55° 44′ W, 378 feet to an iron pipe;
S 67° 37′ W, 691 feet to an iron pipe (Coordinates: N. 620,967; E. 644,280);
N 66° 02′ W, 228 feet to an iron pipe;
N 5° 17′ W, 290 feet to an iron pipe;
N 12° 43′ E, 238 feet to an iron pipe and black oak tree;
N 53° 53′ W, 326 feet to an iron pipe;
N 82° 45′ W, 224 feet to an iron pipe;
N 55° 31′ W, 301 feet to an iron pipe;
S 82° 03′ W, 154 feet to an iron pipe and 20-inch white oak tree;
S 41° 23′ W, 428 feet to an iron pipe (Coordinates: N. 621,629; E. 642,927) at the top of a ridge;
N 56° W, 180 feet to an iron pipe;
N 14° W, 179 feet to an iron pipe;
N 40° W, 212 feet to an iron pipe;
N 83° W, 35 feet;
S 13° E, 800 feet to a point at the top of a ridge;
S 70° 21′ W, 74 feet;
S 21° 36′ W, 109 feet;
S 39° 39′ E, 99 feet;
S 22° 28′ W, 256 feet;
S 10° 31′ W, 285 feet to a 12-inch pine tree;
S 62° 26′ E, 411 feet to a 7-inch pine tree;
S 67° 53′ E, 178 feet to a 15-inch red oak tree;
S 57° 37′ E, 387 feet to an iron pipe;
S 34° 03′ W, 236 feet to an iron pipe;
S 18° 44′ E, 918 feet to a spanish oak stump;
S 9° 15′ W, 1,279 feet, crossing U. S. Highway No. 19 at approximately 410 feet, to a 19-inch post oak tree;
N 81° 26′ W, 475 feet to a 10-inch black oak tree (Coordinates: N. 617,848; E. 642,893);
S 82° 20′ W, 449 feet, crossing U. S. Highway No. 19 at approximately 210 feet, to an iron pipe;
N 56° 25′ W, 449 feet to an iron pipe;
S 26° 07′ W, 193 feet to a 12-inch pine tree;
S 76° 49′ W, 243 feet to an iron pipe;
S 19° 41′ W, 101 feet to a 14-inch post oak tree;
S 25° 38′ W, 235 feet to an iron pipe;
S 7° 24′ E, 249 feet to a 24-inch white oak tree (Coordinates: N. 617,254; E. 641,650);
S 25° 49′ W, 240 feet to a 19-inch black oak tree;
S 5° 20′ W, 287 feet to a 9-inch spanish oak tree;
S 20° 53′ E, 131 feet to a 3-inch post oak tree;
S 8° 29′ E, 199 feet to a 10-inch spanish oak tree;
S 64° 19′ E, 112 feet to a 9-inch black oak tree;
S 53° 24′ E, 222 feet to an iron pipe in the center line of an old road;
With the center line of the old road as it meanders in a general southerly direction approximately along the following bearings and distances: S 50° E, 275 feet, S 24° W, 250 feet, S 68° W, 160 feet, S 46° W, 220 feet, S 2° W, 265 feet, S 73° E, 275 feet, and S 69° W, 200 feet to a point (Coordinates: N 615,222; E. 641,738) in the center line of Buckner Branch witnessed by a 26-inch water oak tree;
With the center line of Buckner Branch as it meanders downstream approximately 410 feet to a point witnessed by a 15-inch poplar tree;
Leaving the branch,
S 81° 37′ W, 240 feet to a 12-inch willow tree;
N 5° 35′ W, 127 feet to a stake;
S 74° 45′ W, 229 feet to a 12-inch poplar tree;
S 63° 15′ W, 47 feet to an iron pipe;
N 86° 45′ W, 936 feet to a point in the 1,723-foot contour;
With the 1,723-foot contour as it meanders in a southwesterly direction approximately 870 feet to a point (Coordinates: N. 614,355; E. 639,558);
Leaving the contour,
S 34° 51′ E, 365 feet to a chestnut snag;
S 39° 22′ E, 389 feet to a stake;
N 72° 14′ W, 453 feet to a stake;
S 26° 38′ W, 737 feet to a stake;
S 10° 40′ W, 508 feet to a stake;
S 32° 27′ E, 300 feet to a stake;
S 27° 28′ W, 358 feet to a stake;
S 32° 28′ E, 424 feet to an iron pipe;
S 45° 58′ W, 1,203 feet to a rock (Coordinates: N. 610,983; E. 638,508);
S 86° 18′ W, 1,572 feet to a locust post;
N 26° 38′ E, 656 feet, passing a 16-inch red oak tree at 330 feet, to a concrete post 100 feet southwest of and opposite a point in the center line of the proposed relocation of a track of the Southern Railway;
With a line 100 feet southwest of and parallel to the center line of the proposed relocation of the track of the Southern Railway as it meanders in a northwesterly direction approximately along the following bearings and distances: N 58° 24′ W, 282 feet, N 61° 19′ W, 769 feet, N 53° 09′ W, 230 feet, and N 45° 26′ W, 819 feet;
With a line 100 feet from and parallel to the center line of the said proposed relocation as it curves to the left in a general westerly direction approximately 680 feet, the chord for the curve extending on a bearing of S 74° 11′ W, for a distance of 551 feet;
With a line 100 feet east of and parallel to the center line of the said proposed relocation as it meanders in a southerly direction approximately along the following bearings and distances: S 14° 00′ W, 422 feet, and S 25° 31′ W, 486 feet to a concrete post;
Leaving the line parallel to the railway track,
N 27° 23′ W, 169 feet to a 14-inch sourwood tree (Coordinates: N 611,850; E. 634,632);
N 78° W, 20 feet to a point in the 1,703-foot contour;
With the 1,703-foot contour as it meanders in a southwesterly direction approximately 550 feet;
Leaving the contour;
S 12° E, 20 feet to a stone;
S 42° 05′ W, 167 feet to a stone;
S 30° 53′ W, 255 feet to a stone;
S 50° 17′ W, 560 feet to a stake;
S 44° 41′ W, 72 feet to a stake;
S 33° 24′ W, 119 feet to a stake;
S 44° 07′ W, 131 feet to a stake;
S 85° 50′ W, 55 feet to a point in the 1,703-foot contour;
With the 1,703-foot contour as it meanders in a southerly direction approximately 850 feet;
Leaving the contour,
S 11° 30′ E, 40 feet to a stake (Coordinates: N. 609,703; E. 632,995);
S 6° 49′ W, 98 feet to a stake;
S 27° 25′ W, 228 feet to a stake;
S 41°53′ W, 172 feet to a stake;
S 51° 37′-W, 138 feet to a stake;
S 49° 23′ W, 86 feet to a stake;
S 65° 10′ W, 95 feet to a point in the 1,703-foot contour;
With the 1,703-foot contour as it meanders in a southwesterly direction approximately 930 feet to a stake;
Leaving the contour,
S 61° 29′ W, 92 feet to a white pine tree;
S 73° 59′ W, 112 feet to a stone (Coordinates: N. 608,276; E. 631,882);
S 42° 54′ E, 620 feet to a stone;
S 49° 24′ W, 28 feet to a point in the center line of Wesser Creek;
With the center line of Wesser Creek as it meanders downstream approximately 390 feet;
Leaving the creek,
N 73° W, 330 feet;
S 14° 22′ W, 170 feet, crossing U. S. Highway No. 19 at approximately 80 feet;
S 24° 53′ E, 214 feet;
S 83° 40′ W, 320 feet, crossing U. S. Highway 19 at approximately 270 feet, to a stake on the right bank of the Nantahala River;
With the right bank of the Nantahala River as it meanders upstream approximately 5,530 feet to a stake;
N 37° W, 30 feet to a point in the center line of the Nantahala River;
With the center line of the Nantahala River as it meanders upstream approximately 2,120 feet;
N 35° E, 110 feet to a stake on the left bank of the Nantahala River;
With the left bank of the original channel of the Nantahala River as it meanders downstream approximately 7,750 feet to a point in the 1,710-foot contour at the head of the contour in the river;
Leaving the US-TVA Purchase Boundary,
Easterly with the 1,710-foot contour to a point in the center line of the Nantahala River;
With the center line of the original channel of the Nantahala River as it meanders downstream to its confluence with the Little Tennessee River;
With the center line of the Little Tennessee River as it meanders downstream to its confluence with the Tuckasegee River;
With the center line of the Tuckasegee River as it meanders upstream to a point in the US-TVA Purchase Boundary;
With the US-TVA Purchase Boundary,
S 80° W, 112 feet to a point on the left bank of the Tuckasegee River;
S 80° W, 25 feet to an iron pipe and 10-inch black gum stump;
S 10° E, 25 feet to a point in the center line of Laurel Branch witnessed by a beech stump;
With the center line of Laurel Branch as it meanders upstream approximately 1,800 feet to the point of beginning.
Except, therefrom, the following:
(1) All land lying below the 1,710-foot contour elevation;
(2) Approximately 6.9 acres owned by S. A. DeHart, lying within the boundaries of the described land, approximately 500 feet northwest of Corner 26, and more particularly described as follows: Beginning at a stake (Coordinates: N. 648,754; E. 659,684) witnessed by trees and in the US-TVA Purchase Boundary; thence with the US-TVA Purchase Boundary S 84° 56′ W, 554 feet to a point in the center line of a drain witnessed by an iron pipe and 18-inch hemlock tree; thence with the center line of the drain as it meanders downstream to the head of the 1,710-foot contour; thence leaving the US-TVA Purchase Boundary and with the 1,710-foot contour as it meanders in a general northeasterly direction to a point at the top of a ridge and in the US-TVA Purchase Boundary and witnessed by a 14-inch black oak tree; thence with the US-TVA Purchase Boundary and the top of

the ridge as it meanders in a southerly direction approximately along the following bearings and distances: S 0° 30′ E, 245 feet, S 14° E, 300 feet, S 35° 30′ E, 120 feet, and S 62° E, 150 feet to a stake witnessed by trees; thence, leaving the top of the ridge, S 20° 25′ E, 100 feet to the point of beginning.

(3) Approximately 1.1 acres owned by the Trustees of Davis Cemetery, lying within the boundaries of the described land, approximately 1½ miles west of Corner 135, and more particularly described as follows: Beginning at a stone (Coordinates: N. 627,853; E. 642,066) in the US-TVA Purchase Boundary; thence with the US-TVA Purchase Boundary N 78°05′ W, 141 feet to a point; thence N 11° 02′ W, 162 feet to a stone; thence N 73° E, 77 feet to a stone; thence S 86° 44′ E, 240 feet to a stone; thence S 3° 32′ W, 81 feet to a stone; thence S 50° 24′ W, 182 feet to the point of beginning.

The land described above and designated as Tract 6 contains 4,892 acres, more or less. Included within the land described above but expressly excepted and excluded from the transfer are any land and land rights to be conveyed to the Southern Railway Company under an agreement dated June 17, 1943, between the Tennessee Valley Authority and the Southern Railway Company, the said land and land rights to be conveyed being included within a proposed strip of land lying within the boundaries of Tract 6 as described and having a center line length of approximately 14,100 feet and an average width of approximately 245 feet, and containing 80 acres, more or less.

TRACT 7

A tract of land lying in the Nantahala and Forneys Creek Townships of Swain County, State of North Carolina, on the south side of the Flat Branch Embayment of the Tuckasegee River Arm of Fontana Lake, the northeast corner of the said tract bearing S 4° 09′ W at a distance of 456 feet from Corner 73 of the previously described Tract 6, the said Tract 7 being more particularly described as follows:

Beginning at an iron pipe (Coordinates: N. 643,823; E. 646,776) and black oak tree in the US-TVA Purchase Boundary, the most northwesterly corner of the tract herein described.

From the initial point with the US-TVA Purchase Boundary,

S 87° 34′ E, 753 feet to an iron pipe and 38-inch chestnut tree;

S 8° 08′ W, 35 feet to an iron pipe and white oak stump;

S 24° 03′ E, 874 feet to an iron pipe and 18-inch chestnut tree;

S 70° 08′ W, 127 feet to an iron pipe;

S 45° W, 332 feet to an iron pipe at the top of a ridge;

N 54° 52′ W, 417 feet to an iron pipe;

N 21° 31′ W, 600 feet to an iron pipe;

N 18° 26′ W, 310 feet to an iron pipe;

N 60° 28′ W, 103 feet to the point of beginning.

The tract as described above contains 15.1 acres, more or less.

TRACT 8

A tract of land lying in the Charleston Township of Swain County, State of North Carolina, on the south shores of the Tuckasegee River Arm of Fontana Lake, immediately west of Bryson City, and more particularly described as follows:

Beginning at a 5-inch pine tree (Coordinates: N. 639,119; E. 667,153) in the US-TVA Purchase Boundary.

From the initial point with the US-TVA Purchase Boundary,

N 38° 21′ W, 379 feet to a 6-inch pine tree;

N 25° 54′ W, 78 feet to a 14-inch spanish oak tree;

N 87° 33′ W, 187 feet to a stake;

S 46° 13′ W, 100 feet to a 10-inch black oak tree;

S 54° 41′ W, 778 feet to a 5-inch locust tree;

N 64° 55′ W, 259 feet to a locust post;

N 78° 41′ W, 178 feet to a 6-inch locust tree;

N 61° 35′ W, 332 feet to a 4-inch locust tree (Coordinates: N. 639,278; E. 665,288);

S 63° 40′ W, 219 feet to an iron pipe;

N 75° 39′ W, 179 feet to an iron pipe;

S 74° 08′ W, 202 feet to a 5-inch black jack tree;

N 72° 54′ W, 204 feet to a 6-inch black jack tree;

S 89° 28′ W, 540 feet to an iron pipe;

N 44° 24′ W, 404 feet to an iron pipe (Coordinates: N. 639,514; E. 663,707);

N 17° 49′ E, 206 feet to a 10-inch pine tree;

N 15° 22′ E, 825 feet to a stake;

N 39° 53′ E, 128 feet to a stake on the left bank of the Tuckasegee River;

N 19° E, 220 feet to a point in the center line of the Tuckasegee River;

Leaving the US-TVA Purchase Boundary,

With the center line of the Tuckasegee River as it meanders upstream approximately 3,850 feet to a point in the US-TVA Purchase Boundary;

With the US-TVA Purchase Boundary and continuing with the center line of the Tuckasegee River as it meanders upstream approximately 1,705 feet;

Leaving the center line of the Tuckasegee River,

S 40° 14′ W, 85 feet;

S 42° 47′ W, 184 feet to a point on the left bank of the Tuckasegee River;

S 53° 08′ W, 30 feet to Corner 24, a 6-inch ironwood tree;

S 74° 51′ W, 524 feet to Corner 25;

S 64° 06′ W, 421 feet to Corner 26, a double maple tree;

S 45° W, 51 feet to a point in the center line of Buckner Branch witnessed by a maple stump;

With the center line of Buckner Branch as it meanders upstream approximately along a bearing and distance of S 40° 44′ W, 95 feet to a rock;

Leaving the branch

N 59° 56′ W, 44 feet to a point in the center line of an old road;

With the center line of the old road as it meanders in a southerly direction approximately along a bearing and distance of S 12° 18′ W, 399 feet;

Leaving the old road,

N 63° 26′ W, 11 feet to a 5-inch black gum tree;

N 9° 28′ E, 213 feet to a 4-inch dogwood tree;

N 12° 06′ W, 72 feet to an iron pipe;

S 75° 40′ W, 175 feet to a 12-inch pine tree;

S 65° 52′ W, 274 feet to a 6-inch white oak tree;

N 52° 03′ W, 374 feet to a stake;

S 34° 32′ W, 171 feet to the point of beginning.

Except, therefrom, all land lying below the 1710-foot contour elevation.

The land as described above contains 147 acres, more or less.

The land described above and designated as Tract 8 contains a total of 147 acres, more or less. Included within Tract 8 as described but expressly excepted and excluded from the transfer are any land and land rights to be conveyed to the Southern Railway Company under an agreement dated June 17, 1943, between the Tennessee Valley Authority and the Southern Railway Company, the said land and land rights to be conveyed being included within a proposed strip of land lying within the boundaries of Tract 8 as described and having a center line length of approximately 1,300 feet and an average width of approximately 300 feet, and containing 9 acres, more or less.

The positions of corners and directions of lines are referred to the North Carolina State Coordinate System. The contour elevations are based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936. The corner numbers given are for description reference only and are not the numbers used in the Authority's records. The corner descriptions given are based partially on the Authority's surveys and partially on the Nantahala Power & Light Company's plats and surveys adjusted to the Authority's surveys.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 3, 1951.

[F. R. Doc. 51-7850; Filed, July 3, 1951; 2:12 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

FUTURE PAYMENT FUNDS REGULATIONS; RETIREMENT OF STOCK

Section 10.74 (c) of Title 6 of the Code of Federal Regulations is hereby amended by adding a second sentence so that such paragraph shall read as follows:

(c) If at any time the balance of unapplied future payment funds held for a borrower's credit together with the interest allowance thereon equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be retired out of such balance. With the agreement or consent of the borrower, a bank may also provide that if at any time the balance of unapplied future payment funds held for a borrower's credit together with the interest allowance thereon and the amount of stock owned by the borrower in connection with a loan equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be retired out of such balance and stock proceeds. [241 (3)]

(Sec. 17, Eighteenth, 50 Stat. 708, 12 U. S. C. 781, Eighteenth)

A new § 10.91 is hereby added to Title 6 of the Code of Federal Regulations as follows:

§ 10.91 *Retirement of stock to complete payment of loan with future pay-*

ment funds. If a bank has provided in the terms and conditions under which it has accepted future payment funds that when the amount of stock and the future payment funds held in connection with the loan are sufficient to pay off the loan in full, they may be so applied, and if the board of directors of the bank has adopted a resolution providing for the retirement of the stock in such circumstances, the Administration approves, under section 7 of the Federal Farm Loan Act (12 U. S. C. 721), such retirement of stock. [279.51]

(Sec. 7, 39 Stat. 365; 12 U. S. C. 721)

[SEAL] J. R. ISLEIB,
Land Bank Commissioner.

[F. R. Doc. 51-7735; Filed, July 5, 1951; 8:49 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUE OF FARMS AND INVESTMENT LIMITS; LOUISIANA

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the parishes identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said parishes, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said parishes.

LOUISIANA

Parish	Average value	Investment limit
Acadia	$20,000	$12,000
Allen	20,000	12,000
Ascension	18,000	12,000
Assumption	18,000	12,000
Avoyelles	14,000	12,000
Beauregard	12,000	12,000
Bienville	15,000	12,000
Bossier	16,600	12,000
Caddo	16,250	12,000
Calcasieu	20,000	12,000
Caldwell	16,000	12,000
Cameron	20,000	12,000
Catahoula	15,000	12,000
Claiborne	15,000	12,000
Concordia	15,000	12,000
De Soto	15,000	12,000
East Baton Rouge	18,000	12,000
East Carroll	15,000	12,000
East Feliciana	16,000	12,000
Evangeline	16,000	12,000
Franklin	15,000	12,000
Grant	14,500	12,000
Iberia	18,000	12,000
Iberville	18,000	12,000
Jackson	13,000	12,000
Jefferson	18,000	12,000
Jefferson Davis	20,000	12,000
Lafayette	16,000	12,000
Lafourche	18,000	12,000
La Salle	14,000	12,000
Lincoln	15,000	12,000
Livingston	12,500	12,000
Madison	15,000	12,000
Morehouse	15,000	12,000
Natchitoches	16,000	12,000
Orleans	18,000	12,000
Ouachita	16,000	12,000
Plaquemines	18,000	12,000
Pointe Coupee	$15,000	$12,000
Rapides	16,000	12,000
Red River	16,000	12,000
Richland	15,000	12,000
Sabine	12,000	12,000
Saint Bernard	18,000	12,000
Saint Charles	20,000	12,000
Saint Helena	15,000	12,000
Saint James	18,000	12,000
Saint John the Baptist	18,000	12,000
Saint Lendry	16,000	12,000
Saint Martin	16,000	12,000
Saint Mary	18,000	12,000
Saint Tammany	15,000	12,000
Tangipahoa	15,000	12,000
Tensas	15,000	12,000
Terrebonne	18,000	12,000
Union	16,000	12,000
Vermilion	18,000	12,000
Vernon	12,000	12,000
Washington	15,000	12,000
Webster	15,000	12,000
West Baton Rouge	18,000	12,000
West Carroll	14,000	12,000
West Feliciana	16,000	12,000
Winn	13,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 29th day of June 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7734; Filed, July 5, 1951; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 4395]

PART 163—OPERATIONS

SETTING UP, DESIGNATION, AND PURPOSE OF FEDERAL INSURANCE RESERVE

JUNE 27, 1951.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (16 F. R. 4666), § 163.11 of the rules and regulations for Insurance of Accounts (24 CFR 163.11) is hereby amended, effective July 6, 1951, to read as follows:

§ 163.11 *Setting up, designation, and purpose of Federal insurance reserve.* Each insured institution shall set up a Federal insurance reserve account which shall be used solely for the purpose of absorbing losses. No insured institution may pay dividends from its Federal insurance reserve account. Any insured state-chartered institution may by resolution of its board of directors or by other appropriate corporate action designate as its Federal insurance reserve account any reserve account which under the provisions of state law is established for the sole purpose of absorbing losses. Evidence of such action shall be filed with the Corporation. With the prior written approval of the Corporation, any other reserve account which by specific and adequate corporate action of an insured institution is made subject to charges for losses only, may be designated as its Federal insurance reserve account. The general reserves of Federal savings and loan associations operating under Charter K or Charter N are deemed to meet the requirements of this section.

Resolved further that the effect of this amendment being to remove a restriction upon insured institutions, deferment of the effective date of such amendment is not required, and it shall become effective upon July 6, 1951.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-7816; Filed, July 5, 1951; 9:04 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 2, Amendment 1]

GOR 2—SALES TO THE UNITED STATES

GENERAL SERVICES ADMINISTRATION

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 2, Amendment 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to General Overriding Regulation 2 exempts certain sales to the General Services Administration, or its agents, of strategic and critical materials under the Defense Production Act of 1950 or the Strategic and Critical Materials Stock Piling Act. The natural resources of the United States being deficient or insufficiently developed to supply the industrial and military needs of the country, Congress has authorized and directed the acquisition and retention of stocks of these materials in order to decrease and prevent wherever possible a costly and dangerous dependence of the United States upon foreign nations for supplies of these materials. Under these Acts, the General Services Administration, which acts as purchasing agent, enters into contracts for the production and procurement of vital metals and minerals for the national stockpile and for resale. Material constituting a part of the stockpile can be disposed of only with the express approval of Congress or upon order of the President when in his judgment such disposition is required for the common defense.

In connection with its procurement of strategic and critical materials from domestic sources, the General Services Administration has found it necessary in

some instances to enter into contracts for the production or purchase of such materials at higher than ceiling prices where the marginal or submarginal character of the source or the necessity of constructing or installing substantial additional facilities or equipment makes it uneconomical to produce them at the ceiling price. Where the General Services Administration finds it necessary to purchase from foreign sources, it must, in many instances, pay the current world market price, which frequently is higher than the ceiling price.

Under the existing procedure, the General Services Administration is required to apply to the Office of Price Stabilization for an exemption or approval of each such transaction. This procedure is unduly cumbersome and imposes restrictions which may seriously interfere with the objectives of the stockpile program. It is to eliminate these difficulties that this amendment is being issued. This exemption applies only to sales to the General Services Administration and its agents and does not exempt the resale of any such materials.

In the judgment of the Director of Price Stabilization, this action is necessary to achieve the objectives of the Defense Production Act of 1950 and will not have any material effect upon the cost of living or upon the general level of prices.

AMENDATORY PROVISIONS

1. Section 2 of General Overriding Regulation 2, entitled "Definitions" is hereby renumbered section 3 and is amended by adding the following definition at the end thereof:

(d) "Strategic and critical materials" means the materials set forth on the official list prepared by the General Services Administration and approved by the Director of Price Stabilization, or any amendment or supplement thereto. The term includes ores, concentrates, mattes, speiss, bullion, blister and the various forms of refined metal in standard commercial shapes, including ferro-alloys, powders, and chemical compounds of such metal; but it does not include such materials as alloy ingot, wire bar or billet, or alloyed or unalloyed rod, sheet, tube or extruded shapes or any other form which customarily commands a premium.

2. A new section 2 is inserted reading as follows:

SEC. 2. *Sales of strategic and critical materials to the General Services Administration.* No price regulation shall apply to the sale to the General Services Administration or its agents, pursuant to Public Law 520, 79th Congress, or Public Law 774, 81st Congress, of

(a) Strategic and critical materials mined or produced outside the United States, its territories or possessions, or

(b) Strategic and critical materials mined or produced inside the United States, its territories, or possessions

(1) Under any contract executed prior to January 25, 1951, or

(2) Under any contract executed after January 25, 1951, with respect to which the General Services Administration has filed with the Office of Price Stabilization, Washington, D. C., a certification that the marginal or submarginal character of the source or the necessity of constructing or installing substantial additional facilities or equipment renders it uneconomical to produce such material at the ceiling price otherwise applicable.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This Amendment 1 to General Overriding Regulation 2 shall become effective July 3, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 3, 1951.

[F. R. Doc. 51-7849; Filed, July 3, 1951; 1:47 p. m.]

[General Overriding Regulation 8, Amendment 3]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPEBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

EXEMPTION OF SALES OF SPECIAL REPRODUCTION BOOK MATCHES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 3 to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 8 created a clearing house for future exemptions for specific paper, paperboard, converted paper and paperboard products, allied products and services. Amendment 1 to General Overriding Regulation 8, among other things, exempted from price control all sales of advertising matter printed on paper except such articles as containers, labels and book matches, the form of which serves a purpose other than that of advertising. This amendment merely broadens this exemption to cover all sales of "special reproduction" book matches and packages thereof. This exemption is not applicable to "resale" book matches or "monograms".

Special reproduction book matches are designed for use as advertising and are given away in connection with the business which they advertise. Such book matches are commonly purchased by hotels, restaurants and railroads for distribution to their patrons. This category of book matches does not include "resale matches", which are for resale or free distribution usually in connection with the sale of tobacco products. The advertising on such matches is sold for a separate revenue and is usually unrelated to the business of the person who distributes them. Resale book matches are also available for sale by retailers in caddies of 50 books.

The exemption of special reproduction book matches cannot affect the cost of living nor add to the cost of the defense effort. Moreover, since this type of match is especially tailored for each individual customer and because its value may be based on its unusual design, uniform and equitable pricing would be extremely difficult. Administration and surveillance of control over prices of this commodity would be burdensome and impracticable.

In view of the unusual economic nature of this commodity, the numerous types and thousands of individual designs for each type, and the administrative difficulties in instituting controls, it has been determined that the sale of special reproduction book matches should be exempted from price control.

In consideration of the above facts, the Director of Price Stabilization finds that Amendment 3 to General Overriding Regulation 8 is generally fair and equitable and in his opinion is necessary and proper to effectuate the purpose of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

1. Subparagraph (2) of section 1 (a) of General Overriding Regulation 8 is amended to read as follows:

(2) Sales of commodities whose primary value depends upon editorial content, expression of ideas or dissemination of information and the rates, fees, charges, or compensation for the services of printing, publishing, typesetting, platemaking, binding, or related services in connection with such commodities, including, but not limited to, books, magazines, periodicals, newspapers, material furnished for publication by any press association or feature service, pamphlets, leaflets, sheet music, music rolls, stamp albums, globes, maps, charts, catalogs, directories, programs, house organs, menus, advertising matter printed on paper (except such articles as containers, labels and book matches, not including special reproduction book matches and the packaging thereof, the form of which serves a purpose other than that of advertising) time tables, tariffs and price lists.

2. Section 2 (a) is amended by the addition of subparagraph (5) which reads as follows:

(5) "Special reproduction book matches" are paper matches in books which are specially designed through sketches, artwork, engraving and color prints as an advertising medium and are specially printed and manufactured to serve the advertising purposes of the purchaser. It does not cover "resale book matches" which include the following types of book matches:

(i) All paper book matches sold at the retail level including those specially initialed or monogrammed at the order of the purchaser.

(ii) Paper book matches bearing general advertising matter from which revenue is obtained independently of the price of the book matches.

(iii) Paper book matches bearing a patriotic slogan, emblem, design or pattern in place of or in connection with general advertising matter, which are for general distribution to or through a distributor or retailer.

(iv) Paper book matches commonly described as the "thank you" or "noprint" type, ordinarily free from printing and for general distribution to and through a distributor or retailer. Included in this group are paper book matches bearing a stock cut or design, trade-mark, slogan, color, monogram or pattern from which an advertising revenue is not obtained by the manufacturer and which are for general distribution.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective July 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 3, 1951.

[F. R. Doc. 51-7848; Filed, July 3, 1951; 1:47 p. m.]

[General Overriding Regulation 9, Amendment 3]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SALES OF CERTAIN DIMENSION AND BUILDING STONES, MONUMENTS, AND MEMORIALS, AND ARCHITECTURAL TERRA COTTA

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to General Overriding Regulation 9, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is designed to provide for the exemption from price control of certain dimension and building stones, monuments and memorials, and architectural terra cotta. Production and sales of these commodities by producers and resellers are exempted by this regulation. Makers of monuments and memorials and installers of architectural terra cotta whose installed sales have hitherto been covered under CPR 34—Services, are also exempted by this amendment.

These exemptions are of insignificant importance to the cost of living or to the cost of the defense program. There is no likelihood that removal of control of these commodities will affect sales or prices of other commodities through diversion of materials, labor, or facilities. In addition, their control involves administrative and enforcement difficulties disproportionate to their economic significance. The commodities exempted by this regulation were also exempt for similar reasons by the Office of Price Administration during the last war.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

1. Section 2 (a) (6) is added to read as follows:

(6) *Sales by producers and resellers of dimension and building stones.* "Producers" means persons engaged in quarrying, cutting, shaping, sizing, polishing, inscribing, designing, coloring, glazing or burning. "Dimension and building stones" includes the following: Basalt and related stones; granite, building, ornamental and monumental; greenstone, interior or exterior, building, structural, ornamental, and monumental; limestone, building, ornamental, and monumental; marble, slabs, building, structural, and decorative, and ornamental and monumental, and grave vaults; sandstone, building, structural, floor and flagging, including bluestone and brownstone; slate, structural, electrical, grave vaults, mausoleum, roofing, floor, and flagging.

2. Section 2 (a) (7) is added to read as follows:

(7) *Sales and installation services by producers and resellers of monuments and memorials.* "Monuments and memorials" means markers, epitaphs, cenotaphs, statues, tablets, pillars, tombs, sarcophagi, and burial vaults intended to preserve the memory of a person or event, when made of granite, greenstone, limestone, marble or sandstone.

3. Section 2 (a) (8) is added to read as follows:

(8) *Sales and installation services by producers and resellers of architectural terra cotta.* "Architectural terra cotta" means a ceramic facing building material made from a mixture of clays and fusible materials fired in kilns and colored by the use of ceramic glazes. It is custom made and conforms to architects' designs and specifications as to size, shape, color and tolerances. The term does not include unglazed, salt or ceramic glazed structural facing units made from clays and other fusible materials which are not custom made and are usually sold on a unit basis.

Effective date. This amendment shall become effective July 3, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 3, 1951.

[F. R. Doc. 51-7847; Filed, July 3, 1951; 1:46 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-9]

M-9—DISTRIBUTION OF ZINC

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

NPA Order M-9, Zinc, as originally set forth at 15 F. R. 7878, Nov. 18, 1950, and as amended at 16 F. R. 5015, May 29, 1951, is hereby revoked, an a new Order M-9 under the title, Distribution of Zinc, is hereby substituted therefor, to read as follows:

Sec.
1. What this order does.
2. Application of this order.
3. Definitions.
4. Allocation of slab zinc.
5. Exemptions.
6. Delivery of slab zinc.
7. Specific directives.
8. Assistance in placing orders.
9. Records and reports.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide for the distribution of the supply of slab zinc so as best to serve the interest of national defense and essential civilian production. It brings slab zinc under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority. Provision is thus made whereby the supply remaining after defense requirements are met may be equitably distributed through normal channels for essential civilian uses and with due regard for the needs of new and small business. It also explains the conditions under which reports are required from producers, importers, and consumers of and dealers in slab zinc.

SEC. 2. *Application of this order.* This order applies to all persons who produce, consume, trade in, import, or hold in inventory, slab zinc as defined in section 3 (d) of this order. The provisions of this order supersede other National Production Authority regulations and orders to the extent that they are inconsistent with this order, but in all other respects such regulations and orders remain applicable to slab zinc. In particular, NPA Reg. 2 continues to apply to slab zinc, but deliveries on DO rated orders may be made only in accordance with allocation authorizations issued by the National Production Authority, except as otherwise provided in this order. The National Production Authority may from time to time issue special directives as to deliveries of slab zinc and, unless otherwise provided therein, such directives will prevail over the other provisions of this order.

SEC. 3. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Producer" means any person producing slab zinc and any person who

has slab zinc produced for him under toll agreement.

(c) "Dealer" means any person who receives physical deliveries of slab zinc and sells or holds such slab zinc for resale without change in form. A person who produces any slab zinc or who has slab zinc produced for him under toll agreement is a producer as to such zinc and not a dealer.

(d) "Slab zinc" means all grades of metallic slab zinc (spelter) which have been produced by electrolytic, electrothermic, or fire refining process, including zinc produced from scrap, dross, or other secondary material.

SEC. 4. *Allocation of slab zinc.* (a) Commencing on August 1, 1951, and subject to the exemptions stated in section 5 of this order, no person shall accept delivery of slab zinc for any purpose in any month except in accordance with the terms of an allocation authorization issued to him for such month by the National Production Authority on Form NPAF-110. An allocation authorization will authorize the holder to accept delivery of slab zinc in a specified quantity and grade if shipped not later than the last day of the month for which the authorization is issued. Any order placed pursuant to an allocation authorization shall specify the date and serial number of the applicable authorization. This section shall apply with like effect to the acceptance of deliveries of slab zinc by any branch, division, or department of any business enterprise from any producing branch, division, or department of the same business enterprise.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF-110 not later than the fifteenth day of the month preceding the month in which delivery is sought. Such application must contain all information required by the form.

SEC. 5. *Exemptions.* The provisions of section 4 of this order shall not apply to any:

(a) acceptance of slab zinc by the General Services Administration for its stockpile of strategic materials;

(b) acceptance of slab zinc directly from a foreign source for the sole purpose of resale without change in form; or

(c) acceptance of slab zinc by any person (1) whose total receipts during the month in which such acceptance occurs are, or by such acceptance would become, not in excess of 20 short tons, (2) who has not applied to the National Production Authority for an allocation authorization for such month, and (3) who furnishes a signed certification to the supplier in substantially the following form:

The undersigned certifies, subject to statutory penalties, that receipt of this shipment in the month requested will be in compliance with NPA Order M-9, that such receipt will not bring the undersigned's total receipt of slab zinc during that month above 20 short tons, and that no application has been made to the National Production Authority for an allocation authorization for that month.

Such certification constitutes a representation to the supplier and to the National Production Authority that the purchaser is authorized to accept delivery of slab zinc pursuant to this paragraph.

SEC. 6. *Delivery of slab zinc.* No person shall deliver any slab zinc if he knows, or has reason to believe, that the person requesting delivery is not permitted to receive it under this order.

SEC. 7. *Specific directives.* The National Production Authority may issue directives as to the source, destination, specific grades, and quantities of slab zinc to be delivered or acquired. NPA may also direct any producer to set aside a specific portion of his production of slab zinc for distribution according to directives issued by the National Production Authority.

SEC. 8. *Assistance in placing orders.* Any person who has received an allocation authorization for slab zinc and who is unable to place an order for the material covered by the authorization, should apply to the National Production Authority, Ref: M-9, specifying the efforts made to obtain such material. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 9. *Records and reports.* (a) All producers of slab zinc shall fill out and return Bureau of Mines Form 6-1150-M to the address specified on the form, in the number of copies specified on the form, on or before the twentieth day of July 1951 with respect to their operations during the month of June and their anticipated production during the month of August, and on or before the twentieth day of each month thereafter with respect to their operations during the preceding month and their anticipated production during the next succeeding month.

(b) Any person who uses, ships, or receives 5 short tons or more of slab zinc in any calendar month, or who has 5 short tons or more of slab zinc in his possession or under his control on any day of any month shall fill out and return Bureau of Mines Form 6-1151-M, in the number of copies specified on the form, to the address specified on the form, on or before the fifteenth day of July 1951 with respect of such use, shipment, receipt, or possession during the month of June, and on or before the fifteenth day of each succeeding month with respect to such use, shipment, receipt, or possession during the next succeeding month.

(c) Commencing on July 20, 1951, any person who imports slab zinc for the sole purpose of resale without change in form shall advise the National Production Authority by letter in duplicate not less than 10 days before its expected arrival in the continental United States, of the quantity, grade, and country of origin of such slab zinc.

(d) Any person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit and for filling out the reports required in paragraphs (a), (b), (c), and (d) of this section. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(e) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Communications.* Except as otherwise specified, all communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-9.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

NPA Order M-9, as so revised and retitled, shall take effect on July 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7899; Filed, July 5, 1951; 10:57 a. m.]

[NPA Order M-18, as Amended July 3, 1951]

M-18—PIGS' AND HOGS' BRISTLES AND BRISTLE PRODUCTS

This order as amended is found necessary and appropriate to promote the

national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-18 as amended March 30, 1951, as follows: It amends section 2, paragraphs (f) and (g); adds new paragraphs (h) and (i); and redesignates old paragraph (h) as paragraph (j). It amends section 3 by deleting the phrase "after March 30, 1951." It amends sections 4, 5, and 6, making material changes, and redesignates these sections as sections 6, 4, and 5, respectively. It amends section 7; deletes section 8, and renumbers the subsequent sections accordingly. It amends sections 8, 9, and 10 as renumbered. It changes the title and introductory paragraph of the attached brush schedule, and changes certain ferrule specifications contained in that schedule. As so amended NPA Order M-18 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Inventories.
4. Restrictions on the use of bristles.
5. Required mixture of other materials with bristles.
6. Limitations on the manufacture of painters' brushes.
7. Restriction on the sale and delivery of painters' brushes.
8. Restriction on the sale of bristles.
9. Prohibited deliveries of bristles, ferrules, and painters' brushes.
10. Reports.
11. Records.
12. Communications.
13. Applications for adjustment or exception.
14. Audit and inspection.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of bristles. It imposes limitations on the processing, mixing, or preparation for manufacture, of bristles and on the manufacture and distribution of brushes and other products containing bristles. It makes provisions for requiring the simplification and standardization of brushes manufactured from bristles. It imposes restrictions upon the export of brushes containing bristles. It calls for reports and explains the conditions under which reports are required in connection with the distribution, use, and inventories of bristles.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Bristles" means pigs' or hogs' bristles, including riflings, whether new, reclaimed, raw, dressed, imported, or domestic, but does not include engined shoemakers' bristles.

(c) "Dealer" means a person who regularly purchases and sells bristles without processing or changing their condition.

(d) "Dresser" means a person who grades, sorts, prepares, reclaims, or in any way processes bristles.

(e) "Process" means to boil, sterilize, comb, wash, drag, or mix bristles.

(f) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including its territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order, and requires the reports specified in section 11 of this order.

(g) "Painters' brush" means the type of brushes specified in the brush schedule annexed to this order.

(h) "Industrial brushes" means all types of brushes or brush-strips used as integral or fixed parts of production equipment in production operations of any industry.

(i) "Bristle products" means products, other than brushes and brush strips, which use bristles in the form of knots, tufts, or individual strands, and which are integral or fixed parts of production equipment in the production operations of any industry.

(j) "Ferrule" means the band by which the stock or filling material of a painters' brush is attached to the handle.

SEC. 3. *Inventories.* (a) Notwithstanding the provisions of NPA Reg. 1, no manufacturer utilizing bristles in the manufacture of brushes or other products containing bristles may order, purchase, arrange or contract to purchase for delivery, import, or receive bristles, if his inventory is, or by receipt of such bristle would become, more than a practicable minimum working inventory of bristles, or in excess of such bristles required for his scheduled production of brushes and other products containing bristles for a period of 120 days, whichever is less.

(b) No manufacturer utilizing bristles in the manufacture of brushes, or other products containing bristles, may place an order for delivery of such bristles on earlier dates or in larger amounts than he would be permitted to receive under this order.

(c) A "practicable minimum working inventory," as defined in NPA Reg. 1, may be computed for purposes of this order on the basis of the total quantity of bristles reported in section 1, parts A and B, of Form NPAF-14, as compared with the monthly consumption of such bristles as reported in section 2 of that form.

SEC. 4. *Restrictions on the use of bristles.* No person shall use any bristles longer than 2⅞ inches for any purpose, except:

(a) To manufacture painters' brushes of the types identified in the brush schedule appearing at the end of this order, excluding the following: No. 12, mucilage and paste; No. 13, painters' duster flat; No. 14, painters' duster round; No. 15, plasterers', and No. 35, whitewash.

(b) To manufacture industrial brushes or other products from bristles not longer than 4 inches, where such brushes or other products are required and used as integral or fixed parts of production equipment in the production operations of any industry.

(c) To manufacture billboard poster paste brushes from India bristles.

SEC. 5. *Required mixture of other materials with bristles.* No person shall manufacture brushes or products referred to in section 4 (a) and (c) of this order from bristles longer than 2⅝ inches, unless such brushes or products contain at least 30 percent by weight of filling material other than bristles as defined in this order: *Provided, however,* That this restriction shall not apply to painters' brushes required in the production of self-sealing fuel cells for military aircraft.

SEC. 6. *Limitations on the manufacture of painters' brushes.* No person shall manufacture any painters' brushes of types other than those specified in the brush schedule appearing at the end of this order. Ferrules for the brushes so specified shall be of the dimensions set forth for each type of brush in the schedule, except that such limitations shall not apply:

(a) To finished ferrules on hand as of March 30, 1951, regardless of who had possession thereof.

(b) To semifinished ferrules on hand as of March 30, 1951, where such ferrules had entered the cutting or slitting process of manufacture.

SEC. 7. *Restriction on the sale and delivery of painters' brushes.* No manufacturer of brushes shall sell or deliver painters' brushes containing bristles longer than 2⅞ inches, except in pursuance of DO rated orders or for export following authorization by the Office of International Trade, Department of Commerce, on Form IT-419.

SEC. 8. *Restriction on the sale of bristles.* No person may sell bristles except to a dealer, dresser, or manufacturer of brushes or products containing bristles, or to an agency purchasing for the account of the United States Government.

SEC. 9. *Prohibited deliveries of bristles, ferrules, and painters' brushes.* No person shall accept an order for, sell, deliver, or cause to be delivered, bristles, ferrules, or painters' brushes which he knows or has reason to believe will be accepted, held, or used, in violation of the provisions of this order.

SEC. 10. *Reports.* (a) Any person who imports, distributes, or has in his possession, bristles for the purpose of manufacture of brushes or other products containing bristles, or who otherwise may have bristles in his possession, must report each month his entries, receipts, deliveries, inventories, balance of entries, and all other transactions in bristles, by completing and filing in duplicate, with the Bureau of the Census, Form NPAF-14 with respect to all such operations and transactions, such report to be received by the Bureau not later than the tenth day of the month following the month for which the report is made.

(b) Any other person, except a common carrier, having any interest in or taking any action with respect to the importation of bristles or having control over bristles while they are physically in the continental United States, even though in bond or in transit, whether as owner, agent, consignee, or in any other capacity having bristles in his possession or under his control, shall file the report called for in paragraph (a) of this section and such other reports as may be required from time to time by the National Production Authority, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 11. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington, 25, D. C., Ref: M-18.

SEC. 13. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 14. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on July 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

BRUSH SCHEDULE

Ferrule dimensions are in inches. A maximum variation of 1/16 of an inch is allowed in width and thickness, both of which are referred to by inside dimensions.

Type of brush	Identification No.	Width of ferrule	Thickness of ferrule	Maximum depth of ferrule
Color—single thickness	1	½	¼	1¼
		1	5/16	1¼
		1½	7/16	1¼
		2	½	1¼
		3	½	1¼
Fitch	2	¼	⅛	1⅜
		7/16	3/16	1½
		⅝	5/16	1⅝
		¾	⅜	1⅞
		⅞	½	1 15/16
		1	½	2 3/16
		1¼	⅝	2⅜
		1½	¾	2¼
		1¾	13/16	2¾
Flatting-wall master	3	4¼	1½	1
		4½	1½	1
		5	1½	1
		6	1½	1
		6½	1½	1
Flatting-wall utility	4	5	1¼	1
		6	1¼	1
Flowing fitch-single thickness	5	1	5/16	1¼
		1½	7/16	1¼
		2	½	1¼
		2½	½	1¼
		3	½	1¼
		4	11/16	1¼
Ox hair and civet hair flowing	6	1	7/16	1¼
		1½	½	1¼
		2	9/16	1¼
		3	11/16	1¼
		4	11/16	1¼
Glue-flat	7	1	7/16	1¼
		2	9/16	1¼
		3	11/16	1¼
Glue-round	8	13/16	13/16	½
		1	1	½
		1 3/16	1 3/16	½
		1½	1½	¾
		2	2	¾
		2½	2½	⅞
Kalsomine-Dutch and semi-Dutch	9	7	2	1
		7¼	2¼	1
		7¼	1¾	1
Kalsomine-flat	10	7	⅞	1¼
		8	⅞	1¼
Mottling	11	½	7/32	1¼
		1	¼	1¼
		1½	¼	1¼
		2	5/16	1¼

BRUSH SCHEDULE—Continued

Ferrule dimensions are in inches. A maximum variation of 1/16 of an inch is allowed in width and thickness, both of which are referred to by inside dimensions.

Type of brush	Identification No.	Width of ferrule	Thickness of ferrule	Maximum depth of ferrule
Mucilage and paste	12	1	5/16	1
		2	⅜	1¼
		3	7/16	1¼
Painters' duster flat	13	4	1¼	1
Painters' duster round	14	2½	2½	1
Plasterers'	15	7½	1⅛	¾
Radiator	16	1	¼	1¼
		1½	¼	1¼
		2	5/16	1¼
Sashtool-flat	17	1	7/16	1¼
		1½	½	1¼
		2	9/16	1¼
		2½	⅝	1¼
Sashtool-angular	18	1	7/16	1⅜
		1½	½	1½
		2	17/32	1⅝
Sashtool-oval (seamless)	19	½	11/32	1¼
		13/16	½	1½
		1	⅝	1½
		1 1/16	¾	1¾
		1¼	⅞	1¾
		1 7/16	1 1/16	1¾
Sashtool-oval (locked seam)	20	½	11/32	1¼
		13/16	½	1½
		1	⅝	1½
		1 1/16	¾	1½
		1¼	⅞	1½
		1 7/16	1 1/16	1½
Shipbottom (seamless or soldered)	21	2⅜	1 15/16	1
(wire ferrule)		2¾	2⅜	1
Signwriters'	22	¼	5/32	1¼
		½	15/64	1¼
		¾	17/64	1¼
		1	19/64	1¼
		1½	23/64	1¼
Smoothing paper hanger (2 rows)	23	12	½	1
Smoothing paper hanger (3 rows)	24	12	⅝	1
Stencil (seamless ferrule)	25	⅞	⅞	1¼
		1	1	1¼
		1⅛	1⅛	1¼
		1¼	1¼	1¼
		1⅜	1⅜	1¼
		1½	1½	1¼
		2	2	1¼
Stucco-open or solid center	26	3	1¼	1 3/16
		3½	1¼	1 3/16
		4	1¼	1 3/16
		4½	1¼	1 3/16
		5	1¼	1 3/16
Varnish-flat-double	27	1	7/16	1¼
		1½	½	1¼
		2	9/16	1¼
		2½	⅝	1¼
		3	11/16	1¼
Varnish-oval (seamless ferrules). Round dimensions may be ovaled to any size	28	1 7/16	1 7/16	1¼
		1 11/16	1 11/16	1¼
		1¾	1¾	1¼
		1⅞	1⅞	1¼
		2	2	1¼
		2⅛	2⅛	1¼
Varnish-flat single	29	½	¼	1
		1	¼	1¼
		1½	¼	1¼
		2	5/16	1¼
		2½	⅜	1¼
		3	7/16	1¼
Varnish-flat single X	30	1	5/16	1¼
		1	⅜	1¼
Varnish-flat single X		1½	5/16	1¼
		1½	7/16	1¼
		2	⅜	1¼
		2	½	1¼
		3	½	1¼
		3	9/16	1¼
Varnish-flat, triple	31	1	⅝	1¼
		1½	11/16	1¼
		2	¾	1¼
		2½	13/16	1¼
		3	15/16	1¼
		3½	⅞	1¼
Wall-Master AA	32	3	1	1¼
		3½	1	1¼
		4	1	1¼
		4½	1	1¼
		5	1	1¼
		6	1	1¼
Wall-Master A	33	3	1¼	1¼
		3½	1⅛	1¼
		4	1⅛	1¼
		4½	1⅛	1¼
		5	1⅛	1¼

BRUSH SCHEDULE—Continued

Ferrule dimensions are in inches. A maximum variation of 1/16 of an inch is allowed in width and thickness, both of which are referred to by inside dimensions.

Type of brush	Identification No.	Width of ferrule	Thickness of ferrule	Maximum depth of ferrule
Wall-medium, syndicate and utility	34	3	7/8	1 1/4
		3 1/2	7/8	1 1/4
		4	7/8	1 1/4
		4 1/2	7/8	1 1/4
		5	7/8	1 1/4
		6	7/8	1 1/4
Whitewash	35	7	1 1/8	1
		8	1 1/8	1
		9	1 1/8	1
Enamel, semioval	36	2 1/2	15/16	7/8
		3	1 1/16	7/8
		3 1/2	1 1/8	7/8

[F. R. Doc. 51-7878; Filed, July 3, 1951; 4:43 p. m.]

[CMP Regulation 3, Direction 2]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 2—AUTOMATIC CONVERSION OF DELIVERY ORDERS BEARING CERTAIN RATINGS

This direction under CMP Regulation No. 3 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. Notwithstanding the provisions of section 4 (c) of CMP Regulation No. 3, any delivery order for controlled materials bearing a DO rating listed in Schedule I of this direction, calling for delivery in the third calendar quarter of 1951, which has been accepted by a supplier and scheduled for delivery in the third quarter of 1951, prior to the effective date of this direction, shall have equal preferential status with authorized controlled material orders calling for delivery in that quarter.

SEC. 2. Notwithstanding the provisions of section 5 (c) of CMP Regulation No. 3, any delivery order for products or materials other than controlled materials bearing a DO rating listed in Schedule I of this direction and calling for delivery in the third calendar quarter of 1951, which has been accepted by a supplier and scheduled for delivery in the third quarter of 1951, prior to the effective date of this direction, shall have equal preferential status with delivery orders bearing a DO rating with an allotment number or symbol calling for delivery in that quarter.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Public Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on July 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

DO-22	DO-46	DO-51
DO-38P	DO-47	DO-62
DO-41	DO-48	DO-96
DO-45	DO-49	

[F. R. Doc. 51-7879; Filed, July 3, 1951; 4:43 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SERVICEMEN'S INDEMNITY FOR DEATH

1. In Federal Register Document 51-5860 appearing on page 4716 of the issue for Saturday, May 19, 1951, make the following correction: The figure (1) in the first line of the last paragraph in column 3 should read (l).

2. In § 4.453, paragraphs (m), (n), and (o) are added to read as follows:

§ 4.453 *Servicemen's indemnity for death.* * * *

(m) *Designations of beneficiaries.* (1) It will be the responsibility of the Veterans' Administration to determine in all applicable cases the person or persons to whom the servicemen's indemnity is payable. The Veterans' Administration is assured that the service department concerned will maintain a record of all beneficiary designations and changes of beneficiary designations for this purpose. These designations and changes will be made on an appropriate service department form or forms. There will be obtained from each person in service a written and dated statement signed by him respecting the designation of beneficiary(ies). If no beneficiary is designated the statement will show that fact, and if a beneficiary(ies) is designated the statement will show the name and relationship of each beneficiary with the amount or share payable to each. Each time the serviceman desires to make a change in designation of beneficiary, an appropriate signed statement showing the new designation(s) will be obtained from him. It will not be necessary that these statements appear on any particular form or, in fact, on any form. They will be made usually, however, on the form or forms devised by the service departments.

(2) After the procedure outlined in subparagraph (1) of this paragraph goes into effect, in each case in which the serviceman dies in service, there will be furnished the Veterans' Administration routinely and automatically with the regular report of death, or shortly thereafter, photostatic copies of all the signed statements concerning the designation or change in designation of beneficiary (ies) for the serviceman's indemnity. These copies will be used in routine cases as outlined in the adjudication of claims for the indemnity. Where necessary in questionable or contested claims the service department concerned will, upon request, furnish on a loan basis, or permits the inspection of, the originals of the statements of designations of beneficiary(ies) signed by the serviceman.

(n) *Reference to beneficiary designation on death report.* Within the near future the service departments will cause to be inserted on each report of death in service which is forwarded to the Veterans' Administration one of the following notations, whichever is appropriate:

(1) No record designation of indemnity beneficiary under Public Law 23, 82d Congress.

(2) Deceased declined to designate indemnity beneficiary under Public Law 23, 82d Congress.

(3) Deceased designated indemnity beneficiary under Public Law 23, 82d Congress.

Where notation (1) appears on the death report no further information may be expected from the service department, and adjudication of a claim may proceed on the basis that no beneficiary was designated. Where, however, either notation (2) or (3) appears on the death report, photostatic copies of all statements made by the serviceman respecting beneficiary designation, if not received with the report of death, may be expected to be received soon thereafter. Such cases will be diaried for 30 days. Adjudication of claims is, of course, to be accomplished after the receipt of the photostatic copies.

(o) *Reference to beneficiary designation not on death report.* This paragraph concerns those instances in which reports of death in service on or after April 25, 1951, have been or will be received which do not include a notation concerning designation of indemnity beneficiary. In each of such cases where indemnity is payable, a request will be made upon the service department through the medium of VA Form 3101 or 3102 asking whether there is any record of designation or specific declination to designate an indemnity beneficiary by the serviceman under Public Law 23, 82d Congress, and, if so, that photostatic copies of all such designations or changes in designation be furnished. Upon receipt of the appropriate information the claim will be adjudicated. (Instruction No. 1-B, Part I, Pub. Law 23, 82d Cong.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 6, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-7595; Filed, July 5, 1951; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 51-6550, published at page 5342 of the issue for Wednesday, June 6, 1951, the first line of subparagraph (1) (v) of § 21.104 (b) should read: "(v) Related institutional training on".

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

SELF-EMPLOYMENT INCOME

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 208 of the Social Security Act Amendments of 1950 (Public Law 734, 81st Congress), approved August 28, 1950, and to sections 221 (i) and (j) (1) of the Revenue Act of 1950 (Public Law 814, 81st Congress), approved September 23, 1950, regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.3-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST, 28, 1950).

* * * * *

(d) (1) Section 3 of the Internal Revenue Code is amended by inserting at the end thereof the following:

Subchapter E—Tax on Self-Employment Income (the Self-Employment Contributions Act), divided into sections.

* * * * *

PAR. 2. Section 29.3-1, as amended by Treasury Decision 5391, approved July 14, 1944, is further amended by changing the fifth sentence thereof to read as follows: "Subpart D relates to Victory Tax on Individuals for taxable years beginning prior to January 1, 1944, and to Tax on Self-Employment Income for taxable years beginning after December 31, 1950."

PAR. 3. There is inserted immediately preceding § 29.12-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

* * * * *

(d) * * *

(2) Section 12 (g) of the Internal Revenue Code is amended by inserting at the end thereof the following:

(6) *Tax on self-employment income.* For tax on self-employment income, see subchapter E.

* * * * *

PAR. 4. There is inserted immediately after section 31 of the Internal Revenue Code, as set forth preceding § 29.35-1, as added by Treasury Decision 5325, approved January 8, 1944, the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPREVED AUGUST 28, 1950).

* * * * *

(d) * * *

(3) Section 31 of the Internal Revenue Code is amended by inserting immediately after the words "the tax" the following: "(other than the tax imposed by subchapter E, relating to tax on self-employment income)" * * *.

* * * * *

PAR. 5. There is inserted immediately after section 58 of the Internal Revenue Code, as set forth preceding § 29.58-1, as added by Treasury Decision 5305, approved November 12, 1943, the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

* * * * *

(d) * * *

(4) Section 58 (b) (1) of the Internal Revenue Code is amended by inserting immediately after the words "withheld at source" the following: "and without regard to the tax imposed by subchapter E on self-employment income".

* * * * *

PAR 6. Section 29.58-3 (b), as added by Treasury Decision 5305 and amended by Treasury Decision 5687, approved February 16, 1949, is further amended by adding at the end thereof the following: "The estimated tax need not include an amount estimated as the tax on self-employment income imposed by section 480."

PAR 7. There is inserted immediately preceding § 29.107-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

* * * * *

(d) * * *

(5) Section 107 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

(e) *Tax on self-employment income.* This section shall be applied without regard to, and shall not affect, the tax imposed by subchapter E, relating to tax on self-employment income.

* * * * *

Par 8. Section 29.107-1; § 29.107-2, as amended by Treasury Decision 5458, approved June 15, 1945; and § 29.107-3, as added by Treasury Decision 5389, approved July 10, 1944, are amended by adding at the end of each the following new paragraph:

The provisions of section 107 and of this section shall be applied without regard to, and shall not affect, the tax on self-employment income imposed by section 480.

PAR. 9. There is inserted immediately preceding § 29.120-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME [SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950].

* * * * *

(d) * * *

(6) Section 120 of the Internal Revenue Code is amended by inserting immediately after the words "amount of income" the following: "(determined without regard to subchapter E, relating to tax on self-employment income)".

* * * * *

PAR. 10. Section 29.120-1 is amended by inserting in paragraph (b), immediately after the words "plus the aggregate amount of income", the following: "(determined without regard to the tax on self-employment income imposed by section 480)".

PAR. 11. There is inserted immediately preceding § 29.131-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME [SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950].

* * * * *

(d) * * *

(3) * * * section 131 (a) of the Internal Revenue Code is amended by inserting immediately after the words "except the tax imposed under section 102" the following: "and except the tax imposed under subchapter E".

* * * * *

PAR. 12. Section 29.131-1 is amended by adding at the end of paragraph (e) the following: "No credit for taxes shall be allowed against the tax on self-employment income imposed by section 480."

PAR. 13. Section 29.131-8, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended by changing the last sentence of paragraph (a) to read as follows: "In computing the tax against which the credit is taken there must, for taxable years beginning before January 1, 1943, be excluded the tax, if any, imposed by section 102; for taxable years beginning after December 31, 1942, there must be excluded both the tax imposed by section 102 and the tax imposed by section 450 (prior to its repeal by section 6 (a) of the Individual Income Tax Act of 1944); and, in addition, for taxable years beginning after December 31, 1950, there must be excluded the tax imposed by section 480."

PAR. 14. There is inserted immediately preceding § 29.161-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME [SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950].

* * * * *

(d) * * *

(7) Section 161 (a) of the Internal Revenue Code is amended by inserting immediately after the words "The taxes imposed by this chapter" the following: "(other than the tax imposed by subchapter E, relating to tax on self-employment income)".

* * * * *

PAR. 15. Section 29.161-1 (a), as amended by Treasury Decision 5488, approved December 29, 1945, is further amended by inserting in the first sentence immediately after the words "imposed upon individuals by chapter 1", the following: "(other than the tax on

self-employment income imposed by section 480)".

PAR. 16. There is inserted immediately preceding § 29.294-1, as added by Treasury Decision 5305 and amended by Treasury Decision 5448, approved March 28, 1945, the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

* * * * *

(d) * * *

(8) Section 294 (d) of the Internal Revenue Code is amended by inserting at the end thereof the following new paragraph:

(3) *Tax on self-employment income.* This subsection shall be applied without regard to the tax imposed by subchapter E, relating to tax on self-employment income.

PAR. 17. Section 29.294-1, as added by Treasury Decision 5305 and amended by Treasury Decision 5448, is further amended by adding at the end thereof the following:

(c) *Tax on self-employment income.* The provisions of section 294 (d) and of this section shall be applied without regard to the tax on self-employment income imposed by section 480.

PAR. 18. The title of Subpart D is changed to read as follows: "Subpart D—Victory Tax on Individuals and Tax on Self-Employment Income."

PAR. 19. There is inserted immediately preceding Subpart E, relating to personal holding companies, the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

(a) Chapter 1 of the Internal Revenue Code is amended by adding at the end thereof the following new subchapter [consisting of sections 480, 481, and 482]:

SUBCHAPTER E—TAX ON SELF-EMPLOYMENT INCOME

SEC. 480. RATE OF TAX.

In addition to other taxes, there shall be levied, collected, and paid for each taxable year beginning after December 31, 1950, upon the self-employment income of every individual, a tax as follows:

(1) In the case of any taxable year beginning after December 31, 1950, and before January 1, 1954, the tax shall be equal to 2¼ per centum of the amount of the self-employment income for such taxable year.

(2) In the case of any taxable year beginning after December 31, 1953, and before January 1, 1960, the tax shall be equal to 3 per centum of the amount of the self-employment income for such taxable year.

(3) In the case of any taxable year beginning after December 31, 1959, and before January 1, 1965, the tax shall be equal to 3¾ per centum of the amount of the self-employment income for such taxable year.

(4) In the case of any taxable year beginning after December 31, 1964, and before January 1, 1970, the tax shall be equal to 4½ per centum of the amount of the self-employment income for such taxable year.

(5) In the case of any taxable year beginning after December 31, 1969, the tax shall be equal to 4⅞ per centum of the amount of the self-employment income for such taxable year.

* * * * *

§ 29.480-1 *Tax on self-employment income.* For taxable years beginning after December 31, 1950, there is imposed, in addition to other taxes, a tax upon the self-employment income of every individual at the rates prescribed in section 480. This tax shall be levied, assessed, and collected as part of the income tax imposed by Chapter 1 of the Internal Revenue Code and, except as otherwise expressly provided, will be included with the taxes imposed by sections 11 and 12 in computing any deficiency or overpayment and in computing the interest and additions to any deficiency, overpayment, or tax. Since the tax on self-employment income is part of the income tax, it is subject to the jurisdiction of The Tax Court of the United States to the same extent and in the same manner as the other taxes under Chapter 1 of the Code. However, this tax is not required to be taken into account in computing any estimate of the taxes required to be declared under section 58.

In general, self-employment income consists of the net earnings derived by an individual (other than a nonresident alien) from a trade or business carried on by him as sole proprietor or by a partnership of which he is a member, subject to certain exclusions, exceptions, and limitations.

SEC. 481. DEFINITIONS (ADDED BY SECTION 208 (A), SOCIAL SECURITY ACT AMENDMENT OF 1950, APPROVED AUGUST 28, 1950, AND AMENDED BY SECTION 221 (J), REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

For the purposes of this subchapter—

(a) *Net earnings from self-employment.* The term "net earnings from self-employment" means the gross income derived by an indivdual from any trade or business carried on by such individual, less the deductions allowed by this chapter which are attributable to such trade or business, plus his distributive share (whether or not distributed) of the ordinary net income or loss, as computed under section 183, from any trade or business carried on by a partnership of which he is a member; except that in computing such gross income and deductions and such distributive share of partnership ordinary net income or loss—

(1) There shall be excluded rentals from real estate (including personal property leased with the real estate) and deductions attributable thereto, unless such rentals are received in the course of a trade or business as a real estate dealer;

(2) There shall be excluded income derived from any trade or business in which, if the trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 1426 (h); and there shall be excluded all deductions attributable to such income;

(3) There shall be excluded dividends on any share of stock, and interest on any bond, debenture, note, or certificate, or other evidence of indebtedness, issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision thereof), unless such dividends and interest (other than interest described in section 25 (a)) are received in the course of a trade or business as a dealer in stocks or securities;

(4) There shall be excluded any gain or loss (A) which is considered as gain or loss from the sale or exchange of a capital asset, (B) from the cutting or disposal of timber if section 117 (j) is applicable to such gain or loss, or (C) from the sale, exchange, involuntary conversion, or other disposition of property if such property is neither (i) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, nor (ii) property held primarily for sale to customers in the ordinary course of the trade or business;

(5) The deduction for net operating losses provided in section 23 (s) shall not be allowed;

(6) (A) If any of the income derived from a trade or business (other than a trade or business carried on by a partnership) is community income under community property laws applicable to such income, all of the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions shall be treated as the gross income and deductions of the wife;

(B) If any portion of a partner's distributive share of the ordinary net income or loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to such share, all of such distributive share shall be included in computing the net earnings from self-employment of such partner, and no part of such share shall be taken into account in computing the net earnings from self-employment of the spouse of such partner;

(7) (A) In the case of any taxable year beginning before the effective date specified in section 3810, the term "possession of the United States" when used in section 251 with respect to citizens of the United States shall include Puerto Rico;

(B) In the case of any taxable year beginning on or after the effective date specified in section 3810, a resident of Puerto Rico shall compute his net earnings from self-employment in the same manner as a citizen of the United States but without regard to the provisions of section 116 (1).

If the taxable year of a partner is different from that of the partnership, the distributive share which he is required to include in computing his net earnings from self-employment shall be based upon the ordinary net income or loss of the partnership for any taxable year of the partnership (even though beginning prior to January 1, 1951) ending within or with his taxable year.

(b) *Self-employment income.* The term "self-employment income" means the net earnings from self-employment derived by an individual (other than a nonresident alien individual) during any taxable year beginning after December 31, 1950; except that such term shall not include—

(1) That part of the net earnings from self-employment which is in excess of: (A) $3,600, minus (B) the amount of the wages paid to such individual during the taxable year; or

(2) The net earnings from self-employment, if such net earnings for the taxable year are less than $400.

For the purposes of clause (1) the term "wages" includes such remuneration paid to an employee for services included under an agreement entered into pursuant to the provisions of section 218 of the Social Security Act (relating to coverage of State employees) as would be wages under section 1426 (a) if such services constituted employment under section 1426 (b). In the case of any taxable year beginning prior to the effective date specified in section 3810, an individual who is a citizen of Puerto Rico (but not otherwise a citizen of the United States) and who is not a resident of the United States or of the Virgin Islands during such taxable year shall be considered, for the purposes of this subchapter, as a nonresident alien individual. An individual who is not a citizen of the United States but who is a resident of the Virgin Islands or (after the effective date specified in section 3810) a resident of Puerto Rico shall not, for the

purposes of this subchapter, be considered to be a nonresident alien individual.

(c) *Trade or business.* The term "trade or business", when used with reference to self-employment income or net earnings from self-employment, shall have the same meaning as when used in section 23, except that such term shall not include—

(1) The performance of the functions of a public office;

(2) The performance of service by an individual as an employee (other than service described in section 1426 (b) (16) (B) performed by an individual who has attained the age of eighteen);

(3) The performance of service by an individual as an employee or employee representative as defined in section 1532;

(4) The performance of service by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(5) The performance of service by an individual in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, Christian Science practitioner, architect, certified public accountant, accountant registered or licensed as an accountant under State or municipal law, full-time practicing public accountant, funeral director, or professional engineer; or the performance of such service by a partnership.

(d) *Employee and wages.* The term "employee" and the term "wages" shall have the same meaning as when used in subchapter A of chapter 9.

§ 29.481-1 *Net earnings from self-employment*—(a) *Definition.* Subject to the special rules discussed in paragraph (c) of this section and to the exclusions discussed in § 29.481-3, the term "net earnings from self-employment" means:

(1) The gross income derived by an individual from any trade or business carried on by such individual, less the deductions allowed by Chapter 1 of the Internal Revenue Code which are attributable to such trade or business, plus

(2) His distributive share (whether or not distributed) of the ordinary net income (or minus the ordinary net loss) from any trade or business, as computed under section 183, carried on by any partnership of which he is a member.

(b) *Included in net earnings.* (The gross income and deductions of an individual attributable to a trade or business, for the purpose of ascertaining his net earnings from self-employment, are to be determined by reference to the provisions of law and regulations applicable with respect to the taxes imposed by sections 11 and 12. Thus, if an individual uses the accrual method of accounting in computing net income from a trade or business for the purpose of the taxes imposed by sections 11 and 12, he must use the same method in determining net earnings from self-employment. Likewise, if a taxpayer engaged in a trade or business of selling property on the installment plan elects, under the provisions of section 44, to use the installment basis in computing income for the purpose of the taxes under sections 11 and 12, he must use the same basis in determining net earnings from self-employment.

The trade or business must be carried on by the individual, either personally or through agents or employees. Accordingly, income derived from a trade or business carried on by an estate or trust is not included in determining the net earnings from self-employment of the individual beneficiaries of such estate or trust.

Where an individual is engaged in more than one trade or business within the meaning of section 481 (c) and § 29.481-3, his net earnings from self-employment consist of the aggregate of the net income and losses (computed subject to the special rules provided in this section) of all such trades or businesses carried on by him. Thus, a loss sustained in one trade or business carried on by an individual will operate to offset the income derived by him from another trade or business.

The net earnings from self-employment of an individual include, in addition to the earnings from a trade or business carried on by him, his distributive share of the ordinary net income or ordinary net loss from any trade or business carried on by each partnership of which he is a member. An individual's distributive share of the ordinary net income or ordinary net loss of a partnership shall be computed under section 183, subject to the special rules set forth in section 481 (a) and in this section and to the exclusions provided in section 481 (c) and in § 29.481-3.

If the taxable year of a partner differs from that of the partnership, the partner shall include, in computing net earnings from self-employment, his distributive share of the ordinary net income or ordinary net loss of the partnership for its taxable year (even though beginning prior to January 1, 1951) ending with or within the taxable year of the partner.

For the purpose of determining net earnings from self-employment, a partnership is one which is recognized as such for income tax purposes. For income tax purposes, the term "partnership" includes not only a partnership as known at common law, but, also, a syndicate, group, pool, joint venture, or other unincorporated organization which carries on any trade or business, financial operation, or venture, which is not, within the meaning of the Internal Revenue Code, a trust, estate, or a corporation.

The net earnings from self-employment of a partner include his distributive share of the ordinary net income or ordinary net loss of the partnership of which he is a member, irrespective of the nature of his membership. Thus, in determining his net earnings from self-employment, a limited or inactive partner includes his distributive share of the ordinary net income or ordinary net loss of the partnership.

(c) *Excluded from net earnings.* For the purpose of computing net earnings from self-employment, the gross income derived by an individual from a trade or business carried on by him, the allowable deductions attributable to such trade or business, and the individual's distributive share of the ordinary net income or ordinary net loss from any trade or business carried on by a partnership of which he is a member shall be computed in accordance with the following special rules:

(1) *Rentals from real estate.* Rentals from real estate (including personal property leased with the real estate), and the deductions attributable thereto, unless such rentals are received by an individual in the course of a trade or business as a real-estate dealer, are excluded. Whether or not an individual is engaged in the trade or business of a real-estate dealer is determined by the application of the principles followed in respect of the taxes imposed by sections 11 and 12. In general, an individual who is engaged in the business of selling real estate to customers with a view to the gains and profits that may be derived from such sales is a real-estate dealer. On the other hand, an individual who merely holds real estate for investment or speculation and receives rentals therefrom is not considered a real-estate dealer. Where a real-estate dealer holds real estate for investment or speculation in addition to real estate held for sale to customers in the ordinary course of his trade or business as a real-estate dealer, only the rentals from the real estate held for sale to customers in the ordinary course of his trade or business as a real-estate dealer, and the deductions attributable thereto, are included in determining net earnings from self-employment; the rentals from the real estate held for investment or speculation, and the deductions attributable thereto, are excluded.

Payments for the use or occupancy of entire private residence or living quarters in duplex or multiple-housing units are generally rentals from real estate. Except in the case of real-estate dealers, such payments are excluded in determining net earnings from self-employment even though such payments are in part attributable to personal property furnished under the lease.

Payments for the use or occupancy of rooms or other space where services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, or for the use or occupancy of space in parking lots, warehouses, or storage garages, do not constitute rentals from real estate; consequently, such payments are included in determining net earnings from self-employment. Generally, services are considered rendered to the occupant if they are primarily for his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such service; whereas, the furnishing of heat and light, the cleaning of public entrances, exits, stairways and lobbies, the collection of trash, and so forth, are not considered as services rendered to the occupant.

Except in the case of a real-estate dealer, where an individual or a partnership is engaged in a trade or business the income of which is classifiable in part as rentals from real estate, only that portion of such income which is not classifiable as rentals from real estate,

and the expenses attributable to such portion, will be included in determining net earnings from self-employment.

Example. A, an individual, owns a building containing four apartments. During the taxable year, he receives $1,400 from apartments numbered 1 and 2, which are rented without services rendered to the occupants, and $3,600 from apartments numbered 3 and 4, which are rented with services rendered to the occupants. His fixed expenses for the four apartments aggregate $1,200 during the taxable year. In addition, he has $500 of expenses attributable to the services rendered to the occupants of apartments 3 and 4. In determining his net earnings from self-employment, A includes the $3,600 received from apartments 3 and 4, and the expenses of $1,100 attributable thereto. The rentals and expenses attributable to apartments 1 and 2 are excluded. Therefore, A has $2,500 of net earnings from self-employment for the taxable year.

(2) *Income from agricultural activity.* Income derived from any trade or business in which, if the trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 1426 (h), and all deductions attributable to such income, are excluded. In case the services are in part agricultural and in part nonagricultural, the time devoted to the performance of each type of service is the test to be used to determine whether the major portion of the services would constitute agricultural labor. If more than half of the time spent in performing all the services is spent in performing services which would constitute agricultural labor under section 1426 (h), all income, and the deductions attributable to the income, shall be excluded. If only half, or less, of the time spent in performing all the services is spent in performing services which would constitute agricultural labor under section 1426 (h), all income, and the deductions attributable to the income, shall be included. In every case the time spent in performing the services will be computed by adding the time spent in the trade or business during the taxable year by every individual (including the individual carrying on such trade or business and the members of his family) in performing such services. The operation of this special rule is not affected by section 1426 (c), relating to the included-excluded rule for determining employment.

This rule has no application where the nonagricultural services are performed in connection with an enterprise which constitutes a trade or business separate and distinct from the trade or business conducted as an agricultural enterprise. Thus, the operation of a roadside automobile service station on farm premises constitutes a trade or business separate and distinct from the agricultural enterprise, and the gross income derived from such service station, together with the deductions attributable thereto, are included in determining net earnings from self-employment.

(3) *Dividends and interest.* All dividends on shares of stock are excluded unless they are received by an individual in the course of his trade or business as a dealer in stocks or securities.

Interest on any bond, debenture, note, or certificate, or other evidence of indebtedness, issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision thereof), is excluded unless such interest is received in the course of a trade or business as a dealer in stocks or securities. However, interest which is exempt under section 25 (a) from the normal tax imposed by section 11, that is, interest on certain obligations of the United States and its instrumentalities, is not included in net earnings from self-employment even though received in the course of a trade or business as a dealer in stocks or securities. Only interest on bonds, debentures, notes, or certificates, or other evidence of indebtedness, issued with interest coupons or in registered form by a corporation, is excluded in the case of all persons other than dealers in stocks or securities; other interest received in the course of any trade or business (such as interest received by a pawnbroker on his loans or interest received by a merchant on his accounts or notes receivable) is not excluded.

Dividends and interest of the character excludible under the preceding paragraphs received by an individual on stocks or securities held for speculation or investment are excluded whether or not the individual is a dealer in stocks or securities.

A dealer in stocks or securities is a merchant of stocks or securities with an established place of business, regularly engaged in the business of purchasing stocks or securities and reselling them to customers; that is, he is one who as a merchant buys stocks or securities and sells them to customers with a view to the gains and profits that may be derived therefrom. Persons who buy and sell or hold stocks or securities for investment or speculation, irrespective of whether such buying or selling constitutes the carrying on of a trade or business, are not dealers in stocks or securities.

(4) *Gain or loss from disposition of property.* There is excluded any gain or loss: (i) Which is considered as gain or loss from the sale or exchange of a capital asset; (ii) from the cutting or disposal of timber, even though held primarily for sale to customers, if section 117 (j) is applicable to such gain or loss; and (iii) from the sale, exchange, involuntary conversion, or other disposition of property if such property is neither (*a*) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, nor (*b*) property held primarily for sale to customers in the ordinary course of a trade or business. For the purpose of the special rule in subdivision (iii) of this subparagraph, it is immaterial whether a gain or loss is treated as a capital gain or loss or as an ordinary gain or loss for purposes other than determining net earnings from self-employment. For instance, where the character of a loss is governed by the provisions of section 117 (j), such loss is excluded in determining net earnings from self-employment even though such loss is treated under section 117 (j) as an ordinary loss. For the purposes of this special rule, the term "involuntary conversion" means a compulsory or involuntary conversion of property into other property or money as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof; and, the term "other disposition" includes the destruction or loss, in whole or in part, of property by fire, storm, shipwreck, or other casualty, or by theft, even though there is no conversion of such property into other property or money.

Example. During the taxable year 1951, A, who owns a grocery store, realized a net profit of $1,500 from the sale of groceries and a gain of $350 from the sale of a refrigerator case. During the same year, he sustained a loss of $2,000 as a result of damage by fire to the store building. In computing net income, all of these items are taken into account. In determining net earnings from self-employment, however, only the $1,500 of profit derived from the sale of groceries is included. The $350 gain and the $2,000 loss are excluded.

(5) *Net operating loss deduction.* The deduction provided by section 23 (s), relating to net operating losses sustained in years other than the taxable year, is excluded.

(6) *Community income*—(i) *In case of an individual.* If any of the income derived by an individual from a trade or business (other than a trade or business carried on by a partnership) is community income under community property laws applicable to such income, all of the gross income, and the deductions attributable to such income, shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions shall be treated as the gross income and deductions of the wife. For the purpose of this special rule, the term "management and control" means management and control in fact, not the management and control imputed to the husband under the community property laws. For example, a wife who operates a beauty parlor without any appreciable collaboration on the part of her husband will be considered as having substantially all of the management and control of such business despite the provision of any community property law vesting in the husband the right of management and control of community property; and the income and deductions attributable to the operation of such beauty parlor will be considered the income and deductions of the wife.

(ii) *In case of a partnership.* Even though a portion of a partner's distributive share of the ordinary net income or ordinary net loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to such share, all of such distributive share shall be included in computing the net earnings from self-employment of such partner; no part of such share shall be taken into account in computing the net

earnings from self-employment of the spouse of such partner. In any case in which both spouses are members of the same partnership, the distributive share of the ordinary net income or ordinary net loss of each spouse is included in computing the net earnings from self-employment of that spouse.

(7) *Puerto Rico*—(i) *Residents.* In the case of any taxable year beginning on or after January 1, 1951, a resident of Puerto Rico, whether or not a bona fide resident thereof during the entire taxable year, and whether or not an alien, a citizen of the United States, or a citizen of Puerto Rico, shall compute his net earnings from self-employment in the same manner as would a citizen of the United States residing in the United States. For the purpose of the tax on self-employment income, the gross income of such a resident of Puerto Rico also includes income from Puerto Rican sources. Thus, under this special rule, income from Puerto Rican sources will be included in determining net earnings from self-employment of a resident of Puerto Rico engaged in the active conduct of a trade or business in Puerto Rico despite the fact that, under section 116 (1), such income may not be taken into account for the purpose of the taxes under sections 11 and 12.

(ii) *Nonresidents.* A citizen of Puerto Rico who is also a citizen of the United States and who is not a resident of Puerto Rico will compute his net earnings from self-employment in the same manner and subject to the same provisions of law and regulations as other citizens of the United States.

§ 29.481-2 *Self-employment income*—(a) *In general.* Except for the exclusions in paragraphs (b) and (c) and the exception in paragraph (d) of this section, the term "self-employment income" means the net earnings from self-employment derived by an individual during any taxable year beginning after December 31, 1950.

(b) *Maximum self-employment income.* The maximum self-employed income of an individual for any taxable year (whether a period of 12 months or less) is $3,600. If an individual is paid wage as defined in section 1426 (a), the maximum is the excess of $3,600 over the amount of such wages. For example, if during the taxable year no such wages are paid and the individual has $5,000 of net earnings from self-employment, he has $3,600 of self-employment income for such taxable year. If, in addition to having $5,000 of net earnings from self-employment, such individual is paid $1,000 of such wages, he has only $2,600 of self-employment income for the taxable year. For the purpose of this limitation, the term "wages" includes remuneration paid to an employee for services covered by an agreement entered into pursuant to section 218 of the Social Security Act, which section provides for extension of the Federal old-age and survivors insurance system to State and local government employees under voluntary agreements between the States and the Federal Security Administrator.

(c) *Minimum net earnings from self-employment.* Self-employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may have less than $400 of self-employment income. This would occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the individual also receives more than $3,200 but less than $3,600 of wages during that taxable year. For example, if an individual has net earnings from self-employment of $1,000 for a taxable year and also receives wages of $3,400 during that taxable year, his self-employment income for that taxable year is $200.

(d) *Nonresident aliens.* A nonresident alien individual never has self-employment income. For the purpose of the tax on self-employment income, an individual who is not a citizen of the United States but who is a resident of the Virgin Islands or of Puerto Rico is not considered to be a nonresident alien individual. While a nonresident alien individual who derives income from a trade or business carried on within the United States, Puerto Rico, or the Virgin Islands (whether by agents or employees, or by a partnership of which he is a member) may be subject to the applicable income tax provisions on such income, such nonresident alien individual will not be subject to the tax on self-employment income, since any net earnings which he may have from self-employment do not constitute self-employment income.

§ 29.481-3 *Trade or business*—(a) *In general.* It is necessary for an individual to carry on a trade or business, either as an individual or as a member of a partnership, in order for him to have net earnings from self-employment. Except for the exclusions discussed in paragraphs (b), (c), (d), (e), and (f) of this section, the term "trade or business", for the purpose of the tax on self-employment income, shall have the same meaning as when used in section 23. An individual engaged in one of the excluded activities specified in this section may also be engaged in carrying on a nonexcluded trade or business. Whether or not he is also engaged in an included trade or business will be dependent upon all of the facts and circumstances in the particular case.

(b) *Public office.* The performance of the functions of a public office does not constitute a trade or business. The term "public office" includes any elective or appointive office of the United States or any possession thereof, or of a State or its political subdivision, or of a wholly owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a Member of Congress, a State representative, a county commissioner, a judge, a county or city attorney, a marshal, a sheriff, a register of deeds, or a notary public performs the functions of a public office.

(c) *Employees.* The performance of service by an individual as an employee, as defined in the Federal Insurance Contributions Act, with one exception, does not constitute a trade or business. The exception is as follows: Service performed by an individual, who has attained the age of 18, in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back, does constitute a trade or business. As to when an individual is an employee see the applicable regulations under the Federal Insurance Contributions Act.

(d) *Individuals under Railroad Retirement System.* The performance of service by an individual as an employee or employee representative as defined in section 1532, that is, an individual covered under the railroad retirement system, does not constitute a trade or business. As to when an individual is an employee or employee representative under section 1532, see the applicable regulations under the Railroad Retirement Tax Act.

(e) *Ministers or members of religious orders.* The performance of service by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order does not constitute a trade or business. The duties of ministers include the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination.

(f) *Members of certain professions.* The performance of service by an individual in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, Christian Science practitioner, architect, certified public account, accountant registered or licensed as an accountant under State or municipal law, full-time practicing public accountant, funeral director, or professional engineer does not constitute a trade or business. This exclusion applies only if the individual meets the legal requirements, if any, for practicing his profession in the place where he performs the service.

These designations are to be given their commonly accepted meaning. Thus, the term "physician" means an individual who is legally qualified to practice medicine; the term "lawyer" means an individual who is legally quali-

fied to practice law; and the term "professional engineer" means an engineer legally qualified to practice before the public in a consulting capacity.

In the case of a partnership engaged in the practice of any of the designated professions, the partnership shall not be considered as carrying on a trade or business for the purpose of the tax on self-employment income, and none of the distributive shares of the ordinary net income or the ordinary net loss of such partnership shall be included in computing net earnings from self-employment of any member of the partnership. On the other hand, where a partnership is engaged in a trade or business not within any of the designated professions, each partner must include his distributive share of the ordinary net income or the ordinary net loss of such partnership in computing his net earnings from self-employment, irrespective of whether such partner is also engaged in the practice of one or more of such professions and contributes his professional services to the partnership.

§ 29.481-4 *Employee and wages.* For the purpose of the tax on self-employment income, the term "employee" and the term "wages" shall have the same meaning as when used in the Federal Insurance Contributions Act. For an explanation of these terms, see the applicable regulations under that act.

SEC. 482. MISCELLANEOUS PROVISIONS (AS ADDED BY SECTION 208 (A), SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

(a) *Returns.* Every individual (other than a nonresident alien individual) having net earnings from self-employment of $400 or more for the taxable year shall make a return containing such information for the purpose of carrying out the provisions of this subchapter as the Commissioner, with the approval of the Secretary, may by regulations prescribe. Such return shall be considered a return required under section 51 (a). In the case of a husband and wife filing a joint return under section 51 (b), the tax imposed by this subchapter shall not be computed on the aggregate income but shall be the sum of the taxes computed under this subchapter on the separate self-employment income of each spouse.

(b) *Title of subchapter.* This subchapter may be cited as the "Self-Employment Contributions Act".

(c) *Effective date in case of Puerto Rico.* For effective date in case of Puerto Rico, see section 3810.

(d) *Collection of taxes in Virgin Islands and Puerto Rico.* For provisions relating to collection of taxes in Virgin Islands and Puerto Rico, see section 3811.

§ 29.482-1 *Returns*—(a) *In general.* For each taxable year beginning after December 31, 1950, every individual, other than a nonresident alien, having net earnings from self-employment of $400 or more for the taxable year shall make a return on Form 1040 in accordance with the instructions thereon, or issued therewith, and the provisions of the regulations applicable thereto. Such return shall be considered a return required under section 51 (a), and the provisions applicable to returns under section 51 (a) shall be applicable to this return. This return will be required if there is self-employment income even though the individual may not be required to make a return for the purpose of the taxes imposed by sections 11 and 12.

(b) *Joint returns.* In the case of a husband and wife filing a joint return under section 51 (b), the tax on self-employment income is computed on the separate self-employment income of each spouse, and not on the aggregate of the two amounts. The requirement of section 51 (b) that in the case of a joint return the tax is computed on the aggregate income of the spouses is not applicable with respect to the tax on self-employment income. Where the husband and wife each has net earnings from self-employment of $400 or more, it will be necessary for each to complete a separate schedule of Form 1040 with respect to such net earnings, despite the fact that a joint return is filed. If the net earnings from self-employment of either the husband or the wife are less than $400, such net earnings are not subject to the tax on self-employment income, even though they must be shown on the joint return for the purpose of the taxes imposed by sections 11 and 12.

Except as otherwise expressly provided, section 51 (b) is applicable to the return of the tax on self-employment income; therefore, the liability with respect to such tax in the case of a joint return is joint and several.

(c) *Social security account numbers.* Every individual making a return of net earnings from self-employment is required to show thereon his social security account number, or, if he has no such account number, to make application therefor on Form SS-5 prior to the filing of such return. However, the failure to apply for a social security account number will not excuse the individual from the requirement that he file such return on or before the due date thereof. Form SS-5 may be obtained from any field office of the Social Security Administration or from any collector. The application on Form SS-5 shall be filed with the field office of the Social Security Administration nearest the legal residence or principal place of business of such individual, or if he has no legal residence or principal place of business within the United States, Puerto Rico, or the Virgin Islands, with the office of the Social Security Administration at Baltimore, Maryland. An individual who has previously secured a social security account number as an employee shall use that account number on his return of net earnings from self-employment.

PAR. 20. There is inserted immediately preceding § 29.3801 (a) (1)-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

* * * * *

(c) Section 3801 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

(g) *Taxes imposed by Chapter 9.* The provisions of this section shall not be construed to apply to any tax imposed by chapter 9.

* * * * *

PAR. 21. Section 29.3801 (a) (1)-1 is amended by adding at the end thereof the following new sentence: "The provisions of section 3801 and of the regulations promulgated under such section shall not apply to any tax imposed by chapter 9, relating to employment taxes."

PAR. 22. There is inserted immediately after § 29.3808-4, as added by Treasury Decision 5508, approved April 15, 1946, the following:

SEC. 3810. EFFECTIVE DATE IN CASE OF PUERTO RICO (AS ADDED BY SECTION 208 (B), SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

If the Governor of Puerto Rico certifies to the President of the United States that the legislature of Puerto Rico has, by concurrent resolution, resolved that it desires the extension to Puerto Rico of the provisions of title II of the Social Security Act, the effective date referred to in sections 1426 (e), 481 (a) (7), and 481 (b) shall be January 1 of the first calendar year which begins more than ninety days after the date on which the President receives such certification.

§ 29.3810-1 *Effective date of self-employment tax in Puerto Rico.* Since the Governor of Puerto Rico has certified to the President of the United States that the Legislature of Puerto Rico has, by concurrent resolution, resolved that it desires the extension to Puerto Rico of the provisions of Title II of the Social Security Act, the certificate having been received by the President on September 28, 1950, the effective date specified in section 3810 is January 1, 1951. (See § 29.481-1 (c) (7).)

SEC. 3811. COLLECTION OF TAXES IN PUERTO RICO AND VIRGIN ISLANDS (AS ADDED BY SECTION 208 (B), SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950, AND AMENDED BY SECTION 121 (I), REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Puerto Rico.* Notwithstanding any other provision of law respecting taxation in Puerto Rico, all taxes imposed by chapter 1, and by subchapters A and D of chapter 9, shall be collected under the direction of the Secretary and shall be paid into the Treasury of the United States as internal revenue collections. All provisions of the laws of the United States applicable to the administration, collection, and enforcement of any tax imposed upon the incomes of individuals, estates, and trusts by chapter 1 (including the provisions relating to The Tax Court of the United States), and of any tax imposed by subchapter A or by subchapter D of chapter 9, shall, in respect to such tax, extend to and be applicable in Puerto Rico in the same manner and to the same extent as if Puerto Rico were a State, and as if the term "United States" when used in a geographical sense included Puerto Rico.

(b) *Virgin Islands.* Notwithstanding any other provision of law respecting taxation in the Virgin Islands, all taxes imposed by subchapter E of chapter 1, and by subchapter A of chapter 9, shall be collected under the direction of the Secretary and shall be paid into the Treasury of the United States as internal revenue collections. All provisions of the laws of the United States applicable to the administration, collection, and enforcement of the tax imposed by subchapter E of chapter 1 (including the provisions relating to The Tax Court of the United States), and of any tax imposed by subchapter A of chapter 9, shall, in respect to such tax, extend to and be applicable in the Virgin Islands in the same manner and to the same extent as if the Virgin Islands

were a State, and as if the term "United State" when used in a geographical sense included the Virgin Islands.

(c) *Definition.* As used in this section, the term "tax" includes any penalty with respect to the tax, any addition to the tax, and any additional amount with respect to the tax, provided for by any law of the United States.

SEC. 3812. MITIGATION OF EFFECT OF STATUTE OF LIMITATIONS AND OTHER PROVISIONS IN CASE OF RELATED TAXES UNDER DIFFERENT CHAPTERS (AS ADDED BY SECTION 208 (B), SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

(a) *Self-employment tax and tax on wages.* In the case of the tax imposed by subchapter E of chapter 1 (relating to tax on self-employment income) and the tax imposed by section 1400 of subchapter A of chapter 9 (relating to tax on employees under the Federal Insurance Contributions Act)—

(1) (i) If an amount is erroneously treated as self-employment income, or

(ii) If an amount is erroneously treated as wages, and

(2) If the correction of the error would require an assessment of one such tax and the refund or credit of the other tax, and

(3) If at any time the correction of the error is authorized as to one such tax but is prevented as to the other tax by any law or rule of law (other than section 3761, relating to compromises),

then, if the correction authorized is made, the amount of the assessment, or the amount of the credit or refund, as the case may be, authorized as to the one tax shall be reduced by the amount of the credit or refund, or the amount of the assessment, as the case may be, which would be required with respect to such other tax for the correction of the error if such credit or refund, or such assessment, of such other tax were not prevented by any law or rule of law (other than section 3761, relating to compromises):

(b) *Definitions.* For the purposes of subsection (a) of this section, the terms "self-employment income" and "wages" shall have the same meaning as when used in section 481 (b).

§ 29.3812–1 *Application of section.* Section 3812 may be applied in the correction of a certain type of error involving both the tax on self-employment income and the employee tax under section 1400 if the correction of the error as to one tax is, on the date the correction is authorized, prevented in whole or in part by the operation of any law or rule of law other than section 3761, relating to compromises. Examples of such law are sections 275, 311 (b) and (c), 322 (b) and (d), 1117 (e), 1635, 1636, 3746, and 3772; sections 272 (f) and 322 (c); section 3760; and sections 3770 (a) (2), 3774, and 3775.

If the liability for either tax with respect to which the error was made has been compromised under section 3761, the provisions of section 3812 limiting the correction with respect to the other tax do not apply.

Section 3812 is not applicable if, on the date of the authorization, correction of the effect of the error is permissible as to both taxes without recourse to such section.

If, because an amount of wages (as defined in section 1426 (a)) is erroneously treated as self-employment income (as defined in section 481 (b)), or an amount of self-employment income is erroneously treated as wages, it is necessary in correcting the error to assess the correct tax and give a credit or refund for the amount of the tax erroneously paid, and either, but not both, of such adjustments is prevented by any law or rule of law (other than section 3761), the amount of the assessment or of the credit or refund authorized shall reflect the adjustment which would be made in respect of the other tax (either the tax on self-employment income under section 480 or the employee tax under section 1400) but for the operation of such law or rule of law. For example, assume that during 1951 A paid $10 as tax on an amount erroneously treated as "wages", when such amount was actually self-employment income, and that credit or refund of the $10 is not barred. A should have paid a self-employment tax of $15 on the amount. If the assessment of the correct tax, that is, $15, is barred by the statute of limitations, no credit or refund of the $10 shall be made without offsetting against such $10 the $15, assessment of which is barred. Thus, no credit or refund in respect of the $10 can be made.

As another example, assume that during 1951 a taxpayer reports wages of $3,600 and net earnings from self-employment of $900. By reason of the limitations of section 481 (b) he shows no self-employment income. Assume further that by reason of a final decision by The Tax Court of the United States, further adjustments to his income tax liability are barred. The question of the amount of his wages, as defined in section 1426, was not in issue in the Tax Court litigation, but it is subsequently determined (within the period of limitations applicable under the Federal Insurance Contributions Act) that $700 of the $3,600 reported as wages were not for employment as defined in section 1426 (b), and he is entitled to the allowance of a refund of the $10.50 tax paid on such remuneration under section 1400. The reduction of his wages from $3,600 to $2,900 would result in the determination of $700 self-employment income, the tax on which is $15.75 for the year. The overpayment of $10.50 would be offset under section 3812 by the barred deficiency of $15.75, thus eliminating the refund otherwise allowable. If the facts were changed so that the taxpayer erroneously paid tax on self-employment income of $700, having been taxed on only $2,900 as wages, and within the period of limitations applicable under the Federal Insurance Contributions Act, it is determined that his wages were $3,600, the tax of $10.50 under section 1400, otherwise collectible, would be eliminated by offsetting under section 3812 the barred overpayment of $15.75. The balance of the barred overpayment, $5.25, cannot be credited or refunded.

Another illustration of the operation of this section is the case of a taxpayer who is erroneously taxed on $2,500 as wages, the tax on which is $37.50, and who reports no self-employment income. After the statute of limitations has run on the refund of the tax under the Federal Insurance Contributions Act, it is determined that the amount treated as wages should have been reported as net earnings from self-employment. The taxpayer's self - employment income would then be $2,500 and the tax thereon would be $56.25. Assume that the period of limitations under chapter 1 has not expired, and that a notice of deficiency may properly be issued. Under section 3812, the amount of the deficiency of $56.25 must be reduced by the barred overpayment of $37.50.

§ 29.3812–2 *Law applicable in determination of error.* The question of whether there was an erroneous treatment of self-employment income or of wages is determined under the provisions of law and regulations applicable with respect to the year or other taxable period as to which the error was made. The fact that the error was in pursuance of an interpretation, either judicial or administrative, accorded such provisions of law and regulations at the time of such action is not necessarily determinative of this question. For example, if a later judicial decision authoritatively alters such interpretation so that such action was contrary to such provisions of the law and regulations as later interpreted, the error is within the meaning of section 3812.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[F. R. Doc. 51-7813; Filed, July 5, 1951; 9:02 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

FROZEN FIELD PEAS AND FROZEN BLACK-EYE PEAS

U. S. STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). These standards, if made effective, will be the first issue by the Department of grade standards for these products.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.541 *Frozen field peas and frozen black-eye peas*—(a) *Style.* (1) "Frozen field peas" is the product prepared from

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

the immature seed of the field pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product. "Frozen black-eye peas" is the product prepared from the immature seed of the black-eye pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product.

(2) "Frozen peas" means frozen field peas or frozen black-eye peas.

(3) "Unit" means an individual field pea or black-eye pea in frozen peas.

(b) *Grades of frozen peas.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen peas that possess similar varietal characteristics; that possess a good flavor and odor; that possess a good character; that possess a good typical color; that are practically free from defects; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen peas that possess similar varietal characteristics; that possess a reasonably good flavor and odor; that possess a reasonably good character; that possess a reasonably good typical color; that are reasonably free from defects; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen peas that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen peas may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(3) The score for the factors of color and absence of defects in frozen peas is determined after thawing so that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked for examination with respect to character and for flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "15 to 20 points" means 15, 16, 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen peas that possess a good typical color may be given a score of 15 to 20 points. "Good typical color" means that the frozen peas possess a color that is typical of reasonably young field peas or black-eye peas of similar varietal characteristics, that possess not less than 40 percent, by count, of peas which show at least a tinge of green color, and that there may be present not more than 5 percent, by weight, of field peas or black-eye peas which are of markedly different varietal colors.

(ii) Frozen peas that possess a reasonably good typical color may be given a score of 10 to 14 points. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good typical color" means that the frozen peas possess a color that is typical of fairly young field peas or black-eye peas of similar varietal characteristics and that there may be present not more than 5 percent, by weight, of field peas or black-eye peas which are of markedly different varietal colors.

(iii) Frozen peas that are definitely off color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, broken units, and units blemished by pathological injury, insect injury, or other means.

(*a*) "Extraneous vegetable matter" means hulls or pieces of hulls, unshelled pods or pieces of unshelled pods, leaves, stems, and other similar vegetable matter.

(*b*) "Blemished" means discolored or spotted by pathological injury, insect injury, or other means to such an extent that the appearance or eating quality of the unit is materially affected.

(ii) Frozen peas that are practically free from defects may be given a score of 35 to 40 points. "Practically free from defects" means that for each 16 ounces of units, or per package if less than 16 ounces, there may be present not more than 2 pieces of extraneous vegetable matter and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and broken units does not exceed 2 percent, and the weight of blemished units does not exceed 1 percent of the weight of the frozen peas.

(iii) If the frozen peas are reasonably free from defects, a score of 30 to 34 points may be given. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 16 ounces of units, or per package if less than 16 ounces, there may be present not more than 4 pieces of extraneous vegetable matter and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and broken units does not exceed 5 percent, and the weight of the blemished units does not exceed 3 percent of the weight of the frozen peas.

(iv) Frozen peas that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 29 points and shall not be graded above. Substandard regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) This factor refers to the maturity of the field peas or black-eye peas and the tenderness of the units.

(ii) Frozen peas that possess a good character may be given a score of 35 to 40 points. "Good character" means that the units are tender and in a reasonably young stage of maturity.

(iii) If the field peas or black-eye peas possess a reasonably good character, a score of 30 to 34 points may be given. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units are reasonably tender and in a fairly young stage of maturity.

(iv) Frozen peas that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

(e) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen peas, the grade for such lot will be determined by averaging the total scores of all containers if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total score, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in ef-

fect at the time of the aforesaid certification.

(f) *Score sheet for frozen field peas and frozen black-eye peas.*

Size and kind of container			
Container mark or identification			
Label			
Net weight (ounces)			
Factors	**Score points**		
I. Color	20	(A) 15-20 (B) [1] 10-14 (SStd.)[1] 0-9	
II. Absence of defects	40	(A) 35-40 (B) [1] 30-34 (SStd.)[1] 0-29	
III. Character	40	(A) 35-40 (B) [1] 30-34 (SStd.)[1] 0-29	
Total score	100		
Grade			
Flavor and odor			

[1] Indicates limiting rule.

Issued at Washington, D. C., this 2d day of July 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7814; Filed, July 5, 1951; 9:03 a. m.]

[7 CFR Part 937]

[Docket No. AO-230]

HANDLING OF MILK IN WESTERN MICHIGAN MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Western Michigan marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United Sates Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and the proposed order were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Michigan Milk Producers Association on behalf of the Grand Rapids Milk Producers Association and the Muskegon Milk Producers Association and was held at Coopersville, Michigan, December 4-6, 1950, and at Grand Rapids, Michigan, December 7-12, 1950, pursuant to notice thereof which was issued on November 15, 1950 (15 F. R. 7886).

The material issues of record related to:

(a) Whether the handling of milk in the Western Michigan marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce;

(b) Whether the issuance of a marketing order for the Western Michigan marketing area will tend to effectuate the the declared policy of the act;

(c) The provisions to be included in an order if one is issued. The evidence on this issue involved:

(1) The extent of the marketing area;

(2) The definition of "handler", "pool plant", "producer", "other source milk", and other terms;

(3) The classification of milk and milk products;

(4) The determination and level of class prices;

(5) The method of distributing payments to producers;

(6) Administrative provisions.

Findings and conclusions. Upon the basis of evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(a) The handling of milk produced for the Western Michigan marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products. Substantial interstate movement occurs with respect to milk and the milk products produced therefrom in the supply area for the Western Michigan fluid milk market. The milk supplies for these cities and towns in Western Michigan are procured in an area in which milk distributors operating in larger interstate markets, particularly Detroit, Michigan, and Chicago, Illinois, draw fluid milk and cream for those cities. Producers supplying milk to distributors in this Western Michigan area have their farms intermingled with those of dairy farmers who ship to milk plants which regularly supply Detroit and Chicago.

Also intermingled with the producers who supply this Western Michigan fluid milk market are a large number of producers who are shipping milk to milk plants at which evaporated milk, butter, cheese, sweet cream, and dried milk and skim milk products are manufactured for sale throughout the United States. In fact it is common practice during the season of flush milk production for farmers to deliver directly to manufacturing plants a part or all of their milk approved for fluid consumption.

The flow of milk into the Western Michigan fluid market is affected by the relationship of that market's prices to the prices paid by competing fluid markets and by the manufacturing milk plants. Price relationships which interrupt or interfere with the distribution of milk in this region to the fluid and manufacturing markets in accordance with the relative value of milk for such outlets tend to burden, obstruct, and affect interstate commerce in milk and its products.

The excess milk over and above fluid requirements for the Western Michigan market is normally transferred to plants which manufacture butter, evaporated milk, and nonfat dry milk solids for sale in interstate markets. More than 20 million pounds of milk produced for the Western Michigan fluid market was transferred in 1949 to milk manufacturing plants by the Grand Rapids Milk Producers Association and the Muskegon Milk Producers Association. These two producers associations handled a substantial part of the milk in excess of fluid requirements for the Western Michigan market. The transfers by these associations to milk manufacturing plants for the first nine months of 1950 amounted to 18½ million pounds of milk.

Prices paid for milk by the fluid market, if out of line with prices paid by manufacturing plants, tend to increase or reduce this quantity of milk which is produced under the sanitary requirements of the fluid market but must be utilized in manufactured products. Therefore, the prices paid producers supplying the fluid market must be maintained in reasonable alignment with prices paid to manufacturing producers. It is also necessary to prevent unfair competitive pricing of the fluid milk market's surplus which is transferred to manufacturing plants at a price lower than the price offered by manufacturing plants to their regular producers.

Although the direct sale of milk in interestate commerce for fluid consumption by milk distributors in the Western Michigan market is limited at the present time to supplying the usual interstate passenger carriers, the location of the area is such that milk could be transported readily into Ohio and Indiana if prices in the Western Michigan market drop to unreasonably low levels. On the other hand, producers in Ohio and Indiana are in a position to make their milk available for sale in the Western Michigan market if prices in that area are attractive in comparison to the opportunities for sale in Ohio and Indiana.

(b) Marketing conditions in the Western Michigan area indicate that the issuance of a marketing order, such as that set forth herein, will tend to effectuate the declared policy of the Act with respect to milk produced for the Western Michigan fluid milk market.

Stability of marketing conditions and reasonable certainty of an adequate supply of pure and wholesome milk can be achieved in the Western Michigan marketing area only when all milk handlers in the area have reasonably equal costs of milk according to use and only when farmers supplying the market receive substantially the same prices per hundredweight for milk of equal quality. A condition of unequal costs among handlers causes them to attempt to obtain such equality either by reducing prices to producers which will tend to set up successive price reductions by competitors or it will cause some handlers to reduce the quantity of their purchases of milk in order to obtain proportions of higher valued uses of milk as

nearly equal to competitors' utilization as possible. The latter reaction, however, may result in intermittent shortages of supply for the market and is, for that reason, unsatisfactory. The former method is oppressive to producers and over a longer period may jeopardize an adequate supply of milk. If producers receive widely varying prices for their milk they tend to shift around among milk dealers and to shift in and out of the market. These shifts engender unstable marketing conditions and militate against a dependable supply of pure and wholesome milk.

The record shows that conditions exist in the Western Michigan area which have resulted in the payment of widely varying prices to producers for milk of the same quality, and varying costs to milk distributors for milk for fluid consumption. These conditions must be remedied in order to establish and maintain such orderly marketing conditions as will establish prices to producers for milk delivered to the Western Michigan market that reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and milk products in the marketing area and will insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The unsettled conditions which are disturbing the Western Michigan market result from the opportunity on the part of milk distributors to purchase milk from producers for fluid milk and cream sales within the area at widely varying prices. The price plans under which milk is presently purchased by distributors in the Western Michigan market include:

(1) A plan of payments according to class prices for determining the distributor's cost of milk, accompanied by a base and excess method of distributing payments to producers;

(2) A plan of one price for all milk which the distributor accepts for his fluid business with the understanding that producers will market their own excess milk through their own producer's association, combined with or without the base and excess plan of distributing returns to individual producers; and

(3) Various plans which price the base and excess milk delivered by each producer without regard to the utilization of the milk by the distributor.

The variety of buying plans employed in the market have resulted in purchasing advantages for certain distributors. To the extent that any distributor purchasing milk from producers without regard to its utilization uses more milk for fluid sales than the average used by other distributors, particularly those buying through cooperative associations which blend returns to their producers, that distributor can purchase milk for his fluid sales at about the average of prices paid by other distributors for their combined fluid and manufacturing milk. This results in a lower cost to this distributor of milk for fluid sales. Milk distributors in the area of course are aware of this opportunity. Some have laid off producers who were selling to them on the basis of a fluid price for milk used as fluid, and then have negotiated with other producers for an equivalent or larger quantity of milk at lower prices. The producers who are left without a market, particularly those delivering to the producers associations which guarantee a market for their members, have been forced to market their milk through manufacturing milk outlets thus depressing the average blend paid to members of the producers associations. Since these producers associations represent a large segment of the supply for the entire Western Michigan market, the influence of such lower prices tends to depress the prices received by all other producers in the area.

The plans under which distributors purchase milk from producers at prices based upon utilization are in many cases merely a vehicle for price bargaining since there is no obligation on the part of distributors to provide producers with an accounting for the use made of the milk purchased from them. In many instances producers do not know whether the distributor who paid them for milk at an excess price was utilizing that milk for bottled milk sales. It is evident, however, that payment for milk used for bottled milk sales at the excess or manufacturing milk price is not uncommon. It is possible also for a distributor to buy milk at the excess price and transfer it to another distributor who may use it for bottled milk sales. The distributor who received the transfer of excess milk would then reduce his purchases from producers by an equivalent amount.

(c) The provisions to be included in an order if one is issued should be those contained in the attached recommended order.

(1) *Marketing area.* The marketing area should be defined to include all of the territory within the outer boundaries of the cities of Grand Rapids, Muskegon and Grand Haven and the densely populated areas surrounding these cities. This may be accomplished by defining the marketing area to include all of the territory within the boundaries of 17 townships in Kent County, 12 townships in Muskegon County, 6 townships in Oceana County and 10 townships in Ottawa County.

This area covers one natural milk market in which the distributors whose plants are located in one part of the area deliver fluid milk and cream to consumers in competition with distributors whose plants are located in other parts of the area. The producers supplying the milk distributors in this marketing area are intermingled to such an extent that the supply of milk for any part of this market would be seriously affected by any disparity in prices paid to producers supplying other parts of the market.

The requirements imposed by the health authorities of the principal urban areas within the Western Michigan milk market, Grand Rapids, Muskegon, and Grand Haven are very similar. The health inspection required of producers supplying distributors whose plants are located in the smaller towns and villages are patterned after the Michigan Model Milk Ordinance which is substantially the same as the ordinances now in effect in the three principal cities.

A group of producers requested that the marketing area be limited to Kent County only. The milk produced by these producers would be subject to a marketing order even if it applied to Kent County areas only. However, representatives of producers supplying distributors doing business outside of Kent County requested the inclusion of the larger area so that their milk would be made subject to any order which might be issued. The producers who requested that the marketing area be confined to Kent County claimed that higher sanitation standards prevail with respect to milk produced for consumption in Grand Rapids, the principal urban area in Kent County, than prevailed with respect to milk for other parts of the marketing area. The record fails to support this contention.

No representatives of distributors who would be affected by the proposed regulation offered testimony in opposition to the boundaries of the marketing area as herein provided.

One group of producers testified to the effect that certain parts of the area as it was set forth in the hearing notice should be excluded. These areas represented largely rural territories and the Holland, Michigan market. Distributors doing business in the West Michigan market apparently do not compete to any large extent with the distributors who operate in the Holland area. Producers supplying milk to the Holland area did not request that Holland be included in the marketing area. There appears to be no necessity for including the Holland area or rural areas in the marketing area in order to maintain orderly marketing in the Western Michigan milk market.

(2) *Definition of terms.* A handler should be defined as any person who operates a plant from which fluid milk products are disposed of for fluid consumption directly to consumers in the marketing area, or a plant which supplies an appreciable amount of milk to such a plant. Such a definition is designed to include all persons whom it is necessary to regulate under the order to accomplish the purposes of the act. The definition should include also any cooperative association with respect to that milk for which the cooperative assumes the responsibility for obligations under the order, as in the case of surplus milk diverted for the account of the cooperative.

The term "producer" should be defined in order to identify those dairy farmers who are the producers of the regular supply of fluid milk and cream for the market, and to whom the minimum prices specified in the order should be paid. Determination of producer status should be made on the basis of delivery of milk from the producer's farm to a pool plant. The proposed method of determining which plants are pool plants is discussed later in this decision.

The producer definition should allow a handler occasionally to divert the milk of some producers to nonpool plants if the handler reports the milk as producer receipts at his pool plant. This provi-

sion will facilitate interplant movements of milk for the purpose of adjusting to short-time variations in supply and requirements without depriving the farmers producing the milk of their status as producers.

Dairy farmers who distribute their own production but do not receive any milk from other dairy farmers would not be included in the definition of producer.

The determination of pool plant status is the essential part of the determination of which dairy farmers are to be included in the market-wide pool. Therefore, specific requirements for pool plants are needed to define the supply which is generally regarded as a part of the fluid market.

Since the supply area for the Western Michigan market overlaps the supply areas of other fluid markets and the manufacturing milk production area, the pool plant definition should include a requirement that a substantial portion of the milk received at the plant be disposed of as fluid products in the marketing area. This requirement is intended to provide for including in the pool all of the plants which have significant fluid milk and cream sales in the marketing area. Fluid milk plants which primarily serve markets outside the marketing area but make a few sales inside the area, and plants which are primarily manufacturing milk plants would be excluded. Such plants cannot be regarded as a part of the Western Michigan fluid milk and cream market.

The order proponents suggested a requirement that 10 percent of the receipts from dairy farmers be disposed of in the marketing area directly to consumers. This figure appears to be reasonable and no opposition to it was expressed at the hearing. Therefore, the 10 percent requirement standard should be adopted.

The producer proponents of the order proposed also that a plant operated by a cooperative association be a pool plant without meeting the delivery requirements to pool plants distributing milk in the marketing areas in certain months provided the cooperative association plant had transferred a substantial quantity of milk to the fluid market in previous months. This proposal was designed to maintain the producer status of those dairy farmers whose deliveries are made to a plant auxiliary to the fluid market but which does not distribute milk directly to consumers. The only plant of this type mentioned in the record is operated by a cooperative association. However, the auxiliary type of plant need not be confined to cooperative operation. Therefore, it appears that some provision should be made for the inclusion of any plant which regularly supplies milk for fluid sales to any handler.

Participation in the fluid market can be demonstrated by the shipment of a certain percentage of the plant's receipts of milk to those plants which distribute milk and cream directly to consumers in the marketing area. During some months of the year, that is when the market is already amply supplied, it would not be practical to require the shipment of milk to the marketing area in order to maintain pool plant status. Therefore, such plants should be permitted to maintain pool plant status if they have previously shipped at least 10 percent of their milk receipts to the market as milk in eight of the 12 preceding months. For such auxiliary plants, it should also be required that the producers delivering milk to the plant hold permits issued by one of the health authorities of the principal cities in the marketing area. If such auxiliary plants are required to serve the Western Michigan fluid milk market, it is only logical to assume that they would be needed to serve the larger centers of population. No such plants are contemplated, according to the record, to serve the smaller communities in the marketing area.

Definitions of "producer milk" and "other source milk" are included to distinguish between the regular milk supply for the fluid market which is priced under the order and occasional receipts from other sources. Other source milk may be surplus from another fluid milk market or milk from a plant which is primarily a manufacturing plant. If such other source milk is disposed of as Class I milk in the marketing area, a payment on that quantity at the difference between the manufacturing milk price and the Class I price should be required in order to curb any incentive for handlers to drop regular producer supplies of milk to purchase surplus or manufacturing milk at a price advantage.

The provisions of a base and excess plan of payment requires a definition of "base", "base milk", and "excess milk." Other standard terms are defined for the purpose of facilitating the drafting of subsequent provisions of the order.

(3) *Classification of milk.* Milk should be classified in two classes reflecting the principal differences in the value and in the quality of milk required for different uses. Class I should include all skim and butterfat disposed of for consumption as milk, skim milk or cream for fluid consumption, flavored milk, plant loss of producer milk in excess of 2 percent, and skim milk and butterfat not accounted for in Class II utilization. Class II should include skim milk and butterfat used to produce ice cream or ice cream mix, dried whole milk, nonfat dry milk solids, whole or skimmed, evaporated or condensed milk, sweetened or unsweetened, in bulk or in hermetically sealed cans, butter, cheese (including cottage cheese) or contained in buttermilk, livestock feed, or in milk dumped or in plant loss of producer milk not in excess of 2 percent and all plant loss of other source milk.

It was proposed that skim milk and butterfat in milk, flavored milk, skim milk and buttermilk for fluid consumption and milk not accounted for in other classes be included in Class I. That disposed of as sweet or sour cream for fluid consumption or used in cottage cheese was proposed as Class II and used in manufactured products except butter and nonfat dry milk solids, as Class III. Skim milk and butterfat used in butter, nonfat dry milk solids and livestock feed and in dumped milk and plant loss, limited to 2 percent in the case of producer milk, would make up Class IV.

Representatives of health departments in the major cities of the marketing area testified that milk sold for fluid consumption and that used to produce skim milk, flavored milk, or cream sold for fluid consumption must be produced and handled in compliance with the same sanitation standards. These standards are substantially uniform in all of the cities. The proposal for a separate classification for cream was based on the possibility that some handlers who operate only in portions of the marketing area not subject to city health regulations may sell cream not made from inspected milk. The volume of such sales would be relatively small and would not justify a lower price classification for all cream sold by handlers. The record does not indicate that there are any such sales.

It is concluded that milk disposed of for fluid consumption, or as any product which must be made from milk which meets all sanitary requirements of milk for fluid consumption, should be in Class I. This would include milk used for cream, flavored milk, and skim milk for fluid consumption.

It was proposed to classify milk for manufacturing uses into two classes with milk used to make butter or nonfat dry milk solids priced lower than that used in other products. The reason given for this classification was that it may be necessary to dispose of some milk as butter and skim powder at a lower return than that realized for milk for other manufacturing uses. Testimony indicated, however, that milk not needed for milk or cream for fluid consumption is normally diverted to plants for manufacture into products other than butter or powder.

Almost all of the more than 19.5 million pounds of milk moved to manufacturing plants by one cooperative in the first 10 months of 1950 went to plants manufacturing evaporated milk. No data were submitted to show how much inspected milk is used in the manufacture of butter and powder. There was no indication that an outlet for surplus milk in butter and powder manufacture is available to many handlers. In any event the amount so used appears to be too small to justify a separate classification at a lower price. Most of the excess milk in the market may be disposed of in the manufacture of products proposed to be included in Class II. It is concluded therefore that all skim milk and butterfat used in manufactured dairy products should be classified as Class II. This class also should include skim milk and butterfat in animal feed, dumped milk and plant loss, limited to 2 percent of receipts in the case of producer milk.

Since some handlers combine operations which utilize other source milk in the same plants as those which handle producer milk for the fluid market, it is necessary to provide a method for allocating such other source milk to the classes of utilization. Since producer milk is the milk which is regularly available for fluid consumption in the marketing area, the method of allocation provides that producer milk shall be allocated to Class I to the extent that such use is available.

Producers proposed that plant loss up to 2 percent of producer milk received be

allowed in the lowest price class, any in excess of this amount to be in Class I. With plant operation of average efficiency, losses normally should not exceed 2 percent. Unlimited allocation of plant loss to Class II would place a premium on unaccounted-for milk and encourage incomplete records of Class I utilization. Plant losses of producer milk in excess of 2 percent should, therefore, be included in Class I. It was proposed that the 2 percent allowance be computed on milk deliveries received directly from dairy farms. Such a provision, as well as the standard provisions for prorating loss between producer and other source milk, and allowing for loss on diverted producer milk at the plant where actually received, should be included in the order.

Provision is made for classification of milk transferred between handlers and between handlers and persons not handlers. In the case of transfers between handlers, transfer is permitted in any agreed class in which the transferee plant has utilization in an amount equal to or greater than the amount so transferred, after allocating any other source milk, since under a market-wide pool the classification of milk transferred between handlers may represent any agreed producer milk use without affecting the payment to producers. Both handlers are required to report the transferred milk in the agreed classification, otherwise milk and cream transfers are classified as Class I.

In the case of transfers from a handler plant to a plant not operated by a handler, a requirement that producer milk be allocated to the higher value uses in the transferee plant might make it difficult for handlers to dispose of surplus milk. It is concluded that transfers from a handler plant to a plant not operated by a handler in the form of milk, skim milk or cream should be in Class I, but that such transfers may be classified as Class II, if so shown on the transferor's report, such use is certified by the transferee not later than the last day of the following month, the transferee or another plant to which the product may be moved by the transferee has an equivalent use in Class II and keeps books and records which make it possible for the market administrator to verify such use. An exception is provided in the case of transfers to a plant disposing of Class I milk, in which case transfers are allocated to any excess Class I disposition over milk receipts at the plant from dairy farmers.

(4) *Class prices.* Since the Western Michigan fluid milk market supply is obtained from a region in which large quantities of milk are delivered to plants which manufacture various milk products, it is necessary that the price for the fluid market be closely related to the level of prices being paid at competing manufacturing plants. There are some differences from time to time between the prices paid at plants manufacturing different products. Therefore, the Class I price should be related to that particular manufacturing milk price which represents the best outlet for manufacturing milk at any particular time. The method of accomplishing this has been to relate the Class I price to a series of basic formula prices which represent different kinds of manufacturing milk prices. A differential should be added to the highest of the prices determined by 4 separate alternate price formulas to determine the Class I price for each month.

(i) *Basic formula prices.* Producers proposed 4 alternate basic formulas for use in determining the Class I price. These formulas are based on market prices of butter and powder, butter and cheese, prices paid dairy farmers by 18 midwest dairy manufacturing plants, and prices paid by 3 Michigan dairy manufacturing plants. Three of the four price formulas included in the producer proposal are widely used for determining Class I prices in milk markets under Federal regulation. The use in this order of these price formulas with appropriate differentials added would correlate the Western Michigan Class I price with Class I prices in other markets such a Toledo, Detroit and Chicago. No objection was made to the use of the average of prices paid by certain Michigan manufacturing plants as an alternate basic formula. The plants proposed handle a large amount of the excess milk of the Western Michigan area. It is concluded that the 4 alternate basic formulas proposed are appropriate as measures of the value of milk for manufacturing uses in the Western Michigan area and should be used for this purpose in the order.

Use of the highest formula prices as the basic formula price would base the Class I price on the most favorable manufacturing use for milk in each month. In an area where all important dairy products are manufactured, fluid milk markets must compete for milk with plants making the highest value products. The class I price should therefore be based on the formula representing the highest value of milk for manufacturing.

(ii) *Class I price.* The Class I price should be determined by adding $1.15 to the basic formula price. This added differential should be increased 15 cents when a shortage of producer milk for Class I utilization is indicated by the ratio of receipts of producer milk to Class I utilization in the second preceding two months and decreased by 15 cents when an excess supply of milk is so indicated. An additional 15 cents should be added or subtracted for each additional full five percentage points decrease or increase in the ratio of producer milk receipts to Class I utilization.

Producers proposed a Class I price differential of $1.20 to be added to the basic formula price each month. Although records of milk prices, production and sales for the Western Michigan marketing area as a whole are not complete, satisfactory records are available for the Muskegon portion of the area and experience in this segment of the area is typical of the area as a whole. During the 12-month period ending with September 1949 the "plant requirements" price (which applied to a volume of milk slightly in excess of the amount which would fall in Class I (as defined herein) averaged $1.50 above the manufacturing milk price as represented by the highest of 3 of the 4 proposed basic formulas. During and following this period, the supply of milk in relation to plant requirements increased steadily, indicating that the price reflected to producers by pricing "plant requirements" milk at $1.50 over the manufacturing milk price was at a level which would eventually attract an oversupply of milk. In the following 12-month period, October 1949–September 1950, the "plant requirements" price averaged $1.13 above the manufacturing milk price. During the first few months of this period, milk deliveries remained relatively high in relation to Class I utilization, but later declined to slightly above the level of corresponding months of the previous year and appear to have stabilized at that level. These market records indicate that a "plant requirements" price averaging $1.13 above the price of milk for manufacturing has maintained about the proper supply of milk to meet market needs. A slightly higher price applying to Class I milk would be needed to maintain the blend price to producers at the level resulting from a $1.13 "plant requirements" price.

The milksheds for the Detroit and Western Michigan markets overlap. A location adjustment of 21 cents is deducted from payments to Detroit producers within the Grand Rapids milkshed. This would make the Class I price differential recommended for the Detroit market equivalent to $1.14 at a Detroit receiving plant in the Grand Rapids milkshed. Considering the price level necessary to attract a sufficient supply of approved milk as shown by Muskegon market records, and the desirability of correlating Western Michigan area producer prices with prices paid by competing markets, it is concluded that $1.15 should be added to the basic formula price each month to determine the Class I price.

To aid in insuring an adequate supply of milk and to correlate producer prices with those in the Detroit market, a supply-demand price adjustment is desirable to bring about an automatic price increase when the supply of producer milk is at such a level in relation to Class I utilization that a shortage in the months of seasonally low production is indicated, and a price decrease when the supply may be expected to be substantially above Class I needs in the low production months. These price changes should be made as soon as possible after an oversupply or shortage is indicated, as a lag of a few months may result in increased prices in the spring months of high production as a result of a shortage the previous winter. A minimum lag of 2 months appears necessary, allowing computation in the current month of the market supply-demand relationship in the preceding two months to be applied to the Class I price in the next following month. While no specific proposal for such a price adjustment was made, the desirability of such a provision was brought out in testimony.

A minimum milk supply for the market of 115 percent of Class I utilization is usually considered necessary in any one month to provide adequate milk for Class I uses because of unequal distribution among handlers and daily and weekly variations in receipts and sales. A supply of more than 130 percent of

Class I utilization in the shortest supply month would indicate a supply larger than needed. An upward price adjustment would be indicated if the market supply of producer milk in the shortest supply month might be expected to fall below 115 percent of Class I utilization and a downward adjustment indicated if the supply might be expected to exceed 130 percent of Class I utilization. Monthly data on daily average deliveries per farm indicate a fairly uniform seasonal variation in production each year. The supply-demand ratio for other months which would correspond to the 115 percent-130 percent range in the shortest supply month may therefore be computed by adjusting the midpoint of these ratios by a standard seasonal variation in producer milk deliveries computed as an average of the seasonal variation of the most recent 5 years. A Class I price increase is then indicated at 7.5 percentage points below the ratio and a decrease at 7.5 percentage points above the ratio, as computed for each month, and an additional increase or decrease for each additional full 5 percentage points decrease or increase in the receipts—Class I utilization ratio. This price adjustment may require revision after complete data on the market supply and sales are available.

Records of producer milk receipts in relation to sales and to producer prices indicate that 15 cents for each 5 percentage points is a desirable rate of supply-demand adjustment of the Class I price differential. A differential of $1.50 seems to have been effective in stimulating an increased supply of milk. A ratio of producer milk receipts to Class I utilization indicating a 105–110 percent ratio in the shortest supply month would increase the differential to $1.45 at the recommended rate of adjustment and this price, on the basis of market records, may be expected to stimulate increased milk receipts and relieve the threatened shortage.

To avoid a succession of increases and decreases if the ratio should fluctuate slightly above and below the level at which a price change is affected, it is provided that after a price change occurs a change in the ratio of an additional ½ percentage point is required to bring about a succeeding change in the opposite direction.

(iii) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Western Michigan milkshed. An appropriate price for this use is the higher of the average of the prices paid by 3 local dairy manufacturing plants and a price determined by a formula based on the market prices of butter and skim powder. The average of the prices paid by 3 Michigan dairy manufacturing plants, as recommended for use as an alternate basic formula price, will normally reflect the value of milk in the Western Michigan area which is not used for fluid consumption as milk or cream. The three plants selected are so located that their production areas include most of the Grand Rapids-Muskegon milkshed. They manufacture evaporated milk, dry milk and skim milk, cottage cheese and sweet cream. They are not operated or controlled by persons who will be handlers under the order. Two of these three plants handled over 19 million pounds of surplus milk from the Grand Rapids and Muskegon markets in the first 10 months of 1950, and represent the principal outlet for surplus milk for these markets. Two of these plants also are included in the 18 midwest plants used in determining the basic formula price in most Federal milk marketing orders and recommend for such use herein. Prices paid by the three plants over the last 4 years indicate the average of these prices will provide an appropriate alternate price for Class II milk.

It is possible, however, that due to the limited number of plants which it is practical to use, and the limited area represented, that prices paid by these plants may be lower at times than the market prices of manufactured dairy products would justify. As a safeguard against temporary depressed prices in the local area, an alternate Class II price based on the market prices of butter and nonfat dry milk solids should be provided. A formula used in many milk markets under Federal regulation for pricing milk for manufacturing uses was proposed. This formula determines butterfat values at the average price of 92-score butter at Chicago plus 20 percent, and skim milk values at the average price of spray and roller process nonfat dry milk solids at Chicago area plants less a manufacturing cost allowance of 5.5 cents per pound and converted to skim milk equivalent by use of a yield factor of 8.5 pounds of powder per hundredweight of whole milk. Use of this formula price as an alternate Class II price would insure a price related to values of manufactured dairy products during any periods when the price paid by the particular local plants selected might be abnormally low for any reason.

Comparing the class prices here recommended with those proposed by producers, using October 1950 prices, the proposed Class I at $4.217 and Class II at $3.717, would be combined in Class I at $4.167, and the proposed Class III at $3.124 and Class IV at $2.864 would be combined in Class II at $3.124.

(iv) *Method of pricing.* The classification and allocation of producer milk should be on a skim milk and butterfat basis. Because of the wide variation in the butterfat test of the various products, it is probable that the skim milk from producer milk will frequently be utilized in a different class than the butterfat from the same milk. Classification of skim milk and butterfat separately is necessary to accomplish complete classification according to use. It is also necessary to allocate producer skim milk and butterfat separately in order to give both skim milk and butterfat in producer milk preference over other source milk in the higher value uses. A continuation of the whole milk system of pricing is desirable. Class prices should be expressed as hundredweight prices, and the price for each class should be adjusted to the actual butterfat test of the class by use of the butterfat differentials set forth below.

(v) *Handler butterfat differentials.* The Class I butterfat differential under the pricing method proposed by producers would be equivalent to the lower of 80 percent of the Class I hundredweight price or the percentage represented by the butter portion of the butter-powder formula, in either case divided by 35. Under present conditions, the 80 percent computation would be effective. Milk has not customarily been sold on a utilization basis in the market and the butterfat differential used in paying producers has been the only differential in use. At current price levels the Class I hundredweight price would be about 24 percent above the Class II price. The addition of 2 cents to the producer butterfat differential herein provided would provide a Class I butterfat differential 21 to 25 percent above the Class II butterfat value. This would bring about approximately the same relative differences between the Class I and II butterfat values and the Class I and II skim milk values. A differential so determined would give approximately the same result as the 80 percent computation proposed. It is concluded that the addition of 2 cents to the one-tenth percent producer butterfat differential, which is based on the price of 92-score butter at Chicago, will provide an appropriate Class I butterfat differential.

When the butter-powder formula is effective in setting the Class II price, the butterfat differential for that class should be based on the butterfat value determined by the formula. In the event the 3-plant average pay price is the effective Class II formula, an approximately equivalent butterfat differential may be determined by dividing 80 percent of such price by 35.

(5) *Payments to producers*—(i) *Type of pool.* Market-wide pooling of all proceeds of producer milk was proposed by the producer representatives. Marketing conditions require the payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some distributors buy as closely as possible to their needs and carry little or no surplus in the high production months. A cooperative handles the spring surplus production of its members and supplies several distributors with milk as needed. Some country plants may supply milk for fluid distribution only in the months of low production but maintain an available supply at all times. Producers supplying these various handler plants contribute equally to making available a year-around supply of milk but would receive widely varying returns under an individual handler pool method of payment.

Handlers are required to make payments for all producer milk received at the uniform base price for base milk and the excess price for excess milk, as explained below, either to producers directly or to a cooperative association for milk delivered by member producers. In the case of producers for whom a cooperative acts as marketing agent, payment may be made to the producer or to the cooperative, as agreed between the cooperative and the handler.

(ii) *Base-excess plan.* A "base plan" for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production is provided. Milk is to be paid for on the basis of deliveries during the August–December period.

Base plans have been in use in the Grand Rapids and Muskegon markets for several years, and a proposal was made to incorporate a base plan in the order in substantially the form now in use by the proponents. The effect of the base plan in encouraging more even production is shown by records of daily average deliveries per farm. In the Grand Rapids area deliveries in the highest month of 1942, the earliest year for which data were submitted, were 152 percent of the lowest month and in 1949 deliveries in the month of highest deliveries were only 135 percent of deliveries in the lowest month. Corresponding ratios for the Muskegon market were 172 percent for 1943 and 136 percent for 1949.

Fundamentally, the plan provides that each producer will receive the manufacturing milk price for milk delivered each month in excess of a daily average amount, the producer's "base", which base is the daily average of shipments of the producer for the period of August through December of the previous year, the "base period." For milk deliveries not in excess of base, a "base price" is paid which is computed by dividing total market base milk deliveries into the remaining returns for all producer milk marketed during the month after deducting the value of the milk in excess of base. Each producer's base for the 12 months starting each February 1 is his average daily deliveries during the August 1–December 1 period of the preceding year.

The proponent cooperatives proposed that a new producer entering the market or a producer electing to give up his base, be paid for a certain percentage of his milk during each of the first three full months of delivery at the base price and the remainder at the excess price. These percentages would be fixed for each month at a somewhat lower percentage of base and higher percentage of excess than the normal market average of all producers for the month. The average daily amount of milk paid for as base milk over the three-month period would determine the producer's daily base until a new base is established. The percentages proposed reflect the seasonal production pattern of new producers as determined from market experience. The low spring percentages are necessary if producers are to be given the option of establishing a new base in order to prevent producers having a wide seasonal variation from receiving higher payments than justified by establishing two bases each year. Also producers are not encouraged to enter the market in the months when there is an oversupply of milk. The recommended percentages of milk deliveries to be paid for at the base price, 75 percent for February, 70 percent for March, 60 percent for April and July and 40 percent for May and June, are appropriate for making payments in these months to new producers and to producers who elect to establish new bases. Payments during the base period, however, should be at the market blend price as discussed below. Base should be established on deliveries during the base period at 80 percent of deliveries. This would give old shippers the option of establishing a new base on 100 percent of daily average deliveries in the 5 months of August through December or 80 percent of deliveries in the 3 months of October, November and December.

In the Western Michigan market the months of lowest production in relation to fluid milk sales are normally October, November, December and January. The base period proposed includes August and September which are usually months of more plentiful supply than are January and February, and does not include January. These months appear to have been selected to offset the lag in production responses which require the stimulus to fall and winter production to become effective some months in advance of the period of shortest production in relation to market needs. A base period extending through January and February would tend to result in higher production in the spring months of oversupply. Deliveries of milk in the 5 months of the base period averaged over 89 percent of "plant requirements" in the Grand Rapids area in the last 5 years which indicates the desirability of shifting production to those months. It is concluded that the proposed base forming period should be adopted except that deliveries for only 122 days during the period be required. This would allow a producer starting delivery not later than September 1 to establish a base on 100 percent of deliveries for 4 months, and for limited lapses in delivery during the period by those who ship for 5 months.

Continuation of producer payments on the base and excess plan during the base forming months was proposed. The base-excess plan was proposed as an incentive for more even seasonal production, the objective being to encourage each producer to produce more of his total year supply of milk in the late summer and fall months and less in the spring months. The plan, therefore, should not discourage increased fall production by requiring payment for all or part of higher production at the excess price. It was proposed that a new producer, or an old producer desiring to establish a new base, be paid during the base forming months at the base price for 80 percent of his milk deliveries and at the excess price for 20 percent. However, no penalty should be imposed during these months when the supply of milk is shortest in relation to demand, either on new shippers entering the market or on old shippers who desire to increase the level of their milk deliveries. It is concluded, therefore, that during the base forming months a new shipper, or an old shipper, who relinquishes his base, should be paid the market blend price for all milk delivered during up to 3 of these months, and a base then be established at 80 percent of the average daily deliveries during 3 months. If deliveries are made for 4 or 5 of the base forming months, a new base of 100 percent of such average deliveries would become effective February 1. Only 80 percent of a producer's deliveries are allowed as base when the base is established on three months deliveries. Such deliveries are made at the uniform price. Deliveries of milk for two of the base forming months in the case of old shippers and one or two months in the case of new shippers are made under the previous base or the newly established 80 percent base in establishing a base on 100 percent of his deliveries. These provisions will require reexamination after data are available on the results of their operation to determine the possible restrictive tendencies.

A proposal that bases be reduced by the difference between the average base period deliveries and 90 percent of the previous base was the result of long experience in the market which has shown that such an adjustment eliminates most cases of inequity and dissatisfaction because of reductions in base due to accident, disease, weather, feed quality and other conditions more or less beyond the control of the producer.

A producer may desire to change his level of production and should not be required to receive payment for the higher production at the excess price until the next February 1st. It was proposed that producers be permitted to reestablish a base in line with their normal production level by allowing any producer to relinquish his base and to establish a base as a new producer once during each year. This would make the plan more flexible and would take care of cases of abnormally low production during the base period due to unusual circumstances.

A period of one month is allowed following the end of the base period to computate new bases. Every producer (except those who have been on the market less than 3 months) receives a new base on February 1 computed as the average of daily deliveries during the base forming months, or 80 percent of average daily deliveries in 3 months.

It was proposed that bases in use on the effective date of the order be applicable, subject to the approval of the market Administrator, until the next February 1. However, the record indicates that there are a large number of producers who would have no base. It was proposed that the market administrator collect data on deliveries of these producers for the previous base forming months, or the first 3 months of delivery, and compute bases as if the order had been in effect during the base forming months of the previous year. Aside from the difficulties of collecting the data and making the computations in the brief period allowed, and the probable lack of some necessary records, which make the proposal impractical if not impossible to carry out, the proposal, in effect, would make certain provisions of the order retroactive to periods several months before the order would become effective. The last objection also applies to requiring payments on bases already established previous to the effective date of the order.

It is provided that all milk be paid for at a uniform price until bases have been established by deliveries during the first base period after the order becomes effective. This, of course, would not prevent a cooperative from repooling the returns for milk of its members and making payments on such base and excess plan as it may elect.

Rules have been provided for the handling of bases under certain circumstances. It is provided that any producer who fails to deliver milk to a handler for 45 consecutive days shall lose his base.

(iii) *Producer butterfat differential.* Payments to producers must be adjusted for butterfat content. The proposed butterfat differential, based on the market price of 92-score butter at Chicago is now widely used in the market. This differential (7 cents for 60–65 cent butter, and changing ½ cent with each full 5-cent change in the market price of butter) appears to have resulted in a supply of producer milk of satisfactory butterfat test for the needs of the market. Approximately the same rate of differential is used by manufacturing plants in the area, and its use will maintain the same relative price relationship to manufacturing milk at the various tests. It is therefore recommended as a provision of the order. Order prices are set for 3.5 percent milk as prices have always been announced for milk of this test in the market, and the basic test of 3.5 percent apparently requires a minimum of adjustment to arrive at prices for actual tests of producer milk.

(6) *Administrative provisions* — (i) *Administrative assessments.* The act provides that the costs of administering a milk marketing order shall be financed by assessments on handlers subject to the order. An assessment of 4 cents per hundredweight of milk received from producers was proposed for this purpose. Testimony indicates that a fair apportionment of the administrative costs among handlers may be arrived at by basing the assessment on receipts of producer milk only. Normally, little or no other source milk is received as milk at handler plants. Should the rate of 4 cents per hundredweight prove more than adequate to cover costs of administering the order, it is provided that the Secretary may prescribe a lower rate.

(ii) *Market services.* To verify payments to producers at required rates, it is necessary to determine that butterfat tests and weights are accurate. To promote orderly marketing and encourage the production of an adequate supply of milk of satisfactory quality, it is necessary to furnish information regarding the market to individual producers. The cost of these market services should be paid by the producers who receive the benefits. Cooperative associations may be performing these services for members. It is provided, therefore, that in making payments to producers who are members of cooperatives determined by the Secretary to be performing such services, handlers shall be required to deduct from payments to producers and pay to the cooperative such amounts as are authorized by the members of the cooperative. In the case of producers who are not receiving such services from their cooperative, the service should be performed by the market administrator with funds provided by a deduction from payments to such producers. It is provided, therefore, that a deduction of 5 cents per hundredweight be made from payments to producers not receiving market services from a cooperative of which they are members and paid to the market administrator to be used for performing such services, and that this rate of 5 cents may be lowered by the Secretary if experience proves a lesser amount to be sufficient.

(iii) *Other administrative provisions.* The other provisions cover administrative procedures necessary to carry out the pricing and payment requirements of the order, and for the liquidation of accounts in the event of suspension or termination of the order. Appointment of a market administrator is provided for and his powers and duties are prescribed. The computations to be made by the market administrator in determining class prices, the uniform price and the base price are set forth. A producer-equalization account is provided and the method of determining payments due to and from this account outlined so that each handler's payments to or receipts from this account, together with his payments to producers or cooperatives for milk will equal the value of his producer milk at the class prices. Handlers are required to permit verification by audit of all utilization of milk and milk products. Handlers are required to preserve all necessary records to show receipts, utilization and payments for a period of three years. This is considered long enough to allow for all necessary verification and at the same time not burden handlers with an unreasonable volume of old records. Records involved in any litigation, however, must be retained until released by the market administrator.

The termination of any obligation of a handler regarding any payment required by the order or of the market administrator to pay any handler is provided at the end of the two years. Exceptions in the case of handler obligations are made in cases of notification of the obligation by the market administrator, failure or refusal of a handler to submit records, or transactions involving fraud or willful concealment of facts. A definite date for terminating obligations prevents the filing of claims which might extend back many years and involve substantial amounts. The resulting uncertainty could cause serious inequities and endanger the stability of the market. Handlers cannot always be forewarned as to contingent liabilities and it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. It is concluded that in general a period of two years is a reasonable time in which the market administrator should complete his audits and render billings for money due under the order.

Payments to producers have customarily been made on the 15th of the month following that in which the milk was received. It is considered desirable to continue this practice, as a shorter time is impractical considering the necessary reports and computations to be made. On the other hand, producers should not be required to wait longer than 15 days when payment can be made within that time. Dates specified for announcement of class prices, submission of handler reports, announcement of uniform prices and equalization fund obligations are so set as to permit payments to producers by the 15th of the following month.

(7) *Other provisions.* Other source milk is not subject to the pricing provisions of the order. To discourage the diversion of Class I sales from producer milk to other source milk, which may be obtained at a lower cost to the handler, it is provided that a handler shall pay to the equalization account an amount computed by multiplying any quantity of other source milk allocated to Class I by the difference between the Class I and Class II prices for the month.

Producers are deprived of the use of money rightfully belonging to them if a handler refuses to pay an obligation when due. It is provided therefore that an added charge of one-half percent per month be added to overdue accounts which will compensate producers for being deprived of money due them and also remove the advantage which would accrue to a handler if he could delay payments and have the use of money due to producers at no cost.

To avoid the application of two or more Federal orders to the handling of the same milk, it is provided that if the Secretary determines the handling of any milk to be subject to the pricing and payment provisions of any other Federal milk marketing order, it shall be exempt from all except the reporting and auditing provisions of this order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand, for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producer cooperatives and milk distributors in the area. The briefs contained statements of facts, proposed findings and conclusions, and arguments with respect to the provisions of the proposed order. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent

that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

RECOMMENDED MARKETING AGREEMENT AND ORDER

The following order is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order:

DEFINITIONS

§ 937.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 937.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 937.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 937.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 937.5 *Western Michigan Marketing Area.* "Western Michigan Marketing Area," referred to in this subpart as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the following townships in the State of Michigan:

Kent County:
Ada.
Alpine.
Algoma.
Byron.
Caledonia.
Cannon.
Cascade.
Courtland.
Gaines.
Grand Rapids.
Lowell.
Paris.
Plainfield.
Sparta.
Vergennes.
Walker.
Wyoming.
Muskegon County:
Blue Lake.
Dalton.
Fruitland.
Fruitport.
Laketon.
Montague.
Muskegon.
Muskegon County—Continued
Norton.
Ravenna.
Sullivan.
White River.
Whitehall.
Oceana County:
Claybanks.
Benona.
Golden.
Grant.
Hart.
Shelby.
Ottawa County:
Allendale.
Chester.
Crockery.
Georgetown.
Grand Haven.
Polkton.
Robinson.
Spring Lake.
Talemadge.
Wright.

§ 937.6 *Pool plant.* "Pool plant" means a plant (except a plant receiving milk from dairy farmers whose payments for milk are subject to the provisions of another Federal milk marketing agreement or order) at which milk is received directly from dairy farmers and from which during the month:

(a) An amount of milk equal to 10 percent or more of the total milk received from dairy farmers at such plant is disposed of in the marketing area as Class I products other than to another pool plant; or

(b) An amount of milk equal to 10 percent or more of the total milk received from dairy farmers at such plant was transferred to a plant(s) described in paragraph (a) of this section during 8 of the 12 months immediately preceding the current month: *Provided,* That such milk is approved by the authorized health agencies of Grand Rapids, Grand Haven or Muskegon, Michigan, for sale for fluid consumption in the marketing area.

§ 937.7 *Handler.* "Handler" means any person who operates a pool plant or a plant from which, during the month, products defined as Class I milk are disposed of directly for fluid consumption in the marketing area, and a cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of the association.

§ 937.8 *Producer.* "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, or to any other plant by diversion from a pool plant for the account of a handler.

§ 937.9 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 937.10 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form received at a handler's plant other than from producers or other handlers.

§ 937.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which the Secretary determines:

(a) Is qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members; and

(c) Is engaged in making collective sales or marketing milk or its products for its members.

§ 937.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 937.70.

§ 937.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1952.

§ 937.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

MARKET ADMINISTRATOR

§ 937.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 937.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 937.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 937.85:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 937.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this subpart, and, upon request by the Secretary, surrender, the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 937.30 and 937.31, or (2) payments pursuant to §§ 937.80 and 937.83.

(g) Calculate a base for each producer in accordance with § 937.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to §§ 937.51 and 937.52, and the handler

butterfat differential computed pursuant to § 937.53, and

(2) On or before the 10th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 937.62, 937.63 and 937.64, and the producer butterfat differential computed pursuant to § 937.81.

REPORTS, RECORDS AND FACILITIES

§ 937.30 *Monthly reports of receipts and utilization.* On or before the 5th day of each month, each handler who operates a pool plant shall report to the market administrator, for the preceding month, in the detail and on forms prescribed by the market administrator, the receipts at his pool plant from each of the following sources and the quantities of butterfat and skim milk contained in such receipts; the utilization of such recepits; and such other information with respect to such receipts and utilization as the market administrator may prescribe;

(a) All producer milk received, including diverted producer milk;

(b) All skim milk and butterfat in any form received from each other handler; and

(c) All other source milk received except any non-fluid milk product which is disposed of in the same form as received.

§ 937.31 *Other reports.* (a) Each producer-handler and each handler who does not operate a pool plant shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer, or to a cooperative association; and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 937.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 937.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 937.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant (a) in milk from producers or from a cooperative association, (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 937.30, shall be classified (separately as skim milk and butterfat) in the classes set forth in § 937.41.

§ 937.41 *Classes of utilization.* Subject to the conditions set forth in §§ 937.42 and 937.43 the classes of utilization shall be;

(a) Class I utilization shall be all skim milk and butterfat

(1) Disposed of for consumption in fluid form as milk, skim milk or flavored milk, or sweet cream or sour cream for consumption as cream; and

(2) Not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat accounted for—

(1) As used to produce ice cream, ice cream mix, or cottage cheese, or disposed of as whole or skimmed condensed or evaporated milk (sweetened or unsweetened) in bulk or in hermetically sealed cans, cheese, buttermilk, dried whole milk, nonfat dry milk solids, or butter;

(2) Dumped or disposed of as livestock feed;

(3) As actual shrinkage of skim milk and butterfat in producer milk, but not to exceed 2 percent of such receipts; and

(4) As actual shrinkage in other source milk.

§ 937.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(b) Shrinkage on producer milk shall be computed on that quantity of milk received directly from producers. Shrinkage shall be computed on diverted producer milk at the plant receiving such milk.

§ 937.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to another pool plant in the form of milk, skim milk or cream shall be Class I utilization unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 937.30: *Provided,* That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant of the transferee handler after allocating other source milk in such plant in series beginning with the lowest priced utilization.

(b) Milk moved in the form of whole milk from a pool plant to a plant not a pool plant but disposing of milk for Class I uses shall be allocated to Class I in an amount equal to any disposition of milk for Class I uses from such plant in excess of the amount of milk received at such plant from dairy farmers.

(c) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool to a plant not a pool plant shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the operator of the pool plant in his report submitted pursuant to § 937.30 and a statement certifying to such Class II utilization is received by the market administrator from the operator of the nonpool plant to which skim milk and butterfat was moved not later than the last day of the month following the month of such movement.

(2) The operator of such nonpool plant in the month of such movement had actually used an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another nonpool plant which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of such Class II utilization.

§ 937.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 937.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for each handler.

§ 937.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 937.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from other

handlers in such classes pursuant to § 937.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 937.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 937.46.

MINIMUM PRICES

§ 937.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c) and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the simple average as computed by the market administrator of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter (using the midpoint of any price range as one price) at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the trading days that fall within the month.

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Present Operator and Location

Carnation Milk Co., Sparta, Mich.
Saranac Milk Products Co., Saranac, Mich.
Pet Milk Co., Wayland, Mich.

§ 937.51 *Class I milk price.* (a) Subject to the provisions of paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant as described in § 937.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be the basic formula price plus $1.15.

(b) The market administrator shall compute each month a "utilization ratio" which shall be the percentage that total receipts by all handlers of producer milk during the first and second months next preceding the current month, is of total Class I utilization of all handlers during such two-month period. For each month the Class I price shall be decreased 15 cents if the "utilization ratio" as computed in the next preceding month is 7.5 percentage points or more above the average of the percentages for the corresponding months in the following schedule and the Class I price shall be increased 15 cents if such "utilization ratio" is 7.5 percentage points or more below the average of the percentages for the corresponding months in such schedule. The Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such "utilization ratio" is above or below the percentage for the corresponding month in such schedule: *Provided,* That when the price has been so decreased or increased it shall not next be increased or decreased, respectively, until such percentage is ½ percentage point higher or lower, as the case may be, than the percentage at which such price change would otherwise be made.

Month:	Percentage
January	125.6
February	131.0
March	144.1
April	159.2
May	172.4
June	178.1
July	157.0
August	146.1
September	136.5
October	129.2
November	122.5
December	125.8

(c) The provisions of paragraph (b) of this section shall not apply until the fourth month after this subpart becomes effective.

§ 937.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant as described in § 937.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The price per hundredweight computed by multiplying the average price per pound of butter as described in paragraph (b) (1) of § 937.50 by 1.2 and then by 3.5 and adding the plus value computed pursuant to § 937.50 (b) (2).

(b) The price per hundredweight pursuant to § 937.50 (d).

§ 937.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 937.51 and 937.52 for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent the amounts determined as follows:

(a) *Class I milk.* Add 2 cents to the producer butterfat differential determined pursuant to § 937.81.

(b) *Class II milk.* Multiply the average price of butter as described in § 937.50 (b) (1) by 0.12. *Provided,* That when the Class II price is determined pursuant to § 937.52 (b), the butterfat differential shall be determined by multiplying such price by 0.8, dividing by 35, and rounding off to the nearest one-tenth cent.

§ 937.60 *Computation of value of milk for each handler.* (a) The value of producer milk received during the month by each handler who operates a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 937.53 the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to §§ 937.46 and 937.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 937.46 (e) and § 937.47 by the applicable class prices.

(b) Each handler who has other source milk allocated to Class I pursuant to § 937.46 and § 937.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and Class II prices for the month adjusted by the butterfat differentials provided in § 937.53 to the butterfat test of such other source milk.

§ 937.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to § 937.60 (a) adjusted by any charges or credits pursuant to § 937.90 (a) and (b).

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 937.81 multiplied by 10.

(c) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 937.62 *Uniform price.* For each month the uniform price shall be computed by: (a) Dividing the amount computed pursuant to § 937.61 by the hundredweight of milk received from producers represented by the values included in § 937.61 (a); and (b) subtracting not less than 4 cents or more than 5 cents.

§ 937.63 *Excess milk price.* For each month the excess milk price shall be the price of Class II utilization determined pursuant to § 937.52.

§ 937.64 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 937.70 (b) by the excess milk price for the month.

(b) Multiply the total amount of milk to be paid for at the uniform price by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 937.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 937.70 (b); and

(e) Subtract not less than four cents nor more than five cents. The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 937.6.

§ 937.65 *Notification.* On or before the 10th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month.

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 937.80, 937.83, 937.85, 937.86 and 937.90.

BASE RULES

§ 937.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year after 1950 shall have a base computed by the market administrator to be applicable, subject to paragraph (c) of this section, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period.

(b) After January 31, 1952, a producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established by dividing the amount of milk paid for at the base price during such three months by the number of days in the three months.

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to paragraph (b) of this paragraph once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

(d) From the effective date of the subpart until bases are established pursuant to this section, all milk delivered by producers shall be considered to be base milk.

§ 937.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the bases may be transferred as specified in writing to the market administrator by the joint holders to a person or persons who maintain a dairy herd or herds on the same farm.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

PAYMENT FOR MILK

§ 937.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, the uniform price as provided in § 937.70 (b) or (c), or the base price for base milk and for milk to be paid for at the base price pursuant to § 937.70 (b) and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 937.70 (b), adjusted by the butterfat differential pursuant to § 937.81: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 937.84, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 937.81 *Producer butterfat differential.* In making payments pursuant to § 937.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 937.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 937.82 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 937.83 and out of which he shall make all payments pursuant to § 937.84.

§ 937.83 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) Whose value of milk is required to be computed pursuant to § 937.60 (a) shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 937.80, and

(b) Who is required to make payment pursuant to § 937.60 (b) shall pay such amount to the market administrator.

§ 937.84 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall

pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 937.60 (a) is less than the total minimum amount required to be paid by him pursuant to § 937.80, less any unpaid obligations of such handler to the market administrator pursuant to § 937.83: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 937.85 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 13th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers.

§ 937.86 *Marketing services.* (a) except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 937.80 for milk received from each producer at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, with respect to all such milk received during the month, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 937.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 937.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler,

the market administrator shall notify such handler promptly of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 937.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 937.83, 937.85, 937.86, and 937.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 937.100 *Milk caused to be delivered by cooperative association.* Milk referred to in this subpart as received from producers by a handler shall include milk of producers caused to be delivered to such handlers by a cooperative association.

§ 937.101 *Handler exemption.* A producer-handler and a handler who does not operate a pool plant shall be exempt from all provisions of this subpart except §§ 937.31, 937.32, and 937.33.

§ 937.102 *Exempt milk.* Milk received at the plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act for any fluid milk marketing area shall be exempt from all provisions of this subpart except §§ 937.30, 937.31, 937.32, and 937.33.

TERMINATION OF OBLIGATIONS

§ 937.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or associations, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 937.120 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 937.121 *When suspended or terminated.* The Secretary shall, whenever he finds that this subpart, or any provision of this subpart, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 937.122 *Continuing obligation.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 937.123 *Liquidation.* Under the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed, by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a

liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 937.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 937.131 *Separability of provisions.* If any provision of this subpart, or the application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 2d day of July 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 51-7815; Filed, July 5, 1951; 9:03 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NORTH ADDITIONS TO ANCHORAGE TOWNSITE (GOVERNMENT HILL)

NOTICE OF PREEMPTION SALE

JUNE 26, 1951.

Notice is hereby given that persons who occupied any of the lots listed below at the time of the survey thereof in the field, or their assigns thereafter, and who own and have valuable improvements thereon will be given a preference right to purchase the lots occupied at prices listed below until December 29, 1951.

Claimants must file their applications to purchase lots at the Land Office, Room 39, Federal Building, Anchorage, Alaska. Each application must set forth the basis of the preference right claim. (18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.) Applications must be accompanied by money order or check payable to the Treasurer of the United States for the full purchase price of the lot. Any lot not applied for on or before December 29, 1951, will be subject to disposal at public sale. Patents for lots when issued will contain a reservation of fissionable materials.

Following are the lots subject to preference right filing and the purchase prices for each lot:

NORTH ADDITION NO. 2—U. S. SURVEY NO. 2920 A & B

(Date of survey in the field: Oct. 10, 1950)

Tract 1: Block 1: Lot 1	$400
Tract 2:	
Block 1: Lot 1	400
Block 2: Lot 1	350
Tract 3:	
Block 1: Lot 1	400
Block 2:	
Lot 1	525
Lot 2	450
Lot 3	525
Lot 4	525

NORTH ADDITION NO. 3—U. S. SURVEY NO. 2961 A & B

(Date of survey in the field: Oct. 27, 1949)

Block M: Lots 7-12	$300
Block N:	
Lots 7-9	300
Lots 10-12	350

NORTH ADDITION NO. 4—U. S. SURVEY NO. 3047, A & B

(Date of survey in the field: Oct. 10, 1950)

Block J:	
Lots 1 and 2	$300
Lots 3-5	400
Lots 11 and 12	300
Block K:	
Lots 4-6	300
Lots 7-12	450
Block L: Lots 1-12	300
Block M: Lots 1-6	300
Block N: Lots 1-6	300
Block O:	
Lot 5	100
Lot 6	200
Lots 7-12	400
Block Q:	
Lots 1 and 2	400
Lot 9	350
Lots 10-12	300
Block T:	
Lot 1	100
Lot 2	200
Lots 3-12	300
Block V	100
Block X:	
Lots 7-10	350
Lot 11	300

NORTH ADDITION NO. 5—U. S. SURVEY NO. 3061, A & B

(Date of survey in the field: Oct. 21, 1950)

Block 2: Lots 6-10	$300
Block 3: Lots 1-10	300
Block 4: Lots 1-10	300
Block 5: Lots 1-10	300
Block 6: Lots 6-10	300
Block 7. Lots 1-10	300
Block 8: Lots 1-5	300
Block 9:	
Lots 1 and 2	300
Lots 3-5 and 7	400
Lots 8 and 9	300
Lot 10	400
Block 10: Lots 1-6	300
Block 14:	
Lots 1 and 2	300
Lots 9 and 10	300

LOWELL M. PUCKETT,
Regional Administrotor.

[F. R. Doc. 51-7736; Filed, July 5, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

DIRECTOR OF BUREAU OF CENSUS

DELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS WITH RESPECT TO CENSUS OF GOVERNMENTS

The functions assigned to the Secretary of Commerce by Public Law 767, 81st Congress, an act to provide for the conduct of a periodic census of governments, shall be performed by the Director of the Bureau of the Census.

This notice is effective June 26, 1951.

(R. S. 161; 5 U. S. C. 22; Reorg. Plan No. 5 of 1950; and Pub. Law 767, 81st Cong.)

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-7746; Filed, July 5, 1951; 8:50 a. m.]

ADMINISTRATOR OF NATIONAL PRODUCTION AUTHORITY

DELEGATION OF AUTHORITY WITH RESPECT TO DISTRIBUTION OF COAL CHEMICALS PRODUCED AS BY-PRODUCTS OF COKE MADE FROM COAL

Pursuant to the Defense Production Act of 1950, Executive Orders 10161 and 10200, Defense Production Administration Delegation 1, and Defense Solid Fuels Administration Delegation 1, there are hereby delegated to the Administrator of the National Production Authority all functions delegated to the Secretary of Commerce by Defense Solid Fuels Administration Delegation 1, dated May 2, 1951, with respect to the distribution of coal chemicals produced as by-products of coke made from coal.

The functions herein delegated may be redelegated within the National Production Authority in the discretion of the Administrator.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-7747; Filed, July 5, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1633]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF AMENDMENT TO APPLICATION

JUNE 29, 1951.

Take notice that on May 8, 1951, the Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed an amendment to its application of March 9, 1951, whereby Applicant seeks authorization, pursuant to section 7 of the Natural Gas Act, to acquire and operate certain pipeline facilities hereinafter described.

Applicant seeks to acquire from Transcontinental Gas Pipe Line Corporation certain pipeline facilities located in East Brandywine Township, Chester County, Pennsylvania, which include 170 feet of 8-inch pipeline, together with a metering station and appurtenant facilities. The cost of such facilities, including land and land rights, approximates $14,038.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7721; Filed, July 5, 1951; 8:45 a. m.]

[Docket No. G-1713]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

JUNE 29, 1951.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant) a Delaware Corporation with its principal place of business in Houston, Texas, filed on June 15, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery of natural gas as hereinafter set forth.

Applicant proposes to sell and deliver natural gas to Atlantic Seaboard Corporation and to Manufacturers Light and Heat Company through facilities presently interconnecting the pipeline system of Applicant with that of Atlantic Seaboard at Rockville, Maryland, and at Ellicott City, Maryland, and with that of Manufacturers Light and Heat at a point south of Manufacturers' Eagle Compressor Station in Chester County, Pennsylvania, all of which facilities are more fully described in Docket Nos. G-1621, G-1633, and G-1650. Said sales and deliveries of natural gas will be made under Applicant's rate schedule S-2, now on file with the Federal Power Commission, in presently underterminable quantities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7726; Filed, July 5, 1951; 8:47 a. m.]

[Docket No. G-1716]

AMERE GAS UTILITIES CO.

NOTICE OF APPLICATION

JUNE 28, 1951.

Take notice that Amere Gas Utilities Company (Applicant), a West Virginia corporation with its principal place of business at No. 1033 Quarrier Street, Charleston, West Virginia, filed on June 15, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipeline facilities described as follows:

(1) Approximately 2.0 miles of 3½-inch pipeline, together with the necessary regulating, measuring, and appurtenant equipment, from Applicant's 6-inch line in Slab Fork District, Wyoming County, West Virginia, east to Applicant's present 3-inch main line in the north section of the city of Mullens, West Virginia.

(2) Approximately 16.5 miles of 8⅝-inch loop line extending from the 20-inch line of Atlantic Seaboard Corporation in Pipe Stem District, Mercer County, West Virginia, to the City of Princeton, East River District, West Virginia.

(3) Approximately 15.1 miles of 8⅝-inch pipeline extending from a point near Dameron, Raleigh County, West Virginia, to the 20-inch line of Atlantic Seaboard Corporation at Flat Top, Mercer County, West Virginia.

The proposed construction is to provide additional capacity to meet peak-day requirements during the winter 1951-52, estimated at 16,300 Mcf for the cities of Beckley and Mullens, West Virginia, and estimated at 6,000 Mcf for the cities of Princeton and Athens, West Virginia, and Bluefield Gas Company. In addition, the proposed pipeline from Dameron to Flat Top will permit Applicant during off-peak periods to transport for Atlantic Seaboard Corporation gas produced by Columbian Carbon Company, purchased from Columbian by Atlantic Seaboard, and presently transported for Atlantic from Dameron to Atlantic's 20-inch line in Wyoming County, West Virginia by Godfrey L. Cobot, Inc., under an exchange arrangement.

The estimated cost of the proposed facilities is $802,340. Applicant proposes to finance the construction by the issuance and sale of its securities to its parent corporation, Atlantic Seaboard Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7725; Filed, July 5, 1951; 8:47 a. m.]

[Docket No. G-1718]

SOUTHERN CALIFORNIA GAS CO. AND SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

NOTICE OF APPLICATION

JUNE 29, 1951.

Take notice that on June 18, 1951 Southern California Gas Company, (Southern California) and Southern Counties Gas Company of California (Southern Counties), California corporations each having its principal place of business in Los Angeles, California, filed a joint application for a certificate of public convenience and necessity pursuant to section 7, of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicants propose to increase the capacity of their existing transmission system by 150,000 Mcf. per day in order to transport increased volumes of natural gas to be purchased from the El Paso Natural Gas Company, to and for distribution in southern California, and for such purpose to construct and operate approximately 6.3 miles of 30 inch loop line extending eastward from the Blythe compressor station to the California-Arizona boundary, approximately 81.3 miles of 30 inch loop line between Whitewater and Desert Center, California, and two additional 1760 hp. compressors at the Blythe compressor station.

The cost of the proposed facilities is estimated to be $7,767,525.

Applicants propose to finance this construction initially from funds on hand, and later to cover this investment in part by the sale of bonds and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of July 1951. The application is on file with the Commission for public inspection.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7724; Filed, July 5, 1951; 8:46 a. m.]

[Docket No. G-1719]

GAFFNEY PIPELINE CO.

NOTICE OF APPLICATION

JUNE 29, 1951.

Take notice that on June 18, 1951, the Gaffney Pipeline Company (Applicant), a South Carolina Corporation having its principal place of business in the City of Gaffney, South Carolina, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipe-line facilities hereinafter described.

Applicant seeks authorization to construct and operate a 4½-inch O. D. natural-gas pipeline approximately 1.33 miles in length from Transcontinental Gas Pipe Line Corporation's existing transmission pipeline at a point southeast of Gaffney, extending to a proposed town-border station which Applicant proposes to contruct east of Gaffney where its proposed pipeline will connect with the existing distribution system of South Carolina Gas Company, now serving the City of Gaffney, South Carolina.

The estimated cost of the proposed construction approximates $27,215, which will be financed out of funds on hand, or by an advance from Applicant's parent company, United Cities Utilities Company.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of July 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7722; Filed, July 5, 1951; 8:45 a. m.]

[Docket No. G-1721]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

JUNE 29, 1951.

Take notice that on June 18, 1951, Iowa-Illinois Gas and Electric Company (Applicant), an Illinois corporation having its principal office in Davenport, Iowa, filed an application for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a 10-inch pipeline approximately 41 miles in length, extending from a point on the transmission pipeline of the Natural Gas Pipeline Company of America, in Washington County, Iowa, to a point in Applicant's Iowa City and Cedar Rapids districts in the State of Iowa, should it be ultimately determined that the proposed construction and operation are subject to the Commission's jurisdiction.

The estimated cost of the proposed construction is $1,000,000 which Applicant proposes to finance from funds on hand.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure [18 CFR 1.8 or 1.10] before the 18th day of July 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7723; Filed, July 5, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26224]

MIXED CARLOADS OF MERCHANDISE FROM CHICAGO, ILL., TO GREENVILLE AND ORANGEBURG, S. C.

APPLICATION FOR RELIEF

JULY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 639, pursuant to fourth-section order No. 16101.

Commodities involved: Merchandise, in mixed carloads.

From: Chicago, Ill.

To: Greenville and Orangeburg, S. C.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7738; Filed, July 5, 1951; 8:49 a. m.]

[4th Sec. Application 26225]

BRICK BETWEEN VIRGINIA AND SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JULY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Brick and related articles, carloads.

Territory: From Richlands, Va., to destinations in southern territory, and from points in southern territory to stations in Virginia and North Carolina on the Norfolk and Western Railway.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supp. 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7739; Filed, July 5, 1951; 8:50 a. m.]

[4th Sec. Application 26226]

CITRUS FRUITS FROM NEW ORLEANS, LA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JULY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company for itself and on behalf of other carriers named in the application.

Commodities involved: Mandarines, oranges, tangerines, and satsumas, carloads.

From: New Orleans, La.

To: Points in Illinois, central, and trunkline territories.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7740; Filed, July 5, 1951; 8:50 a. m.]

[4th Sec. Application 26227]

ACETALDEHYDE FROM OKLAHOMA AND TEXAS TO ST. LOUIS, MICH.

APPLICATION FOR RELIEF

JULY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3919 and 3967.

Commodities involved: Acetaldehyde, in tank-carloads.

From: Tallant, Okla., Bishop, Brownsville, Houston, Texas City, and Winnie, Tex.

To: St. Louis, Mich.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 47; D. Q. Marsh's tariff I. C. C. No. 3967, Supp. 4.

Any interest person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7741; Filed, July 5, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-14, 54-159, 54-160, 54-162, 54-164]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

SUPPLEMENTAL ORDER AUTHORIZING DISTRIBUTION OF ESCROWED SUM

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D., 1951.

The Commission on June 13, 1950, having issued its supplemental findings, opinion and order approving, pursuant to section 11 (d) and other applicable provisions of the Public Utility Holding Company Act of 1935, certain proposals submitted by Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), for the retirement of the outstanding debentures of IHES under Part II of his Second Plan for the liquidation and dissolution of IHES, and the Commission having reserved for later determination the demand of Chemical Bank and Trust Company, successor trustee under the trust indenture securing the said debentures of IHES, for the payment of 6% interest on certain deferred partial instalments of interest which became due after the debentures matured; and

The IHES trustee having on June 27, 1950, deposited in escrow with the indenture trustee the sum of $85,017.60, covering the interest, if any, which this Commission and the United States District Court for the District of Massachusetts shall determine to be payable on the deferred partial instalments of interest; and

A public hearing having been held, after appropriate notice, at which further evidence was received relating to the liability of IHES for the payment of interest on overdue interest on the debentures, and briefs having been filed; and

The Berkman Debenture Holders Group having requested the Commission to approve the payment of interest at the rate of 6 percent on the aforesaid amount of $85,017.60; and

The Commission having considered the record and having this day issued its second supplemental findings and opinion, concluding therein that payment to the debenture holders of the sum of $85,017.60 is fair and equitable to the security holders of IHES, and necessary and appropriate for the consummation of Part II of the trustee's plan, and that payment of interest on the said sum of $85,017.60 would not be fair and equitable:

It is ordered, Pursuant to section 11 (d), subject to the approval of the United States District Court for the District of Massachusetts, that the indenture trustee be, and it hereby is, authorized to distribute the escrowed sum of $85,017.60 pro rata to the holders of the debentures as of the time the debentures were retired or exchanged pursuant to the proposals of the IHES trustee; and

It is further ordered, That the request of the Berkman Group of Debenture Holders for an order approving the payment of interest on said sum of $85,017.60 be, and it hereby is, denied.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-7732; Filed, July 5, 1951; 8:49 a. m.]

[Files Nos. 70-2507, 69-71]

PENN FUEL GAS, INC. AND JOHN H. WARE, 3D

ORDER AUTHORIZING CERTAIN ACQUISITIONS AND GRANTING EXEMPTION APPLICATION SUBJECT TO CONDITIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1951.

In the matter of Penn Fuel Gas, Inc. and John H. Ware, 3d. File No. 70-2507; Penn Fuel Gas, Inc., File No. 69-71.

Penn Fuel Gas, Inc. ("Penn Fuel") and John H. Ware, 3d ("Ware"), the owner of all the outstanding common stock of Penn Fuel, having filed a joint application pursuant to section 9 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") in which the applicants request approval of the acquisition by Penn Fuel, from Ware, of all the outstanding securities, consisting of common stock and certain notes and open accounts, of Clearfield Gas & Fuel Company, Hamburg Gas & Fuel Company, Huntington Gas Company, Lock Haven Gas Company, Pen Argyl Gas Company, Renovo Gas & Fuel Company and Shippensburg Gas Company, said joint application also involving various related transactions as herein set forth; and

Penn Fuel having also filed an application pursuant to section 3 (a) (1) of the act for exemption of itself, as a holding company, and its subsidiaries, as such, from the provisions of the act otherwise applicable to them; and

A public hearing having been held upon the joint application of Penn Fuel and Ware to acquire the securities, as aforesaid, at which hearing evidence was taken concerning the proposed and related transactions, including evidence bearing upon the application for exemption, and Penn Fuel having requested that the Commission dispose of its application for exemption at this time, having waived a further hearing thereon and having consented to the entry of an order with respect to such exemption containing certain conditions, as hereinafter set forth; and

The Commission having considered the application of Penn Fuel and Ware to acquire the securities, and the application for exemption of Penn Fuel and its subsidiaries, and having issued its findings and opinion, which are filed herein, setting forth the findings of the Commission with respect to such matters, and having found therein that, subject to the conditions hereinafter set forth, no adverse findings need be made and that the applications should be granted:

It is ordered, That the application of Penn Fuel and Ware, under which Penn Fuel will acquire from Ware the securities of the companies hereinbefore mentioned, and under which certain other transactions will be carried out, be and the same hereby is granted, subject to the following terms and conditions:

(a) No sale or public offering will be made by Penn Fuel, or by any of its subsidiaries, or by Ware, or by Willard M. Ware of the Subordinated Note proposed to be issued to said Willard M. Ware as part of the proposed transactions, or of any other securities of Penn Fuel now outstanding or to be outstanding following such transactions, without a further application to and approval by this Commission;

(b) Penn Fuel will not make any payments, either of principal or interest, on said Subordinated Note, so long as there are outstanding any of the Collateral Trust Bonds of Penn Fuel or Bank Loan Notes to be issued by Penn Fuel, except upon application to and approval by this Commission.

(c) Penn Fuel and its subsidiary companies will not make any payments of salary to Ware, or to Willard M. Ware, except after 30 days' notice to this Commission.

It is further ordered, That the application of Penn Fuel for exemption of itself as a holding company, and its subsidiaries as such, pursuant to section

3 (a) (1) of the act, be and the same hereby is granted, subject to the following terms and conditions:

(1) Penn Fuel and its subsidiaries will not issue any securities, acquire any securities or assets, or engage in any other transactions which would, if Penn Fuel were a registered holding company, require the filing of a declaration or application with this Commission, unless Penn Fuel shall have given 30 days advance notice to this Commission of any such proposed transaction, subject, however, to the right of the Commission to grant a request for acceleration of such notice period in any particular case.

(2) Penn Fuel will, within 60 days of the end of each quarter, except the last quarter of each year, file with the Commission a copy of its quarterly operating statement of income and surplus and its current balance sheet, and will also file, as soon as practicable after the end of each calendar year, a copy of its complete audited financial statements, on a consolidating basis covering income and surplus and its year end balance sheet.

(3) If upon the receipt of any notice of a proposed transaction under condition (1) above, or upon the examination of information submitted under (2) above, or upon action by the Commission on its own motion, the Commission determines at any time that a substantial question exists as to whether the continued exemption of Penn Fuel is in the public interest or the interests of investors or consumers, the Commission may give notice thereof to the Company, whereupon, within five days of receipt of any such notice, Penn Fuel will register as a holding company, and in the event that Penn Fuel proposes to undertake any transaction which has been the subject of a notice under condition (1) above, Penn Fuel will file an appropriate application or declaration for that purpose, and Penn Fuel will not contest the entry of any order terminating such exemption.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7729; Filed, July 5, 1951; 8:48 a. m.]

[File No. 70-2619]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER REGARDING THE ISSUANCE OF SECURITIES BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT HOLDING COMPANIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June A. D. 1951.

In the matter of the Columbia Gas System, Inc., Atlantic Seaboard Corporation, Amere Gas Utilities Company, Virginia Gas Distribution Corporation, Virginia Gas Transmission Corporation; File No. 70-2619.

Columbia Gas System, Inc. ("Columbia"), a registered holding company, its subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, and Amere Gas Utilities Company ("Amere"), Virginia Gas Distribution Corporation ("Distribution"), and Virginia Gas Transmission Corporation ("Transmission"), subsidiaries of Seaboard, having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Seaboard proposes to issue and sell and Columbia proposes to purchase, at par, 122,000 shares of Seaboard's $25 par value common stock. Of the $3,050,000 of proceeds to be realized therefrom, Seaboard will use $1,525,000 to complete its 1951 construction program and will use the balance of $1,525,000 to purchase at par 13,200 shares of Amere's $25 par value common stock and $795,000 principal amount of Amere's 3¼ percent installment promissory notes; $125,000 principal amount of Distribution's 3¼ percent notes; and 11,000 shares of Transmission's $25 par value common stock. The notes to be issued by Amere and Distribution are to be paid in equal annual installments on February 15th of each of the years 1953 to 1977, inclusive. The proceeds of $1,125,000 to be realized by Amere, of $125,000 by Distribution and of $275,000 by Transmission from the sales of said securities to Seaboard will be used to finance their 1951 construction program.

The proposed issue and sale of the common stock and notes of Amere have been approved by the Public Service Commission of West Virginia, and the proposed issue and sale of notes by Distribution and of common stock by Transmission have been approved by the State Corporation Commission of Virginia.

Notice of the filing of the application-declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the applicable statutory standards are satisfied and that there is no basis for adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective, and deeming it further appropriate to grant the request of applicants-declarants that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that this application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7728; Filed, July 5, 1951; 8:47 a. m.]

[File No. 70-2643]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO ACQUISITION OF STOCK OF UNITED GAS CORP. PURSUANT TO RIGHTS OFFERING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1951.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed an application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, with respect to the transactions summarized below, which application, while not admitting the necessity for the filing, requested approval of the transactions proposed under section 12 (f) of the act or such other sections as the Commission may deem applicable.

Bond and Share presently has 2,870,653 (26.95 percent) of the common stock of United Gas Corporation ("United"), held by Bond and Share pursuant to its application to acquire such shares in connection with the reorganization of United's former parent, Electric Power and Light Corporation ("Electric"). In that application, Bond and Share stated that it would "sell, distribute or otherwise dispose of, in such manner as the Commission may permit, all of the common stock of * * * United received by it under the Electric Plan not later than one year (unless such period is extended by the Commission) after the receipt of same by Bond and Share; *Provided, however*, That Bond and Share may, not later than 60 days after entry of an order of the Commission approving the Electric Plan, institute appropriate proceedings before the Commission for relief from its commitment to dispose of such common stock of United and for determination of its rights under the act to hold such common stock of United".

Subsequently, Bond and Share filed an application with the Commission for relief from that commitment and proposing that it be an exempt holding company holding the stock of United, the securities of American & Foreign Power Company, Inc., Ebasco Services, Incorporated, and cash available for investment. Proceedings embracing these proposals are pending before the Commission.

United has filed a separate application setting forth an overall program for financing its construction program (file Card No. 70-2637) which includes the issuance and sale, pursuant to a rights offering, of 1,065,330 shares of its $10 par value common stock. Bond and Share proposes to acquire for cash, from funds on hand, its proportionate interest pursuant to the rights offering, namely, 287,065 shares, and states that it may exercise the over-subscription privilege, if available, to the extent of an additional 287,065 shares of the United common stock.

The application-declaration states that in the event Bond and Share may not retain its present holdings of United (after exhaustion of all available appellate processes) it will dispose of any stock of United acquired under the application herein within the period within which it must dispose of the United stock presently held.

Said application-declaration having been filed on May 25, 1951, an amendment thereto having been filed on June 19, 1951, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission being of the view that the proposed acquisition is subject to the standards of sections 9 and 10 of the act, and that no adverse findings need be made under the standards of section 10 with respect to the proposed acquisition of shares of United common stock by Bond and Share in the light of the commitment to dispose of such shares as contained in the application, and the Commission observing that the order herein shall not be deemed in any wise to affect determination of the question of whether Bond and Share may obtain relief from its commitment to dispose of the shares of United presently held. (File No. 54-127)

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7727; Filed, July 5, 1951; 8:47 a. m.]

[File No. 70-2650]

NARRAGANSETT ELECTRIC CO.

NOTICE OF PROPOSED NOTE ISSUES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Narragansett Electric Company ("Narragansett"), a subsidiary of New England Electric System ("NEES"), a registered holding company. Narragansett has designated section 7 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 9, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 9, 1951, said declaration, as filed or as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Narragansett proposes to issue, from time to time but not later than September 30, 1951, additional unsecured short-term promissory notes in an aggregate principal amount not in excess of $3,400,000 and further proposes that the total maximum principal amount of its unsecured short-term promissory notes outstanding at any one time prior to September 30, 1951 be not in excess of $5,800,000. The proposed notes will mature not later than six months after the respective dates thereof and will bear interest at the prevailing rates for such notes. Narragansett states in its declaration that it believes that such interest rate will not exceed 2½ percent. In the event that the interest rate of any of said notes should exceed 2¾ percent per annum, Narragansett proposes to file an amendment to this declaration setting forth therein the name of the bank or banks to which said notes are proposed to be issued and the terms of said note or notes, including the interest rate, at least five days prior to the execution and delivery thereof and, in this connection, Narragansett requests that, unless the Commission shall not notify it to the contrary within said five-day period, said amendment shall become effective at the end of such period. Narragansett further proposes to issue said unsecured promissory notes to one or more of the following named banks or trust companies:

Industrial Trust Co., Providence, R. I.
The Phenix National Bank of Providence, Providence, R. I.
Providence Union National Bank & Trust Co., Providence, R. I.
Rhode Island Hospital National Bank, Providence, R. I.
Rhode Island Hospital Trust Co., Providence, R. I.
The First National Bank of Boston, Boston, Mass.

Narragansett presently has outstanding $3,850,000 principal amount of unsecured short-term promissory notes. The proceeds to be derived from the proposed issuance of $3,400,000 principal amount of notes will be used by Narragansett to pay $1,450,000 principal amount of the presently outstanding notes due prior to September 30, 1951 and the balance of $1,950,000 will be used to finance construction requirements through September 30, 1951, or to reimburse the treasury because of prior construction expenditures.

The declaration states that Narragansett expects that the proposed note indebtedness will be financed permanently through the issuance of common stock to NEES in the latter part of 1951 and has been advised that NEES expects to have the necessary funds to invest in such common stock from the proceeds of the sale of its system gas properties located in Massachusetts.

Incidental services in connection with the proposed note issues will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. Such cost is estimated in the declaration at not more than $750.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7731; Filed, July 5, 1951; 8:49 a. m.]

[File No. 70-2651]

MISSISSIPPI POWER CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by Mississippi Power Company ("Mississippi Power"), a public utility subsidiary of The Southern Company, a registered holding company. The filing designates sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 9, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 9, 1951, said declaration, as filed, or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to this declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi Power proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 under the act, $4,000,000 principal amount

of its First Mortgage Bonds, __ percent series, due 1981 to be issued under and secured by Mississippi Power's present indenture dated as of September 1, 1941, as heretofore supplemented, and to be supplemented by an indenture to be dated as of August 1, 1951.

The invitations for bids will provide that each bid shall specify the coupon rate for the new bonds, which shall be a multiple of ⅛ percent and the price to be paid the Company, exclusive of accrued interest, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds, plus accrued interest from August 1, 1951.

The proceeds from the sale of the bonds will be utilized in connection with Mississippi Power's construction program which the Company estimates will require expenditures aggregating $16,500,000 during the three year period 1951 through 1953. The Company also estimates that, in order to finance its construction program, it will be necessary to raise about $5,000,000 of additional cash before the end of 1953 through the sale of additional securities of a type not yet determined.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7730; Filed, July 5, 1951; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

NATIONAL CHEESE INSTITUTE, INC.

APPLICATION FOR INVESTIGATION

Upon application of The National Cheese Institute, Inc., Chicago, Illinois, the United States Tariff Commission on the 29th day of June, 1951, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the product described below is, as a result, in whole or in part, of the duty or other customs treatment reflecting the concessions granted on such product under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of product*
Par. 710	Blue-mold cheese (not including Roquefort cheese)

In the event that a public hearing is ordered in this investigation, public notice thereof will be given.

I certify that the above investigation was instituted by the Tariff Commission on the 29th day of June 1951.

[SEAL] DON N. BENT,
Secretary.

[F. R. Doc. 51-7811; Filed, July 5, 1951; 9:02 a. m.]

HARLEY-DAVIDSON MOTOR CO.

APPLICATION FOR INVESTIGATION AND NOTICE OF HEARING

Upon application of the Harley-Davidson Motor Company, Milwaukee, Wisconsin, the United States Tariff Commission on the 29th day of June, 1951, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result, in whole or in part, of the duty or other customs treatment reflecting the concessions granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause cr threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 369 (b)	Motorcycles, finished or unfinished.

Public hearing. The Commission on the 29th day of June 1951, ordered, as a part of the aforesaid investigation, that a public hearing be held on the 1st day of August 1951, at 10:00 a. m., in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., at which hearing all parties interested will be given an opportunity to be present, to produce evidence, and to be heard.

Request to appear. Parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its office in Washington, D. C., in advance of the hearing.

I certify that the above investigation was instituted and public hearing was ordered by the Tariff Commission on the 29th day of June 1951.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 51-7812; Filed, July 5, 1951; 9:02 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17990]

AUGUSTE SERVAY ET AL.

In re: Debt owing to Auguste Servay and others. D-28-13002-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Name and Last Known Address

Auguste Servay, Rothenberger Hof, Near Ruit, Germany.
Elisabeth Wettach, Frankfurt A. Main, Germany.
Lina Kirchner, Schlossplatz 20, Karlsruhe, Germany.
Lina Reinemuth, Finken-Kornstrasse 188, Kreiss Heilbronn, Germany.
Emilie Arny, Pforzheimer Strasse 4, Bauschlott, Germany.
Luise Arny, Hauptstrasse 10, Bauschlott, Germany.
Lisette Dehn, Pforzheimer Strasse 40, Bauschlott, Germany.
Emma Schaab, Im Pruefling 2, Frankfurt A. Main, Germany.
Auguste Schaab, Zaehringer Allee 21, Pforzheim, Germany.
Karl Schaab, Weitefeld A. D. Sieg, Germany.
August Schaab, Hauptstrasse 64, Bauschlott, Germany.
Emil Schaab, Bargen, Near Sinsheim, Germany.
Elsa Ehrler, Leopold Strasse 46, Karlsruhe, Germany.
Emilie Bauer, Erzberger Strasse 39, Karlsruhe, Germany.
Karl Dittus, Lange Strasse 38, Baden-Baden, Germany.
Wilhelm Dittus, Osten Strasse 6, Karlsruhe, Germany.
Wilhelm Schweickert, Hauptstrasse, Bauschlott, Germany.
Marie Schweickert, Hauptstrasse, Bauschlott, Germany.
Karl Lampert, Oelbronner Strasse, Bauschlott, Germany.
Emil Lampert, Hauptstrasse, Bauschlott, Germany.
Wilhelm Lampert, Hauptstrasse, Bauschlott, Germany.
Heinrich Heuser, Mannheim, Germany.
Auguste Sophie Heuser, also known as Mrs. Johann Georg Gember, Tal Strasse 35, Mannheim-Feudenheim, Germany.
Karl Heuser, Tal Strasse 35, Mannheim-Feudenheim, Germany.
Otto Heuser, Near Hanover, Germany.
Artur Walch, Scheunbergerstrasse, Pforzheim, Germany.
Emily Merwarth, also known as Emmy Merwarth, Heidelberg-Rohrbach, Germany.
Karl Schweikert, Heidelberg-Rohrbach, Germany.
Johanna Schertel, Ludwigshafen-Oppau, Germany.
Luise Hofsaess, Germany.
Ernestine Elsaesser, Pforzheimer Strasse 16, Bauschlott, Germany.
Emma Stoesser, Hauptstrasse 8, Bauschlott, Germany.
Carl Ludwig Schweigert, Germany.
Emma Bauman, Germany.
August Fredrich, Germany.
Luise Redinger, Germany.
Anna Fuchs, Germany.
Emily Frievogel, also known as Mrs. Wilhelm Frievogel, Germany.
Hermine Zentner, also known as Mrs. Osker Zentner, Germany.
Ida Klara Schabinger, also known as Mrs. Otto Schabinger, Germany.
Karoline Schwarz, also known as Mrs. Herman Schwarz, Germany.
Christian Weber (father), Germany.
Christan Weber (son), Germany.
Mina Meisenbacher, also known as Mrs. Max Meisenbacher, Germany.
Emil Weber, Germany.
Luise Schweitzer, also known as Mrs. Edmund Schweitzer, Germany.
Caroline Enzel, also known as Mrs. Christian Enzel, Germany.
Auguste Rothfuss, also known as Mrs. Matthew Rothfuss, Germany.
Emma Weber, also known as Mrs. Adolf Weber, Germany.
Emil Ziegler, Germany.
Frederich Ziegler, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Emma Herb, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Luise Ziegler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation evidenced by a check dated April 14, 1951, drawn on The Elliott State Bank, Jacksonville, Illinois, by and payable to Joseph E. Winterbotham, in the amount of $3,200.00, and endorsed payable to the order of Harold I. Baynton, Assistant Attorney General, said check representing distributive shares from the Estate of Emma Swigart, deceased, and presently in the custody of the Attorney General of the United States, in an account entitled "Symbol Account 896-02, Collection Fund, Treasury Department", together with all rights in, to and under, including particularly but not limited to the right to presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, and by the personal representatives, heirs, next of kin, legatees and distributees of Emma Herb, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Luise Ziegler, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Emma Herb, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Luise Ziegler, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7692; Filed, July 3, 1951; 8:57 a. m.]

[Vesting Order 17967]

ALLRIKE KNOOP ET AL.

In re: Funds owned by Allrike Knoop and others. F-28-14778.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allrike Knoop, J. Allmer Knoop, Emilie Elisabeth Knoop, also known as Else Knoop, Johanne Knoop, also known as Johann Knoop, J. Hinrich Knoop and Gertrud Eva Hanna Knoop, each of whose last known address is Rechtenfleth, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", drawn for the payment of tax refunds authorized by the Bureau of Internal Revenue, Washington, D. C., to Ludor F. Knoop (deceased) in the amount of $60.96 as of January 1, 1947, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allrike Knoop, J. Allmer Knoop, Emilie Elisabeth Knoop, also known as Else Knoop, Johanne Knoop, also known as Johann Knoop, J. Hinrich Knoop and Gertrud Eva Hanna Knoop, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7748; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17963]

MARGARETTA BAETKE

In re: Funds owned by and claims of Margaretta Baetke. F-28-31367.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaretta Baetke, whose last known address is Suelzburgerstrasse 263-I, Bei Droege Koeln-Lindenthal, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn for the payment of compensation to Margaretta Baetke, identified by Number 143-142-2 and in the amount of $1,150.14 as of January 1, 1947 together with any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to compensation benefits under the U. S. Employees Compensation Act of September 7, 1916, as amended (Pub. Law 267, 64th Cong., 1st Sess., 39 Stat. 742) to January 1, 1947 of Margaretta Baetke and identified by the Bureau of Employees Compensation, U. S. Department of Labor Reference No. 143-142-2, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7690; Filed, July 3, 1951; 8:56 a. m.]

[Vesting Order 17772]

NATIONALS OF GERMANY

In re: Inventions and disclosures thereof of Nationals of Germany.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each of the inventors whose name and last known address are set forth in Exhibit A, set forth below and made a part hereof, is a resident of Germany, and is a national of a foreign country (Germany);

2. That the disclosures of the inventions identified in Exhibit B, set forth below and made a part hereof, originated in Germany, were received in the United States from Germany, and the owners of said disclosures and inventions, who there is reasonable cause to believe are inventors who are residents of Germany, are nationals of a foreign country (Germany);

3. That the property described as follows: The entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for letters patent for, the inventions shown or described in the disclosures identified in Exhibits A and B, set forth below and made parts hereof,

is property of the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

TC No.	Inventor	Last known address	Invention
3001	Werner Kunzer	44a Bechbettnerstrasse, Regensberg Bavaria, Germany.	Albuminous Spinning Fiber and Method of Its Production.
3002	Konrad Flader	Mühlburgweg, Erfurt-Hochheim, Germany.	Indicia Bearing Members for Calculating Machines.
3004	Johannes Linke and Arnold Schneider.	Residents respectively of Strasse 1, No. 62 Berlin-Tegel, Germany, and Bilber Allee 52, Dusseldorf, Germany.	Embrasure Shutter for Combat Planes.
3005	Georg Meier	217 Wetzendorferstrasse, Nuremberg, Germany.	Change Propelling Pencil.
3006	Hans Ulrich Amlong	28 Sauerlanderstrasse, Posen, Germany.	Method of Increasing the Yield of Plants.
3007	Hugo Schmeisser	5 Philosophenweg, Suhe, Thuringen, Germany.	A Detonating Machine Gun Dummy.
3008	Adolph Meutsch	20 Steenhausenstrasse, Essen, Ger many.	Percussion Drill for Drilling Hard Rock.
3009	Joseph Ebert-Fritz Heinrich	Residing respectively at 5 Eschelbacherstrasse, Montabaur, Germany, and 5 Karlstrasse, Selters, Germany.	A Process for the Impregnation of Wood, Artificial Leather or the Like in Order to Protect Them From Animal Pest-Life, Fungi and Sponges.
3010	Herman Klaus	13 Kaiserstrasse, Berlin, Oberschöne-Weide, Germany.	Disc Brakes.
3011	Albert Pampel	80 Rauchstrasse, Hamburg-Wandsbeck, Germany.	Measuring Devices.
3012	Wilhelm Löbbe	Obraden near Lünen, Wesphalia, Germany.	A Mining Machine for Coal and Other Minerals.
3017	Gustav Fries	107 Bismarkstrasse, Berlin-Charlottenburg, Germany.	Speaking Machines.
3019	Herbert Berg; Paul Ernst; Julius Hierneis; Hans Machemer.	All residing at Berghauser Upper Bavaria, Germany	Method of Working Up High Molecular Polyvynl Chloride.
3020	Alois Detzel	10, Von Hessweg, Hamburg (26), Germany.	Process for the Purification of Heparin Preparations.
	Alexander Lang	23 Hammerberg, Hamburg 26, Germany.	
3021	Johann Heinrich	Bollestrasse 2, Berlin-Tegel, Germany.	Regulating Device.
3022	Walter Hass, Heinrich Strubig, Hans-Werner Paehr and Rolf Colberg. See also disclosures in German.	Klein-Machnow, Berlin, Germany, residing respectively at Telton near Berlin; Berlin Charlottenburg and Berlin-Lichterfelde, Germany.	Cathode Ray Tube Image Amplifier.
3024	Carl Zerbe	34 Klopstockstrasse Hamburg, Germany.	Refining Mineral Oil.
3026	Hermann Klein	17 Blucherstrasse, Varhingen-Rohr, Germany.	Starting Device for Internal Combustion Engines.
3030	Adelbert Stephan	78 Nisbuhrstrasse, Berlin-Charlottenburg, Germany.	Lighting Device for Cinematographic Projectors with Optical Equalization.
	Friedrich Schleich	11 Heubacherstrasse, Schwab, Gmünd, Germany.	Method of Rendering Washable Filter Paper for the Employment as Air and Gas Filter and the Production of Breathing Protectors from the Filter Paper.
	Friedrick Kocks	19 Weinheimer Strasse, Berlin-Schmargendorf, Germany.	Improvements in Plug Mills.
	Max Schaefer	c/o Otto Blankmeister, 10 Marienstrasse, Dresden 1, Germany.	Couplings.
	Paul Miller	c/o Dr. Oskar Arendt, 160 Karfurstendamm, Berlin-Halensee, Germany.	Safety Razors.
	Gustav Ringelhan	6 Augsburger Strasse, Dresden-A 19, Germany.	Lock.
	Otto Bochmann	37 Ringstrasse, Rhemscheid-Lennep, Germany.	Thread Guide Rollers.
	Otto Alfred Becker	201-205 Mainzer Strasse, Saarbruken, Germany.	Visible Index Card Holders.
	Christian Bossert	27 Kronprinzenstrasse, Pforzheim, Germany.	Magazine Pencil with Change Leads.
3031	Willi Fiedler	48 Hafelandstrasse, Berlin, 55, Germany.	Ear Caps.
3032	Heinrich Jungbluth	54 Karlstrasse Offenbach A. M., Germany.	Process of Tanning Chrome Leather.
	Karl Ludwig Lanninger	16 Auf der Insel, Frankfort A. M., Rodelheim, Germany.	Method and Device for Driving in Nails.
3034	(a) Georg Wiggerman	15 Beethovenstrasse, Munchen-Gladbach, Germany.	Warping Machine.
	(b) Georg Wiggerman	do	Do.
	(c) Georg Wiggerman	do	Do.
	Walter Reiners and Stefan Furst.	54 Beethovenstrasse and 162 Viersenerstrasse, Munchen-Gladbach, Germany, respectively.	Yarn Guide.
	Carl Schwarz	7 Hardenbergstrasse, Berlin-Charlottenburg, Germany.	Reaction Contrivance for Shaft Furnaces.
3035	Waldemar Piltz and Johannes Ludecke.	46 Hazelhorster Damm Berlin-Hazelhorst, Germany, and 87 Weserstrasse Berlin-Neukölln, Germany, respectively.	Push Button Setting Device.
3037	Wilhelm Mennerich	3 Seestrasse, Potsdam, Germany	Antenna Amplifier.
3038	Hans Fricke	8 Lahnbergweg, Wetzlar, Germany	Optical System for Measuring Purposes.
	(a) Ludwig Leitz	15 Laufdorferweg, Wetzlar, Germany	Distance Meter.
	(b) Ludwig Leitz	do	Photographic Camera with Built-In Exposure Meter.
3038	Heinrich Broschke and Wilhelm Loh.	18 Helgebachstrasse and 28 Bruhlsbachstrasse, Wetzlar, Germany, respectively.	Indicating Device for Exposure Meters.
3042	Peter Burger	53 Theresienstrasse, Munich, Germany.	Air Flow Governing Means.
	Rudolph Kleeberger	7 Bachstelzenweg, Munich, Germany.	Device for Maintaining Constant Pressure in Conduits of Reservoirs Filled with Liquids or Gases.
3044	Bela Barënyi and Karl Wilfert.	17 Johnstrasse Boblugen and 39 Calwerstrasse, Lindelfingen, Germany, respectively.	Suspension of Axle Aggregates.
	Karl Kollman and Victor Ulrich.	84 Schonbuchstrasse, Stuttgart Germany, 30 Friedrich Eltweinstrasse, Stuttgart, Bad-Cannstatt, Germany.	Device for the Regulation of the Output of Internal Combustion Engines, Especially for Aircraft.

EXHIBIT A—Continued

TO No.	Inventor	Last known address	Invention
3044	Karl Wilfert	39 Calwerstrasse, Lindelfingen, Germany.	Method of and Device for Controlling Change Speed Gears.
	Erwin Hitzelberger	5 Schonbuchstrasse, Rohr, Germany	Collision Guard for Motor Vehicles.
3045	Richard Beck	1 Auf der Bastei, Mainz, Germany	A Process for Driving Out Occlusions of Gases from Surface Layers of Work Pieces.
3022	(d) Werner Hartmann	9 Landhaustrasse, Berlin-Wilmersdorf, Germany.	Process for the Manufacture of Photo-Cathodes and/or Secondary Remission Cathodes.
	(e) Rolf Möller	66 Heimdallstrasse, Klein-Machnow, Germany.	Control System for Braun Tubes.
	(f) Walter Hass	83 Erlenweg, Klein-Machnow, Germany.	Control for Candescent Cathodes.
	(g) Werner Hartmann	9 Landhaustrasse, Berlin-Wilmersdorf, Germany.	Method of Prolonging Life of Photo-Cathodes in Image Splitting Tubes, etc.
	(i) Wolfgang Dillenberger and Kurt Bruckersteinkuhl.	80 Heimdallstrassee, Elein-Machnow, Berlin, Germany, and 6 Kauschstrasse, Berlin Friedenau, Ger., respectively.	Cathode Ray Tube with Magnetic Compensation.
	(j) Rudolf Behne and Walter Buhs.	5 Ansbacherstrasse, Berlin W. 50, Germany; 14 Ahrewerler Strasse, Berlin-Wilmersdorf, Germany.	Accumulation Tube for Separation of Images.
	(k) Rolf Golberg and Fritz Michels.	26 Schwattorstrasse, Berlin-Lichtenfelde, Germany; 98 (b) Schutzallee, Berlin Zehlendorf, Germany.	Pendulum Multiplier.
	(1) Peter Weinheimer	13 Elsheimerstrasse, Frankfort a/main, Germany.	Travelling Gantry Crane.

EXHIBIT B—INVENTION

Transmitter Tube for Television.

Compensation Switch for Television Tubes.

Process for the Elimination of Disturbances in Tubes Capturing Accumulating Images.

[F. R. Doc. 51-7689; Filed, July 3, 1951; 8:56 a. m.]

[Vesting Order 17969]

HANS MUSSEHL

In re: Funds owned by and debt and claim owing to Hans Mussehl. F-28-30556.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Mussehl, whose last known address is Henriettenstr. 77 b/ Sternkopf (24a) Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation evidenced by a check issued by the U. S. Treasury, payable to Hans Mussehl, said check numbered 40595283, dated September 26, 1946, in the amount of $3,036.85 and presently in the custody of the Claims Division, General Accounting Office, Washington, D. C. (Ref. No. 2691368), together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid check,

b. Those funds in the amount of $340.04 as of January 1, 1947, presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," and representing the proceeds of withheld checks drawn for the payment of compensation benefits to Hans Mussehl together with any and all rights to demand, enforce and collect the aforesaid funds, and

c. Any and all rights and claims to benefits under the U. S. Employees Compensation Act of September 7, 1916, as amended (Pub. Law 267, 64th Cong., 1st Sess., 39 Stat. 742), to January 1, 1947, of Hans Mussehl arising in connection with his employment by the Alaska Railroad and identified by Number EX 283311 and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Mussehl, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7749; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17989]

JOHANNE RIETKOETTER

In re: Debts owing to and securities owned by Johanne Rietkoetter, also known as Johanna Rietkoetter. D-66-868.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanne Rietkoetter, also known as Johanna Rietkoetter, whose last known address is 21b Billerbeck 1/ West Osthellen 19, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by a trust certificate of the Seaboard Trust Company, in Dissolution, Hoboken, New Jersey, said certificate numbered 7932, in the face amount of $52.85, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid trust certificate,

b. Those certain debts or other obligations of the Seaboard Trust Company, in Dissolution, Hoboken, New Jersey, representing dividends payable to Johanne Rietkoetter on stock of the said Seaboard Trust Company, evidenced by two outstanding checks in the amount of $2.50 each, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under the aforesaid checks, and

c. Any and all rights, interests and claims in and to and arising out of a voting trust certificate, Numbered VT 6056, for five (5) shares of capital stock of the Seaboard Trust Company, Hoboken, New Jersey, including any and all rights in liquidation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johanne Rietkoetter, also known as Johanna Rietkoetter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7750; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17994]

A. SARASIN & CIE.

In re: Accounts maintained in the name of A. Sarasin & Cie., Basle, Switzerland, and owned by persons whose names are unknown. F-63-2351.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of A. Sarasin & Cie, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) A. Sarasin & Cie., Basle, ordinary account, blocked account, (b) A. Sarasin & Cie., Basle, general ruling No. 6 account, (c) A. Sarasin & Cie., Basle, account provisoire, general ruling No. 6 account, as described by Brown Bros. Harriman & Co., in its OAP-700 report bearing its Serial No. 64. (d) A. Sarasin & Cie., Basle, ordinary account, blocked account, (e) A. Sarasin & Cie., Basle, general ruling No. 6 account; as described by Brown Bros. Harriman & Co., in its OAP-700 report bearing its Serial No. 65.
2. Dominick & Dominick 14 Wall St., New York 5, N. Y.	(a) A. Sarasin & Cie., Basle, consisting of cash, (b) A. Sarasin & Cie., Basle, general ruling No. 6 account, consisting of cash, (c) A. Sarasin & Cie., Basle, account No. 4214, general ruling No. 6 account, consisting of cash; as described by Dominick & Dominick in its OAP-700 report bearing its Serial No. 27. (d) A. Sarasin & Cie., Basle, consisting of stocks (both "payable in dollars" and "not payable in dollars"), (e) A. Sarasin & Cie., Basle, certified account, consisting of stocks; as described by Dominick & Dominick in its OAP-700 report bearing its Serial No. 28.

[F. R. Doc. 51-7751; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17995]

BANCA COMMERCIALE ITALIANA

In re: Accounts maintained in the name of Banca Commerciale Italiana (France), Marseille, France, and owned by persons whose names are unknown. F-38-961.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banca Commerciale Italiana (France) Marseille, France]

Column I Name and address of institution which maintains account	Column II Designation of account
Superintendent of Banks of the State of New York as liquidator of the business and property in New York of Banca Commerciale Italiana, 80 Spring St., New York, N. Y.	Liquidating dividend of 100 percent on 16 advised drafts outstanding, valued at $18,126 as described by the Superintendent of Banks of the State of New York as liquidator of the business and property in New York of Banca Commerciale Italiana on its report on Form OAP-700, bearing its Serial No. 20.

[F. R. Doc. 51-7752; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17998]

DE TWENTSCHE BANK

In re: Accounts maintained in the name of De Twentsche Bank, Rotterdam, Holland, and owned by persons whose names are unknown. F-29-836.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of De Twentsche Bank Rotterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	De Twentsche Bank, Box 1117, Rotterdam, Holland, as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FB 92.

[F. R. Doc. 51-7755; Filed, July 5, 1951; 8:52 a. m.]

[Vesting Order 17996]

ROTTERDAMSCHE BANK N. V.

In re: Accounts maintained in the name of Rotterdamsche Bank N. V., or Rotterdamsche Bankvereeniging N. V., or Rotterdamsche Bankvereeniging, Amsterdam, the Netherlands, and owned by persons whose names are unknown. F-49-702.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and set-offs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Rotterdamsche Bank N. V., or rotterdamsche Bankvereeniging N. V., or Rotterdamsche Bankvereeniging, Amsterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Central Hanover Bank & Trust Co., 70 Broadway, New York 15, N. Y.	(a) Cash on deposit re distribution under plan of reorganization, and (b) Stock; as described by the Central Hanover Bank & Trust Co. in its report on Form OAP-700, bearing its Serial No. 38.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old a/c blocked Holland, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 289; (b) a/c designated clients a/c-Dutch residents a/c (PS 86273), and (c) a/c designated clients a/c-non-residents a/c as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 331.
3. Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	(a) Ordinary blocked account, as described by the Bank of the Manhattan Co. in its report on Form OAP-700, bearing its serial No. 058; (b) Bonds and stocks, as described by the Bank of the Manhattan Co. in its report on form OPA-700, bearing its serial No. 059.
4. Guaranty Trust Co., of New York, 140 Broadway, New York 15, N. Y.	(a) Rotterdamsche Bank N. V., Amsterdam, Holland, (b) Rotterdamsche Bank N. V., special Netherlands Belgium account, Amsterdam, Holland, and (c) Rotterdamsche Bank N. V., special Netherlands-Switzerland account, Amsterdam, Holland; as described by the Guaranty Trust Co. of New York in its report on Form OPA-700, bearing its Serial No. FB 94. (d) Rotterdamsche Bank N. V., blocked a/c tax treaty account (a/c IC 22486), Amsterdam, Holland, consisting of a miscellaneous portfolio of stocks and bonds; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0041; (e) Rotterdamsche Bank N. V., blocked account nontax treaty account (a/c XC 22487), Amsterdam, Holland, consisting of a miscellaneous portfolio of stocks and bonds, reported to be partly of undeterminable value; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0042.
5. Personal Trust, Irving Trust Co., 1 Wall St., New York 15, N. Y.	Blocked Dutch residents account, as described by the Personal Trust Division of the Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 43.
6. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Uncertified account, current account, as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. 0172.
7. Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Deposit account, as described by the Bankers Trust Company in its reportl on form OAP-700, bearing its serial No. BK-5. (b) Miscellaneous stocks and bonds (tax treaty a/d), as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. CU 9; (c) Miscellaneous stocks and bonds (nontax treaty a/c), as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. CU 10.

[F. R. Doc. 51-7753; Filed, July 5, 1951; 8:52 a. m.]

[Vesting Order 17999]

DE TWENTSCHE BANK N. V.

In re: Accounts maintained in the name of De Twentsche Bank N. V., The Hague, Holland, and owned by persons whose names are unknown. F-49-836.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of De Twentsche Bank N. V., The Hague, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a). Custody cash account XC 16709, and (b) miscellaneous portfolio of stocks and bonds a/c XC 16709; as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0037.

[F. R. Doc. 51-7756; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 17997]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and set-offs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I	Column II	Column III
Name and address of institution which maintains account	Designation of account	Property, rights and interests in the account as of Oct. 2, 1950 excluded from this vesting order [1]
Credit Suisse New Agency, 30 Pine St., New York 5, N. Y.	(a) Current account,	From the current account, $2,008,342.56, which, according to the report on Form OAP-700, filed by Credit Suisse New York Agency, bearing its Serial No. 27, represents claims of Hungarian and Bulgarian organizations.
	(b) General ruling No. 6 account,	From the current account, $575, which, according to the report on Form OAP-700, filed by Credit Suisse New York Agency, bearing its Serial No. 27, represents a claim of Mr. Alfred C. Turino.
	(c) Miscellaneous portfolio of stocks and bonds,	From the general ruling No. 6 account, $12,910.83, which, according to the report on Form OAP-700, filed by Credit Suisse New York Agency, bearing its Serial No. 27, is property of persons domiciled in Hungary and Roumania.
	(d) Miscellaneous portfolio of stocks and bonds (general ruling No. 6 account),	From miscellaneous portfolio of stocks and bonds (c), $76,500, European mortgage 7½ percent series B Corp. due 2/1/66, $105, coupons due 7/1/39 off $3,000, Hungarian Discount and Exchange Bank 7 percent 35 year S. F. communal G/Bd. due 7/1/63 and $1,085, coupons due 1/1/40 off $31,000, Hungarian discount & Exchange Bank 7 percent 35 year S. F. Communal G/Bd. due 7/1/63, which, according to the report on form OAP-700, filed by Credit Suisse New York Agency, bearing its Serial No. 27, is property of persons domiciled in Hungary.
	(e) Miscellaneous portfolio of stocks payable in foreign currencies,	From the current account, the following sums, as reported by Credit Suissee New York Agency in license application No. 868834, bearing its Serial No. 11372 AP (Zurich): $61,197.69 representing claims of persons or organizations domiciled in Bulgaria, Hungary and Roumania, $16,351.70 representing a claim of Julius Rosenwald, $305.20 representing a claim of Kurt Wolfgang Blumenthal, $385.05 representing a claim of Mrs. Marianne Boettner and $5,483.30 representing a claim of Paul Schulz.
	(f) Securities payable in dollars, of indeterminable value, and	From the current account, $346.20 and from the general ruling No. 6 account, $1,969.39, which, according to a letter dated Mar. 19, 1951, from Credit Suisse, New York Agency, represents part of the "Non-German" interest in the estate of Emil Tottien, three-tenths (3/10ths) interest in three (3).
	(g) Securities payable in foreign currencies, of indeterminable value; as described by Credit Suisse New York Agency in its report on Form OAP-700, bearing its Serial No. 27.	New York Central R. R. Co. Series A Ref. & Imp. Mtge. 4½ percent bonds, having an aggregate face value of $3,000, bearing the Numbers 62794, 91740, and 92068 and in one (1) Kingdom of Denmark 4½ percent bond of $1,000 face value, numbered M-30013, the remaining seven-tenths (7/10ths) interest having been vested by Vesting Order 17615.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7754; Filed, July 5, 1951; 8:52 a. m.]

[Vesting Order 18000]

DE TWENTSCHE BANK

In re: Accounts maintained in the name of De Twentsche Bank, Amsterdam, Holland, and owned by persons whose names are unknown. F-49-836.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of De Twentsche Bank, Amsterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Miscellaneous portfolio of stocks and bonds a/c XC 2710, as described by Guaranty Trust Co. of New York, in its report on Form OAP-700, bearing its Serial No. CU 0038.

[F. R. Doc. 51-7757; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18001]

INCASSO BANK N. V.

In re: Accounts maintained in the name of Incasso Bank N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-792 (Amsterdam).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Incasso Bank N. V., Amsterdam, the Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
1. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Incasso Bank N. V., Amsterdam, The Netherlands, blocked non-residents a/c (FS 86243), as described by The Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 257.
2. Central Hanover Bank & Trust Co., 70 Broadway, New York, N. Y.	Incasso Bank, N. V., Amsterdam, Holland, as described by the Central Hanover Bank & Trust Co., in its report on Form OAP-700, bearing its Serial No. 5.
3. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account, uncertified account, as described by The National City Bank of New York, in its report on Form OAP-700, bearing its Serial No. 0173.

[F. R. Doc. 51-7758; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18002]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, London, England, and owned by persons whose names are unknown. F-63-2748 (London).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated en-

emy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corp., London, England]

Column I Name and address of institution which maintains account	Column II Designation of account
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) General ruling 6 a/c, (b) special a/c France-Switzerland, (c) special a/c Switzerland, and (d) Special a/c Spain-Switzerland; as described by Swiss Bank Corp., New York Agency in its report on Form OAP-700, bearing its Serial No. 0078.

[F. R. Doc. 51-7759; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18009]

HOLLANDSCHE BANK UNIE N. V.

In re: Accounts maintained in the name of Hollandsche Bank Unie N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1264.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hollandsche Bank Unie N. V., Amsterdam, the Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights, and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
White, Weld & Co., 40 Wall St., New York 5, N. Y.	(a) Cash account, and (b) miscellaneous portfolio of stocks and bonds; as described by White, Weld & Co. in its report on Form OAP-700, bearing its Serial No. 5.	From the cash account the sum of $18,780 which according to Form OAP-700 bearing Serial No. 5 of White, Weld & Co., represents Hungarian and Bulgarian interests.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7761; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18016]

CARL FRIEDERICH DAUBE AND GABRIELE ELFRIEDE DAUBE

In re: Rights of Carl Friederich Daube and Gabriele Elfriede Daube under insurance contract. File No. F-28-31364-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Friederich Daube and Gabriele Elfriede Daube, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 964 392, issued by The Travelers Insurance Company, Hartford, Connecticut, to Carl Friederich Daube, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Travelers Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Carl Friederich Daube or Gabriele Elfriede Daube, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7762; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18022]

ISAO KUROMI

In re: Rights of Isao Kuromi, also known as Isao James Kuromi, under insurance contract. File No. F-39-5557-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isao Kuromi, also known as Isao James Kuromi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Isao Kuromi, also known as Isa James Kuromi, under a contract of insurance evidenced by policy No. 17 314 152, issued by the New York Life Insurance Company, New York, New York, to Isao Kuromi, also known as Isao James Kuromi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Ichie Kuromi, Toshiko Kuromi and Kiyoshi Kuromi, residents of the United States, and those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7763; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18007]

HOLLANDSCHE BANK UNIE N. V.

In re: Accounts maintained in the name of Hollandsche Bank Unie N. V., Amsterdam, the Netherlands, and owned by persons whose names are unknown. F-49-1264.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hollandsche Bank Unie N. V., Amsterdam, the Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, N. Y.	$4,000 Prussia 6/52 A/O 15, as described by Carl M. Loeb, Rhoades & Co., in its report on Form OAP-700, bearing its Serial No. 4.
2. White, Weld & Co., 40 Wall St., New York, N. Y.	Miscellaneous portfolio of stocks and bonds, clients depot Netherlands residents, as described by White, Weld & Co. in its report on Form OAP-700, bearing its Serial No. 6.

[F. R. Doc. 51-7760; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18044]

ALMA SCHMIDT

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Alma Schmidt, deceased. F-28-14158.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Alma Schmidt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by one certificate of beneficial interest for 3,098 units in the Park Shore Liquidation Trust, Trust Number 2050, said certificate of beneficial interest bearing the number 849 and registered in the name of Alma Schmidt, together with any and all accruals to the aforesaid debt or obligation, and any and all rights to demand, enforce and collect the same, and all rights, in, to and under the aforesaid certificate of beneficial interest, including particularly but not limited to the proceeds of final distribution held by the Chicago City Bank and Trust Company, Halsted at 63rd, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Alma Schmidt, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Alma Schmidt, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-7764; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18053]

MARCEL HEYMAN

In re: Accounts maintained in the name of Marcel Heyman, c/o Frederick Mayer, Executor, 111 South La Salle Street, Chicago, Illinois, and owned by persons whose names are unknown. F-27-10880.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Marcel Heyman (deceased), c/o Frederick Mayer, Executor, 111 South La Salle St., Chicago, Ill.]

Column I	Column II	Column III
Name and address of institution which maintains account	Designation of account	Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
First National Bank in Houston, Houston, Tex.	Marcel Heyman (deceased) "special account", as described by the First National Bank in Houston, in its report on Form OAP-700, dated Jan. 11, 1951.	$6,432.00 in the "special account" which, according to the report on Form OAP-700 filed by the First National Bank in Houston, dated Jan. 11, 1951, is the property of Hippolite Bloch, 5 Rue de Turenne, Strasbourg, France.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7769; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18045]

HEDWIG SCHULKE

In re: Stock owned by Hedwig Schulke. F-28-28809-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Schulke, whose last known address is Radeberg by Dresden, Otto Bauer Strasse 6, Saxonia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-one (21) shares of $25.00 par value Class A 7 percent stock of Hearst Consolidated Publications, Inc., Hearst Building, San Francisco 3, California, evidenced by certificates registered in the name of Hedwig Schulke and numbered as follows:

SFO-32291 for 1 share.
SFO-39668 for 2 shares.
SFO-39669 for 1 share.
SFO-44625 for 2 shares.
SFO-79662 for 2 shares.
SFO-80252 for 8 shares.
SFO-77813 for 3 shares.
SFO-82004 for 2 shares.

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7765; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18047]

ELLA TRUNZER

In re: Debts owing to Ella Trunzer. F-28-26665-B-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Trunzer, whose last known address is Mark-Platz 13, Rodach bei Coburg, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ella Trunzer by Harold E. Korn, Standard Building, Fort Wayne 2, Indiana, representing funds received by the aforesaid Harold E. Korn for Ella Trunzer, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Old-First National Bank and Trust Company of Fort Wayne, Indiana, in Dissolution, evidenced by a check dated March 31, 1944, drawn on the Fort Wayne National Bank, Fort Wayne, Indiana, in the amount of $176.93, representing a sixth (final) and interest dividends payment of a claim, Claim Number 25400, proved against the aforesaid bank in dissolution, said check presently in the custody of the Comptroller of the Currency, Division of Insolvent National Banks, Washington 25, D. C., together with all rights in, to and under, including particularly but not limited to the rights to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ella Trunzer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7766; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18058]

FREDRICK AND MARIA BECK

In re: Rights of Fredrick Beck and Maria Beck under insurance contract. File No. F-28-31449-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fredrick Beck and Maria Beck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 26 687, issued by the Lutheran Mutual Life Insurance Company, Waverly, Iowa, to Fredrick Beck, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Lutheran Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Fredrick Beck or Maria Beck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7772; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18049]

NOBORU FRANK TSUDA

In re: Funds owned by and claim of Noboru Frank Tsuda, also known as Noboro Tsuda. D-39-17146.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Noboru Frank Tsuda, also known as Noboro Tsuda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of withheld checks drawn for the payment of Social Security benefits to Noboru Frank Tsuda in the amount of $56.72 as of January 1, 1947, and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935, as amended (Pub. Law 271, 74th Cong., 1st Sess., 49 Stat. 620), to January 1, 1947, of Noboru Frank Tsuda and identified by Federal Security Agency No. 565-18-5254-A, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7767; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18064]

CHARLOTTE HASSLER

In re: Rights of Charlotte Hassler under insurance contract. File No. F-28-31475-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Hassler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 255 387, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Herman R. Koetz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7777; Filed, July 5, 1951; 8:56 a. m.]

[Vesting Order 18050]

UJIGAWA ELECTRIC POWER CO., LTD.

In re: Account owned by Ujigawa Electric Power Company, Ltd., also known as Ujigawa Denki Kabushiki Kaisha. F-39-698.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ujigawa Electric Power Company, Ltd., also known as Ujigawa Denki Kabushiki Kaisha, the last known address of which is Umegaecho, Kitaku, Osaka, Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Ujigawa Electric Power Company, Ltd., also known as Ujigawa Denki Kabushiki Kaisha, in and to a certain sinking fund account, a certain bond redemption account, and a certain coupon deposit account maintained with The National City Bank of New York, 55 Wall Street, New York, New York, entitled "Ujigawa Electric Power Company, Ltd., First Mortgage 7 Percent Sinking Fund Gold Bonds due March 15, 1945", together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ujigawa Electric Power Company, Ltd., also known as Ujigawa Denki Kabushiki Kaisha, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7768; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18055]

AUGUST DETLAF ALLHAUSEN

In re: Estate of August Detlaf Allhausen, deceased. File No. 017-26821.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Altwein, Lieselotte Horstmann, Anneliese Altwein, Mary Altwein, Fritz Neumann and Elizabeth Bauer, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the heirs, next-of-kin, legatees and distributees, names unknown, of August Detlaf Allhausen, deceased, except Ernest Kobisch, a resident of England, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Ernest Kobisch, a resident of England, and each of them, in and to the Estate of August Detlaf Allhausen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of Sullivan County, New York, as depositary, acting under the judicial supervision of the Surrogate's Court, Sullivan County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the heirs, next-of-kin, legatees and distributees, names unknown, of August Detlaf Allhausen, deceased, except Ernest Kobisch, a resident of England, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7770; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18057]

MARGUERITE E. BACHMANN, ET AL.

In re: Rights of Marguerite E. Bachmann, et al. under insurance contracts. Files No. F 28-22306 H-2 and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite E. Bachmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marguerite E. Bachmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 20646663 and 29895811 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Marguerite E. Bachmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Marguerite E. Bachmann or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marguerite E. Bachmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marguerite E. Bachmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7771; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18059]

FRED BREDEHOFT

In re: Rights of Fred Bredehoft under insurance contract. File No. F-28-29085-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Bredehoft, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. M 743 876 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Fred Bredehoft, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7773; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18060]

CARRIE BISHOP

In re: Estate of Carrie Bishop also known as Carrie W. Bishop, C. W. Bishop, Caroline Bishop, deceased. File No. D-28-13016; E. T. sec. 17141.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabetha (Lisette) Hey, nee Juelch, and Johannes Juelch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subpara-

graph 1 hereof, in and to the Estate of Carrie Bishop also known as Carrie W. Bishop, C. W. Bishop and Caroline Bishop, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court, County of Kings, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7774; Filed, July 5, 1951 8:55 a. m.]

[Vesting Order 18062]

DR. LUDWIG BURGANER

In re: Rights of Dr. Ludwig Burganer under insurance contracts. Files No. F-28-31390-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Ludwig Burganer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Dr. Ludwig Burganer under contracts of insurance evidenced by policies No. 3299425 and 4130828, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Ottilia E. Schindler, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7775; Filed, July 5, 1951; 8:56 a. m.]

[Vesting Order 18063]

LAURA DUNCAN AND ROSAMOND BLANCHARD VON COURTEN

In re: Trust under the will of Laura Duncan, deceased, for the benefit of Rosamond Blanchard von Courten. File No. F-28-14835; E. & T. sec. 6948.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Laura Irene Elisabeth Helene von Courten, Selina Bertha Olga Rosamond Annemarie Rommel, Nicholus Theodor Hans Jurgen Rommel, and Candida Eleonore Elisabeth Charlotte Rommel, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Germany are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the trust established under the will of Laura Duncan, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by E. Sohier Welch and Archibald Blanchard as trustees, acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7776; Filed, July 5, 1951; 8:56 a. m.]