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Washington, Tuesday, February 11, 1947

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 559]

**PART 301—DOMESTIC QUARANTINE NOTICES
MEXICAN FRUITFLY**

Introductory Note. The following administrative instructions order the resumption of permit requirements relative to interstate movement of regulated citrus fruits from the area regulated on account of the Mexican fruitfly, which were temporarily suspended by B. E. P. Q. 557, on October 1, 1946. This action increases the regulatory control of interstate shipments of host fruits and is deemed advisable as a precaution against the spread of the Mexican fruitfly due to the recent finding of a small number of adult flies in the regulated area. Permit requirements will remain in effect as long as there is danger of dissemination of this insect through interstate shipments of regulated citrus fruits.

The purpose of this action is to invoke requirements with respect to the movement of citrus fruits from the area regulated by the Mexican fruitfly quarantine, to assist in preventing spread of that insect. The date upon which the resumption of these requirements is necessary depends upon development of insect conditions and cannot be determined in advance. To accomplish the purpose for which they are intended these requirements must be made effective immediately upon determination that they are necessary. Accordingly, compliance with the rule making procedure of section 4 (a) of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 238) is impracticable and contrary to the public interest, and compliance with the publication requirement of section 4 (c) of that act is unnecessary.

§ 301.64-3d *Administrative instructions ordering the resumption of permit requirements for interstate movement of citrus fruits from the regulated area.* The Chief of the Bureau of Entomology and Plant Quarantine, having determined that natural conditions exist with respect to the area regulated by 7 CFR, 1945 Supp., 301.64-2 (Notice of Quarantine

No. 64 on account of the Mexican fruitfly) which make it necessary to resume all permit requirements relative to interstate movement of regulated citrus fruits from the regulated area to prevent dissemination of this insect, hereby invokes all permit requirements for the interstate movement of such fruits from such regulated areas effective 12:01 a. m. February 10, 1947, until due notice of the lifting of such permit requirements shall have been given.

These administrative instructions cancel and supersede B. E. P. Q. 557, effective October 1, 1946. (7 CFR 301.64-3c; 11 F. R. 11810)

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161, 7 CFR, 1945 Supp., § 301.64-3 (a).)

Done at Washington, D. C., this 5th day of February 1947.

[SEAL] P. N. ARMAND,
Chief, Bureau of Entomology
and Plant Quarantine.

[F. R. Doc. 47-1250; Filed, Feb. 10, 1947; 8:52 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

KITCHEN CABINETS

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on February 3, 1947:

§ 222.111 *Kitchen cabinets.* In view of recent developments in the type of kitchen cabinets currently being marketed in volume, the Board has reviewed its previous rulings (1941 Federal Reserve Bulletin, p. 848¹ and 1946 Federal Reserve Bulletin, p. 1240 (11 F. R. 13460)) and has concluded that kitchen cabinets should no longer be considered

¹Not filed with the Division of the Federal Register.

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238) which were carried under "Notices" prior to January 1, 1947 are now presented in a new section entitled "Proposed Rule Making" Relationship, of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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to be "furniture" for purposes of this part. (Sec. 5 (b) 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179, secs. 301 and 302, 55 Stat. 839, 840, 12 U. S. C. and Sup., 95 (a) 50 U. S. C. App. 616, 617, and E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-1220; Filed, Feb. 10, 1947; 8:51 a. m.]

PART 222—CONSUMER CREDIT

SETS AND GROUPS OF ARTICLES

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on February 3, 1947:

§ 222.112 *Sets and groups of articles.* In reply to a recent request for its advice regarding the application of § 222.6 (h) covering "Sets and groups of articles" (11 F. R. 3950) the Board expressed the following views.

(a) In determining whether several items are to be considered a single "article" for purposes of this part, as a "set, group, or assembly" three basic requisites must be considered:

(1) The items must be so related as to constitute a set, group, or assembly;
(2) They must be commonly merchandised as a single unit; and
(3) They must be sold or delivered at substantially the same time.

(b) The first requisite is that the items shall be related. This is principally a matter of function. Examples which would be included are components of a sectional bookcase, dining-room table and extension leaves, lounge chair and matching ottoman, living-room, dining-room, and bedroom suites. On the other hand, a refrigerator and a vacuum cleaner or a radio and a chair clearly would not be deemed sets even if offered in combination. Similarity of design would be a contributing factor, confirming the determination made on functional grounds and helping to decide doubtful cases. But some variation in design would be possible without necessarily excluding the items from being considered to be a set. In many instances, one or both of the items would have appreciably less utility or worth to the purchaser if acquired separately, as for example in the case of a rug-pad and rug but not in the case of a lamp-table and table lamp.

(c) The second requisite is that the items shall be commonly merchandised as a single unit. This requisite refers to the merchandising practices of the particular seller, and practices in the particular trade would be significant in throwing light on the practices of the seller. The essential consideration is how the items are offered to customers. In this connection, such matters as the ways in which the items are advertised, ticketed, and priced would be important. When they are available at a price which is less than the total of the prices for the components if bought separately or when it is only seldom that the seller is willing to sell them separately, there would be a strong indication that the items are to be considered a set. In some cases, the same items will be offered both as sets and for individual purchase, as when a tank type vacuum cleaner and a motor-driven brush type vacuum cleaner are offered separately and also in combination at a reduced price.

(d) The third requisite is self-explanatory.

(e) In order for § 222.6 (h) to be applicable to the items as a set, all three requisites must be present. For example, a sofa and matching lounge chair or bed-

springs and mattress might meet fully the requirement that they be related, but the method of offering might be such that they are separately priced, without reduction when bought in combination, and the customer has a free choice as to whether he will buy one or the other or both. In such cases, the items would not be considered to be a set even though bought at the same time. (Sec. 5 (b) 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179, secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. and sup., 95 (a) 50 U. S. C. App. 616, 617; and E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-1221; Filed, Feb. 10, 1947;
8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Amdt. 01-2]

PART 01—AIRWORTHINESS CERTIFICATES

REPRODUCTION OF CERTIFICATION FORMS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of January 1947.

Certain sections of Part 01 of the Civil Air Regulations specify forms to be used in conjunction with the airworthiness certification of aircraft. Heretofore the regulations have required that such forms be furnished or issued by the Administrator of Civil Aeronautics. The amendment hereinafter set forth permits the reproduction of certain of the forms.

It appearing that the amendment of the Civil Air Regulations to allow the manufacturer to reproduce certain forms prescribed by the Administrator of Civil Aeronautics is a relaxation of the regulation, and it is in the public interest to adopt the amendment without delay;

The Civil Aeronautics Board finds that the notice and public procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary with respect to the amendment of the Civil Air Regulations hereinafter set forth, and that good cause exists to make this amendment effective immediately.

Now, therefore: Effective January 31, 1947, Part 01 of the Civil Air Regulations is amended as follows:

1. By deleting from § 01.10 *Application*, the words "and furnished."
2. By deleting from § 01.11 *Requirements for issuance*, the words "and furnished."
3. By deleting from § 01.12 *Aircraft operation record requirements*, the words "and issued."
4. By deleting from § 01.25 *Periodic inspection*, the words "and furnished."

(52 Stat. 984, 1007, 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1274; Filed, Feb. 10, 1947;
8:54 a. m.]

[Regs., Amdt. 02-1]

PART 02—TYPE AND PRODUCTION
CERTIFICATES

REPRODUCTION OF CERTIFICATION FORMS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of January 1947.

Section 02.34 *Statement of conformity*, of the Civil Air Regulations specifies a form to be used in conjunction with the preparation of statements of conformity. Heretofore it was required that the form be furnished by the Administrator of Civil Aeronautics. The amendment hereinafter set forth permits the reproduction of the form.

It appearing that the amendment of the Civil Air Regulations to allow the manufacturer to reproduce the form for Statement of Conformity is a relaxation of the regulation, and it is in the public interest to adopt the amendment without delay.

The Civil Aeronautics Board finds that the notice and public procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary with respect to the amendment of the Civil Air Regulations hereinafter set forth, and that good cause exists to make this amendment effective immediately.

Now, therefore: Effective January 31, 1947, § 02.34 of the Civil Air Regulations is amended by deleting the words "and furnished."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1275; Filed, Feb. 10, 1947;
8:54 a. m.]

[Regs., Amdt. 44-1]

PART 44—FOREIGN AIR CARRIER
REGULATIONSFOREIGN AIR CARRIER AIRCRAFT AIR-
WORTHINESS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of January 1947.

It appearing that foreign governments may and do certificate aircraft which have been manufactured in the United States at weights in excess of the maximum weights for which the aircraft are certificated by the United States, and that such aircraft are operating in air carrier service into the United States while carrying these excess weights;

The Civil Aeronautics Board finds that the operation of foreign air carrier aircraft in the United States carrying such excess weights constitutes a hazard to public safety, that the Civil Air Regulations governing the operation of foreign air carrier aircraft into the United States should be amended immediately to prohibit such operations, and that compliance with the public notice and procedures required by paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is unnecessary.

Now, therefore: Effective March 1, 1947, § 44.3 of the Civil Air Regulations is amended to read as follows:

§ 44.3 *Aircraft airworthiness.* Each air carrier aircraft shall be possessed of a currently effective certificate of airworthiness issued by the country whose nationality it possesses. The air carrier shall not operate any airplane within the United States at weights in excess of the maximum weights authorized by the country of origin of the airplane model involved. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1273; Filed, Feb. 10, 1947;
8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-36-A]

PART 51—CANNED VEGETABLES: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PEAS

In the matter of fixing and establishing definitions and standards of identity for canned peas.

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on October 1, 1946 (11 F. R. 11383) and upon consideration of exceptions filed to the proposed order issued by the Federal Security Administrator on December 23, 1946 (11 F. R. 14717) the following order is hereby promulgated:

Findings of fact. 1. By order dated November 25, 1942 and published in the FEDERAL REGISTER on December 1, 1942 (7 F. R. 9918) the definition and standard of identity for canned peas was amended to provide for the use of small amounts of certain alkaline substances as optional ingredients. These substances are used to render the peas slightly alkaline during and after the canning process and to furnish a reserve of alkali in the peas when canned. Under these conditions the conversion of chlorophyll to pheophytin is retarded and the green color of fresh peas is largely retained without injuring the peas.

2. Recently it has been shown that in addition to the alkaline substances now recognized as optional ingredients the following substances can be used in small quantities with essentially the same results: sodium hydroxide, sodium bicarbonate, magnesium oxide, magnesium carbonate. Inclusion of these substances as optional ingredients in the definition and standard of identity of canned peas will permit a wider use of canning methods designed to retain the green color of fresh peas.

3. In order to prevent the addition of unduly large quantities of these alkaline substances with the likelihood of injury to the peas, a limit as to the amounts

which may be used is necessary. The limit now prescribed, namely, that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration, is likewise a reasonable limit as to the quantities of the alkaline substances named in finding 2.

4. The alkaline substances named in finding 2 are suitable only for use with succulent peas.

5. When alkaline substances are added as optional ingredients to canned peas consumers are concerned to know of that fact and should be so informed. A label statement in one of the following forms will reasonably inform consumers of their presence: "Traces of _____ added," the blank to be filled in with the names of the alkalis used; or "Traces of alkalis added."

Conclusion. On the basis of the foregoing findings of fact it is concluded that the following amendments to the regulation fixing and establishing a definition and standard of identity for canned peas (21 CFR, Cum. Supp., 51.0) will promote honesty and fair dealing in the interest of consumers and said regulation is hereby amended by striking paragraph (c) (7) of § 51.0 *Identity; label statement of optional ingredients*, and inserting in place thereof:

(7) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide or magnesium carbonate or any mixture or combination of them in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

and by striking paragraph (f) (6) and inserting in place thereof:

(6) If one or more of the optional ingredients named in paragraph (c) (7) of this section is used the label shall bear the statement "Trace of _____ added" the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of alkalis added"

The amendments hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

Dated: February 6, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47-1248; Filed, Feb. 10, 1947;
8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter F—Organization and Procedures

PART 600—ORGANIZATION

PART 601—PROCEDURE

1. Section 600.57 (c) (11 F. R. 177A-34) is amended by substituting for the last two sentences of the first paragraph thereof matter as follows:

§ 600.57 *Field organization of the Office of the Chief Counsel.* * * *

(c) *Penal Division.* * * * Region 2 covers the sixth and seventh Judicial Circuits, and the States of Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Missouri, Oklahoma, Kansas and Arkansas, with the regional office located in Chicago. Region 3 covers the ninth Judicial Circuit, and the States of Wyoming, Colorado, New Mexico, and Utah, with the regional office located in San Francisco.

2. Section 601.1 (d) (4) (11 F. R. 177A-36) is amended as follows:

(A) By inserting immediately preceding the final sentence thereof matter as follows:

§ 601.1 *General procedure.* * * *

(d) *Disputed liability.* * * *

(4) *Conferences.* * * * Such Conference and Practice Requirements read as follows:

CONFERENCE AND PRACTICE REQUIREMENTS,
BUREAU OF INTERNAL REVENUE; REVISED
FEBRUARY 1942

QUALIFICATIONS FOR CONFERENCE

I. Conferences may be accorded only to taxpayers or their duly authorized representatives. Any individual taxpayer may appear on his own behalf or in behalf of a member of his immediate family if such appearance is without compensation; and a member of a partnership, executor or administrator of an estate, trustee of a trust, officer of a corporation, receiver, or guardian, or a fully authorized regular employee of an individual, partnership, estate, trust, or corporation may appear for himself or for such individual, partnership, estate, trust, corporation, receivership, or guardianship, solely upon adequate identification. This rule also applies to an individual, a partnership, an estate or trust, or a corporation with respect to the liability of the individual, partnership, estate or trust, or corporation as a transferee of property of a taxpayer and to a fiduciary with respect to the liability of the fiduciary under section 3467 of the Revised Statutes, as amended (U. S. C., Title 31, section 192). In cases where the appearance is on behalf of a member of the individual's immediate family, as above authorized, appropriate requirements, herein provided, respecting the filing of powers of attorney, will not be waived. All other persons appearing as attorneys or agents, including attorneys or agents of transferees or fiduciaries, must exhibit evidence that the requirements of Department Circular No. 230 (revised), which contains the statutes and regulations governing practice before the Treasury Department, have been complied with and must also conform with the following requirements:

POWER OF ATTORNEY TO BE FILED AND EVIDENCE OF ENROLLMENT TO BE SUBMITTED BEFORE RECOGNITION IS ACCORDED

II. No attorney or agent representing a claimant or other person before any of the offices of the Bureau of Internal Revenue shall appear or be recognized in any case, matter, claim, or other proceeding or business pending in such office unless the attorney or agent representing the claimant presents and files a power of attorney, or a certified copy thereof, from his principal in proper form authorizing him to prosecute the case, claim, or matter in question. Such power of attorney shall always be filed, and evidence of enrollment submitted before such attorney or agent is recognized. In the event, however, that an attorney or agent presents himself for conference who is not familiar

with this requirement, or who can show that he has not had reasonable opportunity to obtain a power of attorney from his client, or who has not applied for enrollment, but is able to produce such evidence as will reasonably convince the Bureau's representative that he has authority to represent the taxpayer, such attorney or agent may be heard with the understanding that a power of attorney in proper form and evidence of enrollment will be promptly forwarded to the Bureau, and that until such power of attorney and evidence of enrollment shall have been filed information will not be disclosed to such attorney or agent relative to the Bureau's attitude in respect of the issues raised or to any other matter relating to the taxpayer's case.

POWER OF ATTORNEY TO BE FILED PRIOR TO FINAL DETERMINATION OF TAX LIABILITY

III. No power of attorney will be accepted which is filed after final determination of the tax liability, unless the power of attorney recites that the principal is cognizant of such settlement and of the amount of deficiency or overassessment determined. (See also title "Checks in payment of refunds," paragraph XXI herein.)

POWER OF ATTORNEY NOT REQUIRED IN CERTAIN CASES PENDING BEFORE THE UNITED STATES BOARD OF TAX APPEALS (NOW KNOWN AS THE TAX COURT OF THE UNITED STATES)

IV. In a docketed petition before the Board, it is considered that the petitioner and the Commissioner stand in the position of parties litigant before a quasi judicial body. The Board of Tax Appeals has its own rules of practice and procedure, and its own rules respecting admission to practice before it. A Staff division in the decentralized areas is authorized to deal with the counsel of record before the Board in a petition docketed by the Board. Therefore, correspondence in connection with Board dockets will, ordinarily, be addressed to counsel of record before the Board; and in any event the position of the Bureau is that such counsel of record shall receive copies of any correspondence, or be advised as to the general nature of any communications, which for good and sufficient reason may be addressed direct to the taxpayer.

In all cases handled by the decentralized offices of the Technical Staff, other than cases docketed before the Board, the customary power of attorney will be required.

POWER OF ATTORNEY REQUIREMENTS

V. Any power of attorney offered in evidence in any case will be accepted only if it is in regular form. Only one power of attorney shall be in effect in any case and there shall be included in such power of attorney the names and addresses of all attorneys or agents to whom the taxpayer has delegated authority to represent him.

A. *Technical language unnecessary.* It is considered necessary in all cases that the power of attorney contain language to convey the principal's intention, though not necessarily in strictly legal form.

B. *Attestation of execution of instrument or witnesses thereto.* The power of attorney must be executed before a notary public, or, in lieu thereof, witnessed by two disinterested individuals. The notarial seal must be affixed unless such seal is not required under the laws of the State wherein the power of attorney is executed. No attorney or agent as notary public shall take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters pending before the Bureau in which he is employed as counsel, attorney, or agent, or in which he may be in any way interested. (See Act of June 29, 1906, 34 Stat. 622.)

C. *Extent of authority delegated.* The authority delegated to an attorney or agent in

a power of attorney enumerating certain specific acts which may be done will be considered limited to those acts.

(A) *Express authority required for certain acts.* Express authority to do the following acts must be granted and shown in the power of attorney or such acts will be considered beyond the scope of the agent's authority:

1. To receive but not to indorse and collect checks in settlement of any refund. (See section 3477 of Revised Statutes, which prohibits assignments of claims or portions thereof, and title "Checks in payment of refunds," paragraph XXI herein.)

2. To delegate authority or to substitute another agent or attorney.

3. To execute consents agreeing to a later determination and assessment of taxes than is provided by statute of limitations.

4. To execute closing agreements relative to the tax liability.

D. *Signature of grantor.* The power of attorney should be signed as follows:

a. In the case of an individual taxpayer, by such individual.

b. In the case of any taxable year for which a joint return was made by a husband and wife, by both husband and wife, except that either spouse may sign for the other if duly authorized in writing so to act.

c. In the case of a partnership, either by all members or in the name of the partnership by one of the partners duly authorized to act.

d. In the case of a corporation by an officer of the corporation having authority to bind same and be attested by the secretary of the corporation over the corporate seal.

1. A power of attorney granted by a corporation should state whether or not the corporation has a seal, and the seal should be affixed to the power in all cases where one is used by the corporation. If the power of attorney shows that the corporation has no seal, a certified copy of a resolution duly passed by the board of directors of the corporation giving its officers authority to sign the same should be submitted.

2. If the officer who signs the power of attorney is also secretary, another officer of the corporation, preferably the president, vice president, or treasurer, must also sign the instrument so that two different individuals' signatures will appear thereon.

e. In the case of an association, the same requirements shall apply as in the case of a corporation.

f. *Special cases:*

If the taxpayer is divorced, insolvent, deceased, or has a similar status, the additional requirements beginning with paragraph XV herein should be followed.

E. *Certification of copies of powers of attorney and evidence filed in connection therewith.* The certification of copies of powers of attorney or papers or documents filed in connection therewith must be made by a notary public, or other proper official, who should state that he has personally compared the copy with the original and finds it to be a true and correct copy. This certification applies to all copies of powers of attorney and related papers, including printed and photostatic copies.

F. *Certain powers of attorney to be filed in field offices.* Powers of attorney covering income, profits, estate, and gift tax cases, also Vinson Act cases, shall be filed in the office of the internal revenue agent in charge in which the case is under consideration, accompanied by sufficient authenticated copies thereof for attachment to the return for each tax year under consideration.

Free statements respecting contingent or partially contingent fee agreements required to be filed by attorneys and agents under the provisions of paragraph (f), section 2, Department Circular No. 230, revised, effective October 1, 1936, as amended (see C. B. 1937-2, page 645) (31 CFR Part 10), should

be signed only by the attorney or agent and filed with the internal revenue agent having the case under consideration.

SUBSTITUTION OF ATTORNEYS OR AGENTS

VI. Substitution of attorneys or agents may be effected only where the power of attorney, under which the attorney or agent is acting, expressly confers the right of substitution. Such attorney or agent, if in good standing before the Department, may, by a duly executed substitute power of attorney, substitute another or others in his stead. The Bureau reserves the right to refuse recognition to a substituted attorney or agent where, in its opinion, such substitution will only delay the final adjustment of the case. Furthermore, the Bureau will not accept a substitute power of attorney granted by an attorney or agent, who is acting under a substitute power of attorney from the attorney or agent, unless specific authority is granted in the principal's power of attorney to the attorney or agent to pass on to his substitute the right of substitution. (See also title "Checks in payment of refunds," paragraph XXI herein.)

NEW POWER OF ATTORNEY REQUIRED WHEN NEW OR ADDITIONAL ATTORNEYS OR AGENTS RETAINED

VII. In any case in which a power of attorney has been filed and the taxpayer subsequently desires to authorize other or additional attorneys or agents to represent him before the Bureau with respect to the same case, a new power of attorney must be filed, which shall include the names of all attorneys or agents who are authorized to act for such taxpayer. Such new power of attorney shall contain a clause specifically revoking any and all powers of attorney previously filed with respect to the same case. The revocation of an authority to prosecute a matter before the Bureau shall in no case be effective, so far as the Bureau is concerned, before due notice in writing has been given the Bureau, and the filing of evidence of notification of the revocation to the attorney or agent whose power has been revoked. Where consideration of a matter has been held in abeyance awaiting the furnishing of evidence for which a call has been made on an attorney or agent, failure on his part to take action thereon within three months from the date on which consideration of the matter was suspended may be deemed by the administrative officer before whom the case is pending cause for refusal to further recognize the authority of the attorney or agent. Such administrative officer shall, however, give written notice of such refusal to the client of such attorney or agent, and shall state briefly the reason such action has been taken.

EVIDENCE REQUIRED TO SUBSTANTIATE FACTS ALLEGED IN CONFERENCES

VIII. No reduction in taxes proposed nor increase in allowance of claims shall be made unless the evidence upon which such action is taken is submitted in writing and in verified form. All evidence except that of a supplementary or incidental character shall be submitted over the sworn signature of the taxpayer.

The sworn statement of facts must be submitted at least five days before the conference date except as hereinafter provided, and must meet all the issues raised by the Bureau which the taxpayer desires to contest. If the sworn statement of facts is not submitted at least five days before the conference, then it must be accompanied by a sworn statement setting out specifically the reasons for not having complied with the 5-day rule. Nothing herein shall preclude the taxpayer from submitting additional or supporting evidence within a reasonable time after the conference.

Every affidavit, agreement, brief, or statement of facts prepared or filed by an attorney or agent as argument or evidence in the matter of a claim or tax matter pending before the Bureau shall have thereon a statement signed by such attorney or agent showing whether or not he prepared such document and whether or not the attorney or agent knows of his own knowledge that the facts contained therein are true.

CONFERENCE TO BE PREARRANGED

IX. Conferences with taxpayers or their representatives will not ordinarily be held without previous arrangement. Cases in which taxpayers or their representatives can submit some unusual reason for requesting an immediate conference without previous arrangement will be given consideration by Bureau officials charged with the arrangement of conferences, who may, if the circumstances warrant, make an exception to the rule.

In order that the case under consideration may be closed at one conference, if at all possible, the requirements of paragraph VIII of this circular to the effect that the brief submitted in advance of conference must meet all issues raised will be strictly enforced, and another conference will not be granted on the same case except to meet new issues raised by the Bureau in the course of the first conference which could not have been anticipated prior to such conference.

RECOGNITION OF UNENROLLED EMPLOYEES OF QUALIFIED ATTORNEYS OR AGENTS

X. Unenrolled employees of enrolled attorneys or agents will not be recognized in any matter by offices of the Bureau except for the purpose of filing papers or securing information as to the status of cases. Recognition for the latter purpose will be given only when the employee presents in each case written authority from his employer to act as the latter's substitute in obtaining the information desired regarding status and when the power of attorney of his employer in each case provides for the substitution of such employee. To facilitate recognition of such employees, it is requested that the employee present at the time of making inquiry concerning any case the receipt for the power of attorney issued to his employer by the taxpayer in that case and the receipt for the substitute power of attorney issued to him. (These receipts are furnished if requested when the powers of attorney are filed.)

POWERS OF ATTORNEY AND ENROLLMENT REQUIRED OF AGENTS AND ATTORNEYS HANDLING MATTERS BY CORRESPONDENCE

XI. Where recognition is desired through correspondence with the Department, enrollment and power of attorney requirements must be met by attorneys or agents even though no actual appearance is made before the Department. If a proper power of attorney is filed authorizing only one of the following acts by the attorney or agent, enrollment will not be required:

Authority to sign but not to prosecute any claim of the taxpayer.

Authority to inspect or receive copies of returns where Executive order or regulations permit such action by agent.

The Commissioner reserves the right to withhold making the above exceptions in any specific case.

If the power of attorney authorizes the attorney or agent to do one or both of the above acts and some other acts or acts, enrollment will be considered necessary, notwithstanding that the agent or attorney does not expect to use all of the power conferred upon him.

SPECIFIC AUTHORITY REQUIRED IN VINSON ACT CASES

A power of attorney authorizing an attorney or agent to represent a taxpayer before

the Bureau of Internal Revenue in connection with income tax matters will not be recognized by the Bureau as evidence of an attorney's or agent's authority to act as representative for a contractor or subcontractor in connection with excess profit liability under section 3 of the Vinson Act (48 Stat., 503), as amended, as applied to Navy contracts and contracts for aircraft for the Army, and to subcontracts made with respect to such contracts. In such cases a separate power of attorney must be secured specifically authorizing the attorney or agent to appear in behalf of his client.

LETTERS ARRANGING CONFERENCES TO ADVISE OF REQUIREMENTS

XII. Letters arranging conferences will apprise the taxpayer or his representative of the requirements as to powers of attorney, the necessity of being enrolled to practice before the Department, and to whom he should apply for enrollment, unless it is known that the addressee is aware of the requirements. Owing to the expense involved, it will not be the practice, except in rare cases, to incorporate the above requirements in telegrams. Where sufficient time intervenes between the date of the telegram and the conference the telegram will be confirmed by letter and conference requirements stated.

PRACTITIONERS MUST CONDUCT THEMSELVES IN AN ETHICAL MANNER

XIII. Attorneys or agents representing taxpayers before the Bureau are expected at all times to conduct themselves in an ethical manner, and will be held strictly accountable for the withholding of known material information or for any deliberately false or misleading statement.

"* * * whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder shall be fined not more than \$10,000 or imprisoned not more than ten years, or both." (Section 80, Title 18, United States Code.)

"Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution." (Section 3793 (b) 1 of the Internal Revenue Code.)

For gross misconduct the Commissioner may refuse to recognize any person as an attorney or agent in any particular case.

Attempting to influence the conduct of any official or employee of the Bureau in any case or other proceeding pending before the Bureau by the use of threats, false accusations, duress, or by the offer of any special inducement or promise of advantage, or by the bestowing of gifts or favors upon officials or employees before whom an attorney or agent is appearing is considered grounds for disbarment from practice before the Treasury Department.

"Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or

shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, * * * with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made or tendered, and imprisoned not more than three years." (Section 91, Title 18, United States Code.)

EFFECT OF PREVIOUS CONNECTION WITH THE UNITED STATES GOVERNMENT

XIV. No enrolled person or other person authorized to appear before the Treasury Department without enrollment shall represent a claimant before the Treasury Department in any matter to which such person, as officer or employee of the United States, gave personal consideration or as to the facts of which he gained knowledge while in the Government service.

No former officer, clerk, or employee of the Treasury Department shall act as attorney or agent, or as the employee of an attorney or agent, within two years after the termination of such Treasury employment, in any matter pending in such Department during the period of his employment therein, unless he shall first obtain the written consent thereto of the Secretary of the Treasury, or his duly authorized representative. This consent will not be granted unless it appears (1) that the applicant was not, during the period of two years immediately preceding the date of application, employed in the particular departmental or field section in which was pending the matter to handle which consent is sought, provided that this requirement shall not apply to persons employed in an administrative capacity such as head of a unit, division, or section, or employed as a reviewer or conferee or in an advisory capacity, and (2) that employment as an agent or attorney is not prohibited by title 5, section 99, United States Code, or other law, or by the regulations of the Treasury Department. Such applicant shall be required to file an affidavit to the effect that he gave no personal consideration to such matter and had no knowledge of the facts involved in such matter while he was employed in the Department, and that he is not now associated with, and will not be associated with, any former employee who has gained knowledge of the case while employed by the Treasury Department, and that his employment is not prohibited by title 5, section 99, United States Code, or other law, or by the regulations of the Treasury Department. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records pertaining to the case. Applications for consent should be directed to the Committee on Practice on Form 901 and should state the former connection with the Department of the applicant and identify the matter in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and this notice shall be filed by him in the record of the case.

Nor shall any enrolled person knowingly (1) assist a person who has been employed by a client to represent him before the Treas-

ury Department in connection with any matter to which such person gave personal consideration or as to the facts of which such person gained personal knowledge while in the Government service, or (2) accept assistance from any such person in connection with any such matter, or (3) share fees with any such person in connection with any such matter.

INSTRUCTIONS FOR EXECUTION OF POWER OF ATTORNEY IN SPECIAL CASES WHICH MUST BE MET IN ADDITION TO GENERAL REQUIREMENTS

XV. Dissolved partnership. A power of attorney to act with respect to matters involving the affairs of a dissolved partnership must be signed by all of the former partners. In case some of the partners are dead, their legal representatives must sign in their stead. (See paragraph XVIII.) If however, under the laws of the particular State, the surviving partners at the time of the execution of the power of attorney have exclusive right to the control and possession of the firm's assets for the purpose of winding up its affairs, their signatures alone will be sufficient. If only the surviving partners sign the power of attorney, a copy of the pertinent provisions of the State law under which they claim authority, exclusive of the legal representatives of the deceased partners, should be noted and citation given thereto.

XVI. Dissolved corporation. If a liquidating trustee, or trustee under dissolution, has been appointed, or if a trustee derives authority under a statute of the State in which the corporation was organized the power of attorney should be executed by such trustee. If there is more than one trustee, all must join unless it is established that less than all have authority to act in the premises. The power of attorney must be accompanied by a copy of the instrument under which the trustee derives his authority, properly authenticated, or if the authority is derived under a State statute, the statute should be cited and quoted, and an affidavit by a third party, setting forth the facts required by the statute as a precedent to the vesting of the authority in said trustee must be furnished. It must also appear in the case of any trustee that his authority has not been terminated. If there is no trustee, then a power of attorney executed before a notary public by a sufficient number of individuals to make up a representation of a majority in the voting stock of the corporation at the date of dissolution will be accepted for purposes of conference and correspondence relating to the tax liability in the particular case. Such instrument must show the total number of outstanding shares of voting stock at the date of dissolution and the number held by each signatory to the power of attorney. The instrument must also contain positive averments as to the nonexistence of any trustee, and the date of dissolution must appear.

XVII. Insolvent taxpayer. A certificate from the court having jurisdiction over the insolvent should be furnished showing the appointment and qualification of the trustee or receiver, and it should appear that the authority has not terminated. In cases pending before a district court of the United States an authenticated copy of the order approving the bond of the trustee will meet this requirement. If an attorney has been appointed under authority of court for the trustee or receiver, a copy of the court order appointing such attorney (where he is to represent the trustee) should be furnished. If no attorney has been appointed, the trustee or receiver should execute the power of attorney, the acknowledgment or witnessing thereof to be the same as in the case of an individual, and the above-described evidence showing the appointment of the trustee or receiver furnished therewith. If the trustee or receiver does not wish to appoint an attorney, he will be recognized

upon establishing his authority in the manner above described.

XVIII. Deceased taxpayer. The executor or administrator should execute the power of attorney, which must be accompanied by a short-form certificate (or authenticated copies of letters testamentary or letters of administration) showing that his authority is in full force and effect at the time such evidence is submitted. The executor or administrator will be recognized in his own right if he does not wish to appoint an attorney or agent, upon submission of the above-described court certificate, and such executor or administrator is not required to be enrolled to practice. In the event that the executor has been discharged and a trustee under the will is acting, the power of attorney must come from the trustee, and evidence of the discharge of the executor and of the appointment of the trustee must be submitted with the power of attorney. In such cases, where the executor is discharged and the estate is distributed to the residuary legatees, the power of attorney must come from the residuary legatees or legatees, and be accompanied by a statement from the court certifying to the discharge of the executor and naming the residuary legatees and indicating the proper share to which each is entitled. In the event that the decedent died intestate and the administrator had been discharged or none was ever appointed, the power of attorney must come from the distributees and be accompanied by evidence of the discharge of the administrator, if one had been appointed, and affidavits and such other evidence as can be adduced tending to show the relationship to the deceased of the signatories to the power of attorney and the right of each of them to the respective shares claimed under the law of the domicile of the deceased.

XIX. Guardians and other fiduciaries appointed by a court of record. The power of attorney should be executed by the fiduciary and must be accompanied by a court certificate or court order showing that such fiduciary has been appointed and that his appointment has not been terminated.

XX. Trustee under deed, declaration, etc. Powers of attorney must be executed by the trustee and be accompanied by documentary evidence of the authority of the trustee to act. Such evidence may be either a copy of the trust instrument, properly certified, or a certified copy of extracts from the trust instrument, showing—

- a. Date of instrument.
- b. That it is or is not of record in any court.
- c. The beneficiaries.
- d. The appointment of the trustee, the authority granted, and such other information as may be necessary to show that such authority extends to Federal tax matters.
- e. That the trust has not been terminated, and that the trustee appointed thereby is still acting.

Self-serving affidavits by the trustee in this connection are not acceptable. In the event that the trustee appointed in the original trust instrument is no longer acting and has been replaced by another trustee, documentary evidence of the appointment of the new trustee must be submitted. In cases where there are more than one trustee appointed, all must join, unless it is shown that less than all have authority to act.

XXI. Checks in payment of refunds. The Bureau is not bound to deliver any check in payment of refund of internal-revenue taxes, penalties, or interest to a representative of any taxpayer acting under authority evidenced by a power of attorney. However, it will be the general policy of the Bureau to mail such checks in care of an enrolled attorney or agent who has filed power of attorney from the principal, specifically authorizing him to receive but not to indorse such check,

provided that such power of attorney shall have been filed in sufficient time for the section or division preparing the certificate of overassessment to show thereon the mailing address as "care of" the attorney or agent. Where an attorney or agent has more than one address, request to mail the check to another address than is shown in the power of attorney will not be granted unless the address shown in the power of attorney is no longer that of the attorney or agent. In the event that a power of attorney is filed specifically authorizing more than one attorney or agent to receive checks on the taxpayer's behalf, and such attorneys or agents have different addresses, the Bureau will not mail the check in care of any of the attorneys or agents named in the power of attorney but will mail the check direct to the taxpayer, unless a statement is furnished, signed by all of the attorneys or agents named in the power of attorney, requesting that the check be mailed in care of one of their number. Furthermore, it will be the policy of the Bureau not to mail checks in payment of refunds to an attorney or agent who holds authority to receive such check by reason of a substitute power of attorney obtained from the attorney or agent designated by the taxpayer.

Where there is a contest between members of a dissolved firm or between two or more attorneys or agents acting under the same power of attorney as to which one is entitled to prosecute a matter pending before the Bureau or to receive a draft, warrant, or check, the client only shall thereafter be recognized, unless the members or survivors of the dissolved firm, or the contesting attorneys or agents, file an agreement signed by all designating which of them shall be entitled to prosecute such matter or to receive the said draft, warrant, or check. In no case shall the delivery of a final draft, warrant, or check to the client be delayed more than 60 days by reason of failure to file such agreement. Deliveries of all checks in payment of refunds will be made by or through the office of the collector to whom the tax was paid.

REQUIREMENTS APPLICABLE TO FIELD OFFICES

XXII. The foregoing conference and practice requirements apply to all offices in the Internal Revenue Service.

(B) By substituting for the final sentence thereof a paragraph reading as follows:

As to conference practice relative to taxes within the jurisdiction of The Tax Court, see also sections dealing specially with such taxes.

3. Paragraph (c) (1) of § 601.2 *Income and excess profits taxes* (11 F. R. 177A-38) is amended by substituting for the parenthetical matter in the final paragraph thereof "(C. B. 1942-1, 184)" the following: "(see § 601.1 (d) (4))"

4. Paragraph (b) of § 601.3 *Technical Staff* (11 F. R. 177A-43) is amended by changing the first sentence thereof following the first quotation to read as follows: "In general the practice and conference procedure before the Technical Staff is governed by Treasury Department Circular 230 (31 CFR Part 10) and the Bureau of Internal Revenue Conference and Practice Requirements (see § 601.1 (d) (4))"

5. Paragraph (a) of § 601.11 *Excess Profits Tax Council; Appellate functions and procedures under section 722 of the Internal Revenue Code* (11 F. R. 177A-64) is amended by substituting for the parenthetical matter in the final sentence of the second paragraph thereof "(Inter-

nal Revenue Bulletin 1942-1, page 384; see § 601.1 (d) (4))" the following: " (see § 601.1 (d) (4))"

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1249; Filed, Feb. 10, 1947;
8:55 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 227—DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

GATO RIDGE FIELD, CALIFORNIA

The material under the heading "Definitions of Known Geologic Structures of Producing Oil and Gas Fields," designated as Part 226, is redesignated as Part 227 and amended as set forth below. The material under the heading "Unit or Cooperative Agreements," 12 F. R. 528, remains as Part 226, and is not affected by this document.

Paragraph (c) of § 227.0 (11 F. R. 9104, 14590) Part 227, Title 30, Chapter II, Code of Federal Regulations, is hereby amended by adding the following:

§ 227.0 *Outstanding definitions.* * * *
(c) * * *

Name of field and date of promulgation	Acreage
California:	
Gato Ridge Field, December 30, 1946.	1, 322

(20 Stat. 394, 41 Stat. 450; 43 U. S. C. 189)

THOMAS B. NOLAN,
Acting Director

[F. R. Doc. 47-1246; Filed, Feb. 10, 1947;
8:52 a. m.]

Chapter VI—Solid Fuels Administration for War

[SFAW Order 44]

PART 602—GENERAL ORDERS AND DIRECTIVES

SHIPMENTS OF COAL

It appears that the provisions of SFAW Revised Regulation No. 32, as amended are no longer necessary to effectuate the purposes of Executive Order No. 9332 (8 F. R. 5355) *Therefore, It is ordered,* That §§ 602.875 to 602.883, inclusive, Code of Federal Regulations, SFAW Revised Regulation No. 32, as amended (11 F. R. 8575, 10282, 11560) be, and they are hereby revoked, effective 12:01 a. m. February 6, 1947.

(E. O. 9332, April 19, 1943, 8 F. R. 5355)

Dated: February 5, 1947.

J. A. KRUG,
Solid Fuels Administrator for War

[F. R. Doc. 47-1229; Filed, Feb. 10, 1947;
8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 3 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 383 and 475, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1077]

GROVER D. KING

Grover D. King, residing at 1821 West Whittier Boulevard, Whittier, California, is a contractor and builder engaged in the construction of several housing projects in Southern California. Subsequent to March 26, 1946, he was engaged by Keith Spalding, owner of the premises located at 4201 Oak Grove Drive, Flintridge, Los Angeles County, California, to supervise the moving, re-assembly, and remodeling of a large stable. On and after August 4, 1946, Grover D. King began and carried on construction and alterations in the moving, re-assembly and remodeling of the stable, at an estimated cost of \$45,000, without authorization from the Civilian Production Administration. Grover D. King was aware that certain construction required authorization from the Federal Housing Administration or Civilian Production Administration. Said stable, as remodeled, was not intended to be used in connection with any existing dwelling, or in any commercial or industrial endeavor. The beginning and carrying on of this construction at a cost in excess of \$200 constituted willful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical material to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1077 *Suspension Order No. S-1077* (a) For a period of four months from the effective date of this order, no authorization shall be granted to Grover D. King to construct, nor shall he during such period apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) Grover D. King shall cancel immediately all preference ratings which he has applied or extended to orders which have not yet been filled, except that if he has extended customer's rating to secure an item for delivery without change in form to that customer (as distinct from replacing it in inventory) he need not cancel the rating provided the item when received is promptly delivered to the customer whose rating was extended.

(c) All preference ratings, allotments and allocations presently outstanding in

connection with orders for delivery of materials to Grover D. King or placed prior to the termination date of this order are void and shall not be given any effect by suppliers of Grover D. King, or any other person. This does not apply to material already delivered or in transit for delivery to him on the effective date of this order.

(d) Grover D. King shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(e) Nothing contained in this order shall be deemed to relieve Grover D. King, his successors or assigns from any restriction, prohibition, or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on the 8th day of February 1947.

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1365; Filed, Feb. 10, 1947;
11:17 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1082]

CHARLES A. LIMBERG AND AL BAKER

Charles A. Limberg, resides at 518 South Orange Street, Media, Pennsylvania, and is the owner of the premises at the southeast corner of Baltimore Pike and Olive Street, Media, Pennsylvania. Al Baker, a contractor and builder, resides in Broomall, Delaware County, Pennsylvania. On or about September 1, 1946, Charles A. Limberg and Al Baker began the construction of a new stone and brick addition to a commercial building on the southeast corner of Baltimore Pike and Olive Street, Media, Pennsylvania, at an estimated cost of approximately \$11,500, without authorization of the Civilian Production Administration. The beginning and carrying on of this construction, at a cost in excess of \$1,000, without authorization of the Civilian Production Administration, constitutes a willful violation by Al Baker, and a grossly negligent violation on the part of Charles A. Limberg of Veterans' Housing Program Order 1 of the Civilian Production Administration. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered, that:

§ 1010.1082 *Suspension Order No. S-1082.* (a) Neither Charles A. Limberg or Al Baker, their successors or assigns, nor any other person, shall do any further construction on the premises of Charles A. Limberg, located on the southeast corner of Baltimore Pike and Olive Street, Media, Pennsylvania, including putting up, completing, or alter-

ing any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) Charles A. Limberg and Al Baker shall refer to this order in any application or appeal which they may file with the Civilian Production Administration, or any other duly authorized Governmental agency, for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles A. Limberg or Al Baker, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1364; Filed, Feb. 10, 1947;
11:17 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1089]

REUBEN NEWMAN AND ANTHONY DI-
DONATO, JR.

Reuben Newman, 1433 South Sixth Street, Philadelphia, Pa., is the owner of the premises at 1317-19 South Third Street, Philadelphia, Pa. Anthony DiDonato, Jr., 2122 South Rosewood Street, Philadelphia, Pa., is a contractor and builder. Reuben Newman and Anthony DiDonato, Jr., on or about December 6, 1946, began the construction of a commercial building to be used as an auto repair shop at 1317-19 South Third Street, Philadelphia, Pa., at an estimated cost of \$2,600, without authorization of the Civilian Production Administration. The carrying on of this construction after being informed of the restrictions of Veterans' Housing Program Order No. 1, and after voluntarily agreeing to refrain from further construction until authorized, constituted a wilful violation on the part of Anthony DiDonato, Jr., and a grossly negligent violation on the part of Reuben Newman of Order VHP-1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1089 *Suspension Order No. S-1089.* (a) Neither Reuben Newman or Anthony DiDonato, Jr., their successors or assigns, nor any other person, shall do any further construction on the premises located at 1317-19 South Third Street, Philadelphia, Pa., including putting up, completing or altering of any structure located thereon, unless specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) Reuben Newman and Anthony DiDonato, Jr., shall refer to this order in any application or appeal which they

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may file with the Civilian Production Administration for priorities assistance, or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Reuben Newman and Anthony DiDonato, Jr., their successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1363; Filed, Feb. 10, 1947;
11:17 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART I—GENERAL PROVISIONS (APPENDIX)

TRAVEL AND TRANSPORTATION EXPENSES OF EMPLOYEES TRANSFERRED FROM ONE OF- FICIAL STATION TO ANOTHER FOR PERMA- NENT DUTY

(a) *General.* The following Veterans' Administration procedures governing the payment of travel and transportation expenses of Veterans' Administration employees when transferred from one official station to another for permanent duty, including transportation of immediate family, household goods and personal effects, are based upon Executive Order 9805, November 25, 1946, issued pursuant to Public Law 600, 79th Congress. These procedures are effective as of November 1, 1946, but will not be applicable in cases of change of station which were ordered prior to November 1, 1946, and were incomplete on that date. Expenses incident to changes of station ordered prior to November 1, 1946, will be paid in accordance with the provisions of Executive Order 8588, November 7, 1940, as amended, Executive Order 9743, June 26, 1946, and Veterans' Administration regulations and instructions thereon.

(1) Definitions as used herein.

(i) "Employee"—a civilian officer or employee of a department as defined below.

(ii) "Department"—an executive department, independent establishment or other executive agency, wholly-owned Government Corporation, or the Government of the District of Columbia.

(iii) "Continental-United States"—the 48 States and the District of Columbia.

(2) *Payment of expenses.* The travel and transportation expenses allowable under these procedures will be paid only in case of transfer from one official station of the Veterans' Administration to another, or from another department to the Veterans' Administration, for permanent duty when authorized by an official designated by the Administrator, in the order directing the travel of the employee being transferred. In no case will travel

and transportation expenses be authorized or paid where the transfer is made primarily for the convenience or benefit of the employee or at his request.

(1) Travel and transportation expenses incident to the permanent change of station of an employee will be paid from the funds of the station to which the employee is transferred.

(3) *Time limit.* All travel and transportation allowable under these procedures will begin within two years from the effective date of the transfer of the employee, except that, for employees who enter upon, active military, naval, or coast guard duty at any time prior to the expiration of such period and are furloughed for the duration of such duty, the two-year period will be exclusive of the time spent on such furlough; and for employees transferred to posts of duty outside the continental United States the two-year period will be exclusive of any time during which shipping restrictions make the travel and transportation impossible. Administrative officers should endeavor to complete travel and transportation at the earliest practicable dates.

(b) *Travel expenses of employees.* The travel expense of the employee transferred will be in accordance with the Subsistence Expense Act of 1926, as amended (5 U. S. C. 821-823) the Standardized Government Travel Regulations, the Act of February 14, 1931, as amended (5 U. S. C. 73 (a)), and Veterans' Administration travel regulations and instructions.

(1) *Per diem on permanent change of station.* (i) In cases of permanent transfer between two stations readily accessible by common carrier, per diem in lieu of subsistence will be allowed only for such time as would be required to travel by common carrier.

(ii) Employees being transferred from one station to another will not be allowed per diem after arrival at the new station.

(iii) When a transfer is effected after the arrival of an employee at the station by detail with per diem allowance, such allowance will terminate the date that the transfer is effective.

(iv) An employee may not be detailed to a station with per diem allowance after arrival when permanent transfer of the employee is contemplated in the beginning or at the time the travel is initiated. In such a case, the travel order will read that per diem allowance will be allowed while traveling only.

(c) *Transportation expenses of immediate family.* "Immediate family" means any of the following named members of the employee's household: Spouse, children (including stepchildren and adopted children), unmarried and under 21 years of age or physically or mentally incapable of support regardless of age, and dependent parents of the employee (but not of the spouse)

(1) *General.* Transportation expenses of the immediate family of an employee incident to his permanent transfer from one official station to another will be subject to those provisions of Standardized Government Travel Regulations relating to transportation including mileage, and will be in accordance with the Act of February 14, 1931 (5 U. S. C. 73 (a)). Per

diem in lieu of subsistence will not be allowed members of the immediate family of an employee being transferred at Government expense.

(2) *When authorized.* Payment of expenses for transportation of the immediate family must be authorized in the order directing the travel of the employee being transferred, and may not be authorized subsequent to the performance of the employee's travel.

(3) *Points between which expenses of transportation of employee's immediate family are allowable.* Expense of transportation of an employee's immediate family may be allowed whether the travel originates at the employee's last official station or at some previous place of residence and whether the point of destination is the new official station or some other point selected by him, or both. The cost to the Government will not exceed the cost of transportation by the most economical route between the last official station and the new official station.

(4) *Mode of transportation.* Travel of immediate family will be by privately-owned conveyance or common carrier. The mode of travel will be entered on the travel order, and approval for travel of the employee's immediate family will constitute approval for the requested mode of travel unless it is specifically stated otherwise.

(i) Whenever practicable, an employee traveling by privately-owned conveyance will be accompanied by the members of his family. In such instances reimbursement for use of privately-owned conveyance will be made to the employee on a mileage basis in accordance with Veterans' Administration regulations therefor. No additional reimbursement is allowable because the employee's dependents rode with him in the conveyance.

(ii) If the employee's family cannot, because of impracticability, accompany him by privately owned conveyance to the new station, they may be furnished transportation by common carrier within the allowances prescribed in Veterans' Administration instructions for travel of employees by common carrier.

(iii) If it is desirable for the employee to travel to his new duty station by common carrier and for his family to travel by privately owned conveyance, reimbursement for such use of the conveyance may be authorized and paid either on a mileage basis as provided in Veterans' Administration instructions for travel on a mileage basis or on the basis of actual expenses of operation as provided in Veterans' Administration instructions for travel on an actual-expense basis. Claims for reimbursement of actual expenses must be supported by receipts showing expenditures for gasoline, oil, lubrication, storage and toll charges.

(5) *Preparation of vouchers.* (i) Standard Forms No. 1012 Revised and 1012a Revised, Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel, will be used for vouchering travel expenses of members of the immediate family of an employee on change of station. Where all the services rendered are not covered by a single voucher, vouchers covering pay-

ment for subsequent charges will bear a reference to prior vouchers.

(ii) Vouchers will be prepared in the name of and certified by the employee, even in those cases where the immediate family travels by common carrier or by privately owned conveyance independent of the employee and separate vouchers are submitted.

(iii) Vouchers will show on the reverse thereof, under "Character of Expenditure," a statement of the name and relationship of the immediate family whose expenses are included and the age and marital status of children. If such children are 21 years of age or over, it must be shown that they are physically or mentally incapable of self-support. When travel of the immediate family is performed by common carrier, a record of transportation requests used will be recorded on the reverse of the voucher under the caption "Statement of Travel," listing thereon the information as required in the applicable columns.

(d) *Transportation of household goods and personal effects.* The following procedures will govern the transportation of household goods and personal effects incident to the permanent transfer of a Veterans' Administration employee from one official station to another when properly authorized by an official designated by the Administrator.

(1) *General*—(i) *When authorized.* Expenses for the shipment of household goods and personal effects must be authorized in the order directing the travel of the employee being transferred.

(ii) *Weight limit.* The weight of the household goods and personal effects transported at Government expense will not exceed 7,000 pounds if uncrated or 8,750 pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement and when the amount payable by the Government is computed solely on the basis of the cubic measurement of the goods shipped. (In instances in which no adequate scale is located at point of origin or at any point within a radius of ten miles thereof, a constructive weight, based on seven pounds per cubic foot of properly loaded van space, may be used.)

(iii) *Items not allowable.* Household goods and personal effects will not include wines, liquors, animals, or birds, not necessary in the performance of official duties, or automobiles.

(iv) *Origin and destination of shipment.* The expenses of transportation authorized hereunder or reimbursement on a commuted basis within the continental United States will be allowable whether the shipment originates at the employee's last official station or at some previous place of residence, or partially at both, or whether the point of destination is the new official station or some other point selected by him, or both: *Provided*, That the cost to the Government will not exceed the cost of shipment in one lot by the most economical route from the last official station to the new. No expenses will be allowable for the transportation of property acquired en route from the last official station to the new. For the purposes of these procedures, the term "official station" will be construed to include any point from

which the employee commutes daily to his official post of duty.

(v) *Preparation of vouchers.* In preparing vouchers for payments, the following conditions will be observed:

(a) Claims for reimbursement for transportation of household goods and personal effects will be vouchered on Standard Form 1012 and payment is made by the office issuing the order.

(b) Vouchers must be supported by the original or a certified true copy of the travel order authorizing the transfer and shipment, bearing a certified statement by the traveler as to whether or not he has dependents living with him. If shipment is between points within the continental U. S., the carrier's original bill of lading or a certified copy thereof when using common carrier service or if no bill of lading is required, other evidence showing point of origin, destination, and weight.

(c) *Statement of weight.* When charges for transportation are based on weight, the actual (not estimated) weight will be shown.

(d) Payment by more than one voucher. When all services rendered are not covered by a single voucher, vouchers covering payment for subsequent charges will bear a reference to prior vouchers.

(e) When Government bill of lading or purchase order is used to make shipment of household goods and personal effects, to or from points outside the continental U. S., the memorandum copy (blue) of the Government bill of lading or purchase order will be forwarded, with one copy of the travel order authorizing shipment, to Supply Service, Central Office, for use as supporting evidence in connection with settlement of carrier's bill for the transportation charge. The travel order will bear a certified statement by the traveler as to whether or not he has dependents living with him.

(2) *Between points within continental United States*—(1) *Determination of weight.* For the purpose of determining the rates and computing the amounts to be allowed for the household goods and personal effects shipped at Government expense, there will be used the net weight of such goods and effects uncrated, and such weight will include the weight of containers and packing materials which are required to protect articles of fragile or breakable nature. When such goods and effects are crated and packed for shipment, the net weight for consideration herein will be eighty per cent of the gross shipping weight. Such net weights will not exceed 7,000 pounds for employees with immediate families and 2,500' for employees without immediate families.

(ii) *Commutation of expenses.* In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in the case of transfers between points within the continental United States, reimbursement will be made to the employee on a commuted basis at rates per hundred pounds as fixed by zones in Exhibit A hereof, which is attached to and made a part of these procedures. The amount payable will be the product

of the applicable rate and the net weight of household goods and personal effects actually shipped by carrier for the employee (within the weight limitation prescribed by section (d) (2) (1) hereof) Government bills of lading will not be used.

(iii) *Schedule of rates.* The schedule of rates is predicated on zones-consisting of mileage blocks. The application of the schedule will require a determination of the short-line highway distance between the points which may be authorized under these procedures, and in accordance with the provisions of the Household Goods Carriers' Bureau Mileage Guide No. 4, Motor Freight-Interstate Commerce Commission No. 27, or successive reissues thereof. If the rate is not shown on the schedule in exhibit A, hereof, for the actual distance stated in such mileage guide, the rate shown for the next greater distance will apply.

(iv) *Evidence of shipment.* Employees will be required to submit the carrier's original bills of lading, or a certified copy thereof when using common carrier service. If no bill of lading is required, other evidence showing point of origin, destination, and weight will be required. In instances in which no adequate scale is located at point of origin or at any point within a radius of ten miles thereof, a constructive weight, based on seven pounds per cubic foot of properly loaded van space, may be used.

(v) *Advance of funds.* An advance of funds may be allowed employees who are being transferred from one duty station to another within the continental limits of the United States in connection with shipment of their household goods and personal effects. A bond under the terms specified under Veterans' Administration Finance procedure will be required in making such an advance. In requesting an advance of funds, the applicant will submit a written statement disclosing the number of rooms containing his personal property which is for shipment, such number of rooms to exclude bathrooms and reception hallways in apartments. The reported number of rooms will be multiplied by 1,000, and the result will be considered the estimated net weight of the prospective shipment. Such statement will also designate the shipping point and the destination. The estimated weight and the distances between the origin and the destination of the shipment will be used as the factors required by the schedule of rates to compute the amount of funds which may be advanced in anticipation of the ultimate settlement to be made hereunder. The same officials previously authorized to approve applications for advances and bonds under the Subsistence Expense Act of 1926 are hereby authorized to approve advances and bonds under the Act of August 2, 1946.

(3) *To or from points outside continental United States—(1) Maximum allowance for transportation.* The actual costs of transportation of the household goods and personal effects of the employee, not in excess of 7,000 pounds net, and of the packing, crates, boxes, lift vans, or other temporary containers required for the shipment, will be allowed

in the case of transfers to or from points outside the continental United States: *Provided*, That employees who have no immediate family will be entitled to the transportation of household effects and other personal property not in excess of 2,500 pounds. Gross weight will include the net weight of the property and the weight of packing, crates, boxes, or lift vans which have no connection with the property except for the purposes of the immediate shipment and which do not constitute a continuing part of the property of the employee. For the application of the limitations prescribed by this section the gross weight of the property will be considered to be 80 percent of the combined weight of the property and the packing and crating used for the shipment: *Provided*, That in case of shipments involving transportation by vessel over all or part of the distance, the gross weight of the property will be considered to be 80 percent of the combined weight of the property and the packing, crating, boxing, and lift vans used for the shipment: *And provided further*, That when shipment is by motor freight, the gross weight of the property will be the actual weight of the goods transported. Thus, transportation will be allowed at Government expense for property when packed, crated, boxed, or placed in lift vans for shipment, within the following maximum weights:

	Pounds
Employees having immediate family:	
Shipment involving transportation by vessel over all or part of route or by rail or motor carriers requiring packing or crating.....	8,750
Shipment by motor carriers of household goods uncrated.....	7,000
Employees having no immediate family:	
Shipment involving transportation by vessel over all or part of route or by rail or motor carriers requiring packing and crating.....	3,125
Shipment by motor carriers of household goods uncrated.....	2,500

(ii) *Allowances for packing, crating, unpacking, and uncrating.* The actual costs of packing, crating, unpacking, and uncrating (not to exceed the authorized weight) will be allowed.

(iii) *Allowances for drayage.* In case door-to-door common carrier rates are not applicable, the actual costs of drayage (not to exceed the authorized weight) to and from the common carrier will be allowed.

(iv) *Temporary storage. Definition:* "Temporary storage" means storage at point of departure, destination, or way station for not more than sixty days. The actual expenses of temporary storage (not to exceed authorized weight) for not to exceed sixty days, will be allowed.

(v) *Means of shipment.* For the duration of the present war and six months thereafter transportation services, including allowances specified in (ii) and (iii) of this subdivision, may be procured by the agency concerned from any available common carrier: *Provided, however* That the employee may have his effects moved by some means other than that selected by the Government by paying the difference between the charges under the means selected by the

Government and the charges by the preferred means.

(vi) *Use of Government bill of lading or purchase order* Shipment will be made on Government bill of lading or purchase order whenever possible; otherwise reimbursement will be made to the employee for transportation expenses actually and necessarily incurred within the limitations prescribed by these procedures. If property in excess of the amount allowable under these procedures is shipped on a Government bill of lading or purchase order, the employee will pay the excess charges immediately upon receipt of notice thereof from Payees Accounts Service, Central Office.

(vii) *Use of lift vans.* Charges allowable hereunder for packing and crating and for transportation will include expenses incurred in hiring, transporting, and packing lift vans when shipments are made in whole or in part by water, but will not include charges in connection with any shipment of empty lift vans or for payment of storage charges or import duties on lift vans.

(viii) *Valuation.* The valuation of property as declared for shipping purposes will not exceed that at which the lowest freight rates will apply. If the employee desires a higher valuation, he will assume all costs of transportation in excess of the charges at the lowest rate.

(ix) *Itemization of charges.* In case the services rendered cover, in addition to transportation, other services such as packing, crating, drayage, unpacking, and uncrating, the total charge for the services shall be itemized in order to show the charge for each service.

(x) *Shipment by American vessel.* All shipments of property by water under these procedures will be made on ships registered under the laws of the U. S. whenever such ships are available. This provision, however, will not apply during the fiscal year 1947, as excepted in section 208 of the Independent Offices Appropriation Act of 1947.

EXHIBIT A
[Rate per 100 pounds]

Miles	1,750 pounds or less	1,850 to 3,750 pounds	3,850 to 7,000 pounds
15.....	2.29	2.24	2.17
25.....	2.44	2.32	2.23
40.....	2.59	2.39	2.29
50.....	2.67	2.45	2.31
60.....	2.77	2.54	2.33
70.....	2.87	2.63	2.45
80.....	2.93	2.71	2.52
90.....	3.03	2.79	2.60
100.....	3.19	2.87	2.63
110.....	3.29	2.97	2.70
120.....	3.40	3.06	2.85
130.....	3.51	3.15	2.95
140.....	3.62	3.24	3.03
150.....	3.73	3.34	3.12
160.....	3.83	3.43	3.21
180.....	4.05	3.62	3.39
190.....	4.15	3.71	3.45
200.....	4.25	3.81	3.53
210.....	4.35	3.89	3.66
220.....	4.45	3.93	3.73
230.....	4.55	4.07	3.81
240.....	4.67	4.15	3.89
250.....	4.76	4.24	3.95
260.....	4.85	4.33	4.05
270.....	4.94	4.41	4.14
280.....	5.03	4.53	4.25
290.....	5.13	4.67	4.37
300.....	5.25	4.73	4.50
320.....	5.47	4.90	4.61
340.....	5.73	5.03	4.73
350.....	5.72	5.13	4.84

EXHIBIT A—Continued
[Rate per 100 pounds]

Miles	1,849 pounds or less	1,850 to 3,849 pounds	3,850 to 7,000 pounds
376	5.84	5.23	4.94
390	5.96	5.33	5.05
405	6.07	5.44	5.16
416	6.15	5.52	5.23
430	6.26	5.63	5.34
445	6.37	5.75	5.45
460	6.47	5.86	5.55
475	6.58	5.97	5.67
490	6.68	6.09	5.77
505	6.80	6.18	5.88
520	6.89	6.27	5.97
535	6.98	6.37	6.07
550	7.08	6.46	6.16
565	7.17	6.55	6.26
580	7.26	6.64	6.36

Miles	1,893 pounds or less	1,900 to 3,899 pounds	3,900 to 7,000 pounds
600	7.39	6.77	6.48
615	7.49	6.86	6.57
630	7.57	6.94	6.65
645	7.65	7.01	6.74
660	7.77	7.13	6.85
690	7.91	7.27	6.99
710	8.02	7.40	7.11
725	8.11	7.48	7.18
740	8.19	7.56	7.25
760	8.31	7.67	7.35
785	8.45	7.81	7.49
810	8.57	7.94	7.60
835	8.68	8.03	7.71
860	8.80	8.12	7.83
880	8.89	8.17	7.92
905	9.00	8.26	8.03
925	9.09	8.35	8.12
950	9.21	8.47	8.22
970	9.29	8.56	8.30
1,000	9.43	8.70	8.42
1,020	9.52	8.82	8.48
1,050	9.63	8.95	8.60
1,080	9.75	9.07	8.72
1,110	9.90	9.20	8.85
1,140	10.04	9.33	8.97
1,170	10.16	9.43	9.06
1,200	10.26	9.54	9.18
1,250	10.48	9.75	9.37
1,280	10.59	9.87	9.48
1,320	10.70	9.97	9.58
1,350	10.82	10.07	9.69
1,380	10.91	10.18	9.79
1,410	11.03	10.29	9.90
1,440	11.14	10.39	9.99
1,470	11.25	10.50	10.10
1,500	11.35	10.61	10.20
1,530	11.44	10.70	10.30
1,560	11.57	10.82	10.41
1,600	11.68	10.92	10.52
1,630	11.77	11.03	10.62
1,660	11.89	11.13	10.72
1,700	11.99	11.25	10.85
1,730	12.09	11.35	10.94
1,760	12.20	11.44	11.05
1,800	12.31	11.57	11.17
1,830	12.42	11.66	11.27
1,860	12.51	11.77	11.37
1,900	12.64	11.89	11.48
1,930	12.74	11.99	11.59
1,960	12.84	12.09	11.70
2,000	12.96	12.21	11.80
2,050	13.10	12.35	11.96
2,100	13.24	12.49	12.09
2,150	13.39	12.65	12.25
2,200	13.53	12.78	12.38
2,250	13.67	12.93	12.52
2,300	13.81	13.07	12.67
2,350	13.96	13.21	12.81
2,400	14.10	13.36	12.96
2,450	14.25	13.50	13.10
2,500	14.38	13.64	13.24
2,550	14.53	13.79	13.39
2,600	14.68	13.93	13.53
2,650	14.82	14.08	13.67
2,700	14.97	14.21	13.81
2,750	15.10	14.36	13.96
2,800	15.24	14.50	14.10
2,850	15.40	14.65	14.26
2,900	15.53	14.79	14.38
2,950	15.69	14.94	14.53
3,000	15.82	15.07	14.68
3,050	15.97	15.22	14.81
3,100	16.11	15.37	14.98

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations
[S. O. 668, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

REROUTING OF LOADED CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of February A. D. 1947.

Upon further consideration of Service Order No. 668 (12 F. R. 560) and good cause appearing therefor it is ordered, that:

Section 97.668 *Rerouting of loaded cars; appointment of agent of Service Order No. 668*, be, and it is hereby, amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Area affected.* Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan (lower peninsula) Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 5, 1947.

It is further ordered, that copies of this order and direction shall be served upon the State railroad regulatory bodies of each State named herein, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17) 15 (4))

By the Commission, Division 3.

[SEAL] W P. BARTEL,
Secretary.

[F. R. Doc. 47-1237; Filed, Feb. 10, 1947; 8:53 a. m.]

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-30]

PART 170—COMMERCIAL ZONES
CINCINNATI, OHIO

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 24th day of January A. D. 1947,

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a second report on further consideration herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof: ¹

It is ordered, That the delimitation of the Cincinnati, Ohio, Commercial Zone in the Commission's orders of September 10, 1940, and September 29, 1942 (5 F. R. 3814 and 7 F. R. 8616), be, and they are hereby, amended to read as follows:

§ 170.7 *Cincinnati, Ohio.* For the purpose of enforcement of the Interstate Commerce Act, the zone adjacent to, and commercially a part of, Cincinnati, Ohio, and contiguous municipalities in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act from regulation, shall be, and it is hereby, defined to include the following:

- | | |
|----------------------|-----------------------------|
| Addyston, Ohio. | Norwood, Ohio. |
| Cheviot, Ohio. | Saint Bernard, Ohio. |
| Cincinnati, Ohio. | Springfield Township, Ohio. |
| Cleves, Ohio. | Ship, Ohio. |
| Elmwood Place, Ohio. | Sycamore Township, Ohio. |
| Fairfax, Ohio. | Covington, Ky. |
| Marlemont, Ohio. | Newport, Ky. |
| North Bend, Ohio. | |

That part of Kenton County, Ky., lying on and north of a line commencing at the intersection of the Boone-Kenton County line and the Dixie Highway, and thence over the latter to Covington, including communities on the described lines.

That portion of Campbell County, Ky., lying on and north of a line commencing at the south corporate limit of Newport, thence over Licking Pike to junction with Johns Hill Road, thence over the latter to junction of Alexandria Pike, thence over the latter to junction with a county road, thence over the latter to the Ohio River, including communities in the described lines.

That portion of Boone County lying north, and east of a line commencing at the Kenton-Boone County line west of Erlanger, Ky., and extending northwesterly over an unnumbered highway to the Kenton County (Ky.) Airport, thence clockwise around the outer perimeter of the Kenton County Airport to the northern tip thereof, and thence northeasterly along an unnumbered highway to its junction with Kentucky highway 20, thence along Kentucky highway 20 to the Kenton-Boone County line.

(Sec. 203 (b) (8) 29 Stat. 546; 54 Stat. 919; 49 U. S. C. 303 (b) (8))

It is further ordered, That this order shall become effective March 4, 1947, and shall continue in effect until the further order of the Commission.

By the Commission, Division 5.

[SEAL] W P. BARTEL,
Secretary.

[F. R. Doc. 47-1238; Filed, Feb. 10, 1947; 8:53 a. m.]

¹ Filed as part of the original document.

(E. O. 9805, November 25, 1946, 11 F. R. 13823; 60 Stat. 806)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JANUARY 23, 1947.

[F. R. Doc. 47-1271; Filed, Feb. 10, 1947; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[36 CFR, Parts 2, 121

[Order 2292]

PRIVATE LANDS IN NATIONAL PARKS OVER WHICH U. S. EXERCISES EXCLUSIVE JURISDICTION

NOTICE OF INTENTION TO AMEND AND REISSUE RULES AND REGULATIONS

JANUARY 28, 1947

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong.) and the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, 16 U. S. C. 3) notice is hereby given that the Secretary of the Interior intends to take the following action:

A. To revoke paragraph (e) of § 2.32 *Private lands*, rules and regulations of the National Park Service, which by reference makes §§ 2.4, 2.8, 2.9, 2.11, 2.28, and 2.62 applicable to the privately owned lands in the areas listed in paragraph (e) namely, the following National Parks: Sequoia, Yosemite, Lassen

Volcanic, Crater Lake, Rocky Mountain, Mount McKinley, Mount Rainier, Yellowstone, Glacier, Olympic, Kings Canyon, and Mesa Verde.

B. To recast the above-mentioned regulations as a new Part 12 so as

1. To eliminate the following paragraphs of § 2.4 *Fishing*:

(h) Which prohibits the digging of worms on private lands;

(l) Which is not applicable to the above-named parks;

(m) Which is not applicable to the above-named parks;

2. To eliminate the following paragraphs of § 2.8 *Fires*:

(e) Which authorizes the superintendent to prohibit smoking on private lands;

(g) Which requires persons making trips away from established camps on private lands to obtain written fire permits from the nearest park ranger before building any camp fires;

(h) Which prohibits the use of fireworks or firecrackers on private lands except with the superintendent's permission (unnecessary because it will be incorporated into § 2.11),

3. To revise § 2.11 *Firearms, etc.*, to provide, on such private lands, only for

a prohibition against firearms, explosives, traps, seines, and nets within the said areas, except upon the written permission of the superintendent, eliminating the provisions concerning the mode whereby visitors obtain such permission, and the carrying of firearms by park employees, park guides, law enforcement officers, and personnel of the armed forces of the United States, of the States, or of friendly foreign nations.

The foregoing changes are to be effective beginning April 1, 1947, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for reissuance as set forth by submitting their views, data, or arguments in writing to Newton B. Drury, Director, National Park Service, Merchandise Mart, Chicago 54, Illinois, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] WARNER W. GARDNER,
Assistant Secretary of the Interior

[F. R. Doc. 47-1228; Filed, Feb. 10, 1947; 8:53 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR-47-7]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4488, and 4491, as amended, 49 Stat. 1384, 1544, 54 Stat. 163-167, sec. 5 (e) 55 Stat. 244 (46 U. S. C. 367, 369, 375, 391a, 392, 404, 481, and 489, 50 U. S. C. 1275) and section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875) the following approvals of equipment are prescribed effective upon the date of publication of this order in the FEDERAL REGISTER:

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. B-362, Style No. 104A, 13" x 20" x 2" rectangular buoyant cushion, 24 ounces kapok, Dwg. No. 4, dated January 17, 1947; Approval No. B-363, Style No. 104A1, 13" x 18" x 2" rectangular buoyant cushion, 21 ounces kapok, Dwg. No. 3, dated January 17, 1947; Approval No. B-364, Style No. 105B, 15" x 17" x 2" rectangular buoyant cushion, 23 ounces kapok, Dwg. No. 2, dated January 17, 1947; and Approval No. B-365, Style No. 105BL, 15" x 17" x 2" rectangular buoyant cushion, 23 ounces kapok, Dwg. No. 1, dated January 17, 1947; for use on motorboats of Classes

A, 1, and 2 not carrying passengers for hire; manufactured by H. S. White Manufacturing Co., Inc., 6th and Rosabel Streets, St. Paul, Minn.

FIRE RETARDANT MATERIALS FOR VESSEL CONSTRUCTION: CLASS B-15 BULKHEAD PANEL

Solid asbestos, board type, Class B-15 bulkhead panel, light weight Marinite, overall thickness 3/4" identical to that described in Protexol Testing Laboratory Test Report No. 146 dated November 15, 1946, and submitted by Johns-Manville Sales Corp., 22 East 40th St., New York 16, N. Y.

FLASHLIGHTS

Watertight flashlights, Model F80, Coast Guard Specification Identification Type I, size 2; Model F30, Coast Guard Specification Identification Type I, size 3; Dwg. No. 139-C (no Alt. No.), submitted by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, N. Y.

Explosion-proof flashlights; Model F81, Coast Guard Specification Identification Type II, size 2; Model F31, Coast Guard Specification Identification Type II, size 3; Dwg. No. 139-C (no Alt. No.), submitted by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, N. Y.

HAND-PROPELLING GEAR FOR LIFEBOATS

Double gear type hand-propelling gear, arrangement Dwg. No. 1857, dated

November 4, 1940, revised December 10, 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

RELIEF VALVES FOR LIQUEFIED INFLAMMABLE GASES

Steel relief valves for liquefied inflammable gases, Type 2680, Dwg. No. 1394-B-CG dated November 1, 1946, manufactured by the Farris Engineering Co., Commercial Ave., Palsades Park, N. J., for various primary service pressures in the sizes listed below:

Inlet size (inches)	Orifice	Free discharge area (square inches)
1 1/2	22 F	0.207
1 1/4	39 H	.755
2	39 H	.755
2	34 J	1.285
2 1/4	34 J	1.285
2 1/4	33 K	1.833
3	33 K	1.833
3	42 L	2.85
4	42 L	2.85
4	44 N	4.34
6	45 P	6.33
6	59 Q	11.045

Dated: February 4, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-1245; Filed, Feb. 10, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8033]

MARTHA BRACY

In re: Estate of Martha Bracy, deceased. File No. D-28-10425; E. T. sec. 14820.

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:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Franz Koehler, Ernest Koehler, and Mrs. Anna Marx, and each of them, in and to the estate of Martha Bracy, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Franz Koehler, Germany.
Ernest Koehler, Germany.
Mrs. Anna Marx, Germany.

That such property is in the process of administration by the First National Bank, as Executor, acting under the judicial supervision of the Hancock County Probate Court, Maine;

And determined that to the extent that such nationals are persons 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1212; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8039]

EMIL FITZNER

In re: Estate of Emil Fitzner, deceased. File D-28-10827; E. T. sec. 15201.

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 Karl Krause, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Emil Fitzner, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Wanda Schultz, as Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1213; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8050]

HUGO G. MROZEK

In re: Estate of Hugo G. Mrozek, also called Hugo S. Mrozek. File D-28-10042; E. T. sec. 14239.

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:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of

Hermann Mrozek and Emma Mrozek, and each of them, in and to the Estate of Hugo G. Mrozek, also called Hugo S. Mrozek, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hermann Mrozek, Germany.
Emma Mrozek, Germany.

That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco,

And determined that to the extent that such nationals are persons 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1214; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8053]

JACOB ROTBERG

In re: Estate of Jacob Rotberg, deceased. File D-28-10377; E. T. sec. 14786.

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:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mary Rotberg, in and to the Estate of Jacob Rotberg, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mary Rotberg, Germany.

That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco,

And determined that to the extent that such national is a person 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1215; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8081]

WILLIAM HARDER

In re: Estate of William Harder, deceased. File D-28-10452; E. T. sec. 14863.

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 Hilda Buchele, also known as Hildegard Buchele, Anna Fackler Joseph, Cecilie Huber, Maria Harder, also known as Maria Harder Stocker and Franz Busch, Jr., whose last known address is 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 Franz Busch, Jr., 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, and each of them, in and to the estate of William Harder, 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 Potter Title & Trust Company, Pittsburgh, Pennsylvania, as Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the above named persons and the personal representatives, heirs, next of kin, legatees and distributees of Franz Busch, Jr., 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1216; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8118]

BURKHARDT & CO.

In re: Stock owned by and debt owing to Burkhardt & Co. F-28-7078-C-1, F-28-7078-D-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 Burkhardt & Co., the last known address of which is 7-9 Lindenallee, Essen, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Ten (10) shares of \$25.00 par value capital stock of The New York Trust Company, 100 Broadway, New York 15, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number B71192, registered in the name of Burkhardt &

Co., together with all declared and unpaid dividends thereon and together with the proceeds of sale of subscription rights thereof, and

b. That certain debt or other obligation owing to Burkhardt & Co., by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of \$73.57, as of December 31, 1945, together with any and all accruals thereto, 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, 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 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1218; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8123]

HERBERT MAYER

In re: Stocks owned by Herbert Mayer. F-28-1248-D-1, F-28-1248-D-2, F-28-1248-D-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 Herbert Mayer, whose last known address is Am. Co. Luisenporto 7, Mannheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, regis-

NOTICES

tered in the name of Herbert Mayer, 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, Director.

EXHIBIT A

Name, address and State of incorporation of Issuer	Certificate No	Number of shares	Par value	Type of stock
Aviation Corp., 420 Lexington Ave., New York, N. Y., incorporated in Delaware.	NO12338 NO65227	20 10	\$3 3	Common Do.
American Airlines, Inc., 100 East 42d St., New York, N. Y., incorporated in Delaware.	O14945	3	10	Do.
Colonial Airlines, Inc., 630 5th Ave., New York, N. Y., incorporated in Delaware.	CO11456	1	1	Capital.

[F. R. Doc. 47-1219; Filed, Feb. 10, 1947; 8:55 a. m.]

INTERNATIONAL SHOE CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
International Shoe Co., St. Louis, Mo.	A-371	201 (8 F. R. 628)	U. S. Letters Patent 1,630,335..	Washington, D. C.

Executed at Washington, D. C., on February 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, Director

[F. R. Doc. 47-1253; Filed Feb. 10, 1947; 8:50 a. m.]

[Supp. Vesting Order 7725, Amdt.]

Z & F ASSETS REALIZATION CORP.

In re: Z & F Assets Realization Corporation, pursuant to section 106 of the Stock Corporation Law of the State of New York (In Liquidation)

Supplemental Vesting Order 7725 dated September 25, 1946, is hereby amended as follows and not otherwise:

By deleting the sum \$279.99 appearing in Column 3 of Item 26 in Exhibit A, and substituting therefor the sum of "\$839.99"

All other provisions of said Supplemental Vesting Order 7725 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the

Claimant	Claim No.	Vesting order No.	Property	Location
Verne Hass, Chicago, Ill.....	3789	675 (8 F. R. 5029)...	U. S. Letters Patent No. 2,140,011.	Washington, D. C.

Executed at Washington, D. C., on February 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, Director

[F. R. Doc. 47-1254; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 7880, Amdt.]

SOPHIE KLEINSORGE

In re: Stock owned by, and debt owing to, Sophie Kleinsorge.

Vesting Order 7880, dated October 14, 1946, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the number "482" set forth in line seven (7) under the column entitled "Certificate Numbers" with respect to the three (3) shares of The Independent Breweries, Company, and substituting therefor the number "454"

All other provisions of said Vesting Order 7880 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States, in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60-Stat. 50, Pub. Law 671,

authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, Director

[F. R. Doc. 47-1255; Filed, Feb. 10, 1947; 8:50 a. m.]

VERNE HASS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Verne Hass, Chicago, Ill.....	3789	675 (8 F. R. 5029)...	U. S. Letters Patent No. 2,140,011.	Washington, D. C.

79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, Director

[F. R. Doc. 47-1256; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 8031]

JACOB BLOCH

In re: Estate of Jacob Bloch, deceased. File D-28-9885; E. T. sec. 13966.

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 Helena Haerlein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),
2. That the sum of \$500.00 was paid to the Alien Property Custodian by The First National Bank of Chicago, Executor of the estate of Jacob Bloch, deceased;
3. That the said sum of \$500.00 is presently in the possession of the Attorney

General of the United States and was 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 was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. 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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1257; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 8035]

MARIA DETTMER

In re: Mortgage Participation Certificate No. TC1836, Bond and Mortgage Guarantee Company, Series No. 180889, issued in the name of Maria Dettmer, File No. F-28-17808; E. T. sec. No. 4806.

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:

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate No. TC1836, issued and guaranteed by Bond and Mortgage Guarantee Company under Mortgage No. 180889, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

No. 29—3

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Maria Dettmer, Germany.

That such property is in the process of administration by the Brooklyn Trust Company, as Trustee under a Declaration of Trust dated March 12, 1937, acting under the judicial supervision of the Supreme Court, Queens County, State of New York;

And determined that to the extent that such national is a person 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1253; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 8036]

GUSTAV R. ETTER

In re: Estate of Gustav R. Etter, deceased. D-28-3970; E. T. sec. 9033.

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 Ernest Etter, Martha Krahn, Amalie Halm and Clara Knamm, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany),

2. That the sum of \$2,320.86 was paid to the Alien Property Custodian by H. J. Westlund, Administrator of the Estate of Gustav R. Etter, deceased;

3. That the said sum of \$2,320.86 is presently in the possession of the Attorney General of the United States and was 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 was evi-

dence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. 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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on October 8, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1259; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 8043]

MINNIE GELHAUSEN

In re: Estate of Minnie Gelhausen. File D-28-11007; E. T. sec. 15383.

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:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Emma Hundenborn, Karolina Gelhausen, Christine Demmer, Paulina Schmidt and Martha Roederstein, and each of them, in and to the Estate of Minnie Gelhausen, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Hundenborn, Germany.
Karolina Gelhausen, Germany.
Christine Demmer, Germany.
Paulina Schmidt, Germany.
Martha Roederstein, Germany.

That such property is in the process of administration by Ross Bray, as Executor, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado,

And determined that to the extent that such nationals are persons 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1260; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8049]

FRANK MEYER

In re: Estate of Frank Meyer, deceased. File No. 017-20287.

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:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Margaretha Muller and Gretchen Bratmuller, and each of them, in and to the Estate of Frank Meyer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Margaretha Muller, Germany.
Gretchen Bratmuller, Germany.

That such property is in the process of administration by Victor Meyer, Administrator of the Estate of Frank Meyer, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States re-

quires 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1261; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8078]

HATSUJIRO YOSHIDA

In re: Stock owned by Hatsujiro Yoshida.

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 Hatsujiro Yoshida, 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: Twenty (20) shares of \$1.00 par value capital stock of Pacific Tin Consolidated Corporation, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Maine, evidenced by certificate numbered 03462, and registered in the name of Hatsujiro Yoshida, 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 (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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1262; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8092]

ANNA HELENE BARKMAN

In re: Estate of Anna Helene Barkman, deceased. File D-28-10889; E. T. sec. 15335.

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 Martha Ruesch and Paula Glamann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children and legal heirs, names unknown, of Martha Ruesch and the children and lineal heirs, names unknown, of Paula Glamann, 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, and each of them, in and to the estate of Anna Helene Barkman, 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 Lucy Ferrier and C. L. Switzer, as Administrators, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Pacific;

and it is hereby determined:

5. That to the extent that the above named persons and the children and lineal heirs, names unknown, of Martha Ruesch and the children and lineal heirs, names unknown, of Paula Glamann, 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1263; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8093]

ELSIE BRODTHAGE

In re: Estate of Elsie Brodthage, deceased. File D-28-8610; E. T. sec. 10295.

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 William Brodthage and Marie Knorr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$527.92 was paid to the Alien Property Custodian by Anna Rudat, Administratrix of the Estate of Elsie Brodthage, deceased;

3. That the said sum of \$527.92 is presently in the possession of the Attorney General of the United States and was 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 was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. 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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 21, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1264; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8095]

TILLY GOLDSCHMIDT

In re: Trust under the Will of Tilly Goldschmidt, a/k/a Tilly Goldschmidt. File No. D-28-7751, E. T. sec. No. 8500.

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:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mina Grodteznsky in and to the Trust under the Will of Tilly Goldschmidt a/k/a Tilly Goldschmidt, deceased.

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mina Grodteznsky, Germany.

That such property is in the process of administration by Berthold Bachrach, as Trustee of the trust under the Will of Tilly Goldschmidt, a/k/a Tilly Goldschmidt, deceased, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

And determined that to the extent that such national is a person 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1265; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8093]

ERNESTINE KOSANKE

In re: Estate of Ernestine Kosanke, also known as Ernestina Kosanke, deceased. File D-28-3508; E. T. sec. 5713.

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 Ernst Ziesman, Minna Ziesman, Franz Ziesman (Son of Wilhelmina Ziesman, Deceased) Bertha Ziesman Garbe, August Ziesman, Franz Ziesman (Son of Henry Ziesman, Deceased) Bertha Ziesman, Marie Ziesman, Helen Ziesman, Willie Ziesman, Franz Ziesman (Son of Herman Ziesman, Deceased) Frieda Ziesman, Elizabeth Ziesman, Gertrude Ziesman, Irma Ziesman, Karl Lettow, Reinhold Lettow, Augusta Hoffmann, Emma Machandi, Elizabeth Koehn (Kahn), Martha Rahmow, Marie Koehn (Kahn) Carl Koehn (Kahn) Richard Kosanke, Fred Kosanke, Franz Kosanke and Hedwig Hilderbrand, also known as Hedwig Kosanke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$973.95 was paid to the Alien Property Custodian by F. R. Ziesman, Administrator with Will Annexed of the Estate of Ernestine Kosanke, also known as Ernestina Kosanke, deceased;

3. That the said sum of \$973.95 is presently in the possession of the Attorney General of the United States and was 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 was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. 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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on May 26, 1944, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1266; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8099]

SOPHIE KREIL

In re: Estate of Sophie Kreil, deceased. File D-28-8163; E. T. sec. 9197.

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 Alfred Just, also known as Alfred Jest, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the sum of \$101.93 was paid to the Alien Property Custodian by Frank Kreil, Executor of the Estate of Sophie Kreil, deceased;

3. That the said sum of \$101.93 is presently in the possession of the Attorney General of the United States and was 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 was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. 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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 12, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1267; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8101]

GEORGE NAGEL

In re: Estate of George Nagel, deceased. File D-28-10879; E. T. sec. 15292.

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 Kathrina Heilmeyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the issue, names unknown, of Kathrina Heilmeyer, 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, and each of them, in and to the estate of George Nagel, 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 Henry W Merland, as Executor, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

5. That to the extent that the above named person and the issue, names un-

known, of Kathrina Heilmeyer, 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1268; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8100]

ELLEN M. CHRISTENSEN

In re: Estate of Ellen M. Christensen, deceased. File D-19-259; E. T. sec. 7804.

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 Inger Sorensen and Hans Eriksen Sorensen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the sum of \$298.80 was paid to the Alien Property Custodian by Edward S. Karas, Executor of the Estate of Ellen M. Christensen, deceased;

3. That the said sum of \$298.80 is presently in the possession of the Attorney General of the United States and was 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 was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. 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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 29, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1269; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8129]

H. H. SILBER

In re: Stock owned by H. H. Silber, also known as Henry H. Silber. F-28-27113-A-1, F-28-27113-D-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 H. H. Silber, also known as Henry H. Silber, whose last known address is Kircheim Teck Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Eight (8) shares of \$25.00 par value common capital stock of Eagle-Ottawa Leather Company, Grand Haven, Michigan, a corporation organized under the laws of the State of Illinois, evidenced by certificate numbered 26, and registered in the name of H. H. Silber, and presently in the custody of Eagle-Ottawa Leather Company, Grand Haven, Michigan, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to H. H. Silber, also known as Henry H. Silber, by Pfister & Vogel Leather Co., 647 W. Virginia Street, Milwaukee, Wisconsin, in the amount of \$16.00, as of December 31, 1945, evidenced by three checks numbered 21794 and 27784 at \$4.00 each and 34725 at \$8.00 representing dividends paid on the common stock of the Eagle-Ottawa Leather Company owned by H. H. Silber, also known as Henry H. Silber, and any and

all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid checks, 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1270; Filed, Feb. 10, 1947; 8:52 a. m.]

[Vesting Order 8132]

ALFRED EUGEN WILHELM VOTTELER

In re: Stock and bank account owned by Alfred Eugen Wilhelm Votteler, also known as Alfred Votteler and Alfred Voettler.

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 Alfred Eugen Wilhelm Votteler, also known as Alfred Votteler and Alfred Voettler, whose last known address is 104 Schwabstrasse, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Alfred Votteler, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Alfred Eugen Wilhelm Votteler, also known as Alfred Votteler and Alfred Voettler, by Federation Bank and Trust Company, 34th Street and 8th Avenue, New York, New York, arising out of a checking account entitled Alfred Votteler, 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, 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.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 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)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

EXHIBIT A

Name and address of corporation	State of Incorporation	Type of stock	Par value	Certificate No.	Number of shares
Irving Trust Co., 1 Wall St., New York, N. Y.	New York	Capital	\$10	A670643	50
			10	165373	25
Secony-Vacuum Oil Co., Inc., 25 Broadway, New York, N. Y.	do	do	15	162123	50
			15	278317	25
Anaconda Copper Mining Co., 25 Broadway, New York, N. Y.	Montana	do	25	65620	25

[F. R. Doc. 47-1174; Filed, Feb. 6, 1947; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2564]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of the petition of Chicago and Southern Air Lines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its Latin American routes.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 11, 1947, 10:00 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D. C., February 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1276; Filed, Feb. 10, 1947;
8:55 a. m.]

[Docket No. 2741]

MONARCH AIR LINES, INC.

NOTICE OF HEARING

In the matter of the petition of Monarch Air Lines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 73.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 11, 1947, 10:00 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D. C., February 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1277; Filed, Feb. 10, 1947;
8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CONFERENCES PURSUANT TO TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

FEBRUARY 7, 1947.

Pursuant to the Commission's Public Notice of January 8, 1947 (12 F. R. 326), entitled "Temporary Expediting Proce-

cedure for Standard Broadcast Applications," and as provided for therein, the following partial schedule of informal engineering conferences, is announced:

Date	Channel	Time
Feb. 11, 1947	930 kc.	10 a. m.
	1150 kc.	2 p. m.
Feb. 12, 1947	550 kc.	10 a. m.
	710 kc.	10 a. m.
	960 kc.	10 a. m.
	1280 kc.	10 a. m.
	1430 kc.	10 a. m.
Feb. 13, 1947	610 kc.	10 a. m.
	980 kc.	10 a. m.
	1320 kc.	10 a. m.
	1440 kc.	10 a. m.
	1590 kc.	10 a. m.

Attorneys and engineers representing applicants on the above specified channels should appear in Room 7554, New Post Office Building, Washington, D. C., at the time indicated, prepared to participate in the conference concerning the channel in which they are interested. In the event such representatives of adjacent channel applicants, or of existing station licensees, desire to participate in any of the foregoing conferences they should address a written request to the Secretary of the Commission specifying their interest in the conference and the reasons for their participation.

Further conferences, pertaining to the above specified channels, will, if necessary, be scheduled and announced at the initial conferences provided for herein. No additional public notice, insofar as such conferences are concerned, is contemplated, although a public announcement of additional initial conferences pertaining to other channels, will be made in the immediate future.

The Commission desires to stress the urgent necessity for the attendance of representatives of applicants for the above specified frequencies at the conference involving their applications. Failure to attend will be construed as indicating that such applicants do not desire to participate in the expediting plan and, although their applications will be considered in connection with the other applications concerned, they will not be accorded the amendment privileges provided for in the Public Notice of January 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1302; Filed, Feb. 10, 1947;
9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-852]

UNION GAS SYSTEM, INC.

NOTICE OF APPLICATION

FEBRUARY 4, 1947.

Notice is hereby given that on January 27, 1947, Union Gas System, Inc. (Applicant), a Kansas corporation with its principal place of business at Independence, Kansas, filed with the Federal Power Commission an application for a

certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act as amended, authorizing the acquisition of the facilities of Union Gas System, Inc., a Delaware corporation, consisting of a pipeline system extending in general from northern Oklahoma north in Kansas to Burlington, Kansas, and extending east and west from approximately Cedar Vale, Kansas, to Altamont, Kansas, and the operation of such facilities for the transportation of natural gas in rendering the same service as performed by Union Gas System, Inc., a Delaware corporation.

Applicant was organized for the purpose of transferring the property of and operations conducted by Union Gas System, Inc., a Delaware corporation, to a corporation organized under the laws of the State of Kansas. Applicant is and its predecessor, Union Gas System, Inc., a Delaware corporation, was engaged in the States of Kansas and Oklahoma in the sale of natural gas as a public utility to domestic, commercial and industrial consumers. No natural gas is sold in interstate commerce for resale or transported for any other person, firm or corporation in interstate commerce.

The State Corporation Commission of the State of Kansas has issued to Applicant a certificate of convenience to operate as a public utility in that State.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a concurrent hearing as defined in said rule and the reasons for such request.

Any person desiring to be heard or to make any protest with reference to this application should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure. The time and place of hearing herein will subsequently be duly given.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1226; Filed, Feb. 10, 1947;
8:52 a. m.]

[Docket No. IT-6029]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

FEBRUARY 5, 1947.

Notice is hereby given that on February 3, 1947, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities

business in the States of Montana, North Dakota and South Dakota and a gas utility business in the State of Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 100,000 shares of 4.20% Series Preferred Stock of \$100 par value per share, by an Amendment to the Certificate of Incorporation of Applicant, the effect of which will be to reclassify the outstanding 100,000 shares of 5% Series Preferred Stock into 100,000 shares of 4.20% Series Preferred Stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of February, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1227; Filed, Feb. 10, 1947;
8:52 a. m.]

[Docket Nos. G-812, G-813, G-814, G-816]

UNITED FUEL GAS CO. ET AL.

NOTICE OF ORDER APPROVING RECLASSIFICATION AND ADJUSTMENTS OF DEPRECIATION, DEPLETION AND AMORTIZATION RESERVES

FEBRUARY 5, 1947.

In the matters of United Fuel Gas Company, Docket No. G-812; Huntington Development and Gas Company, Docket No. G-813; Warfield Natural Gas Company, Docket No. G-814; Cincinnati Gas Transportation Company, Docket No. G-816.

Notice is hereby given that, on February 5, 1947, the Federal Power Commission issued its order entered January 31, 1947, approving reclassification and adjustments of depreciation, depletion and amortization reserves in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1222; Filed, Feb. 10, 1947;
8:51 a. m.]

[Docket No. G-793]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 5, 1947.

Notice is hereby given that, on February 4, 1947, the Federal Power Commission issued its findings and order entered January 31, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1223; Filed, Feb. 10, 1947;
8:51 a. m.]

[Docket No. G-595]
REYNOSA PIPE LINE CO.

NOTICE OF ORDER DENYING MOTION FOR REHEARING

FEBRUARY 5, 1947.

Notice is hereby given that, on February 4, 1947, the Federal Power Commission issued its order entered January 31, 1947, denying motion for rehearing in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1224; Filed, Feb. 10, 1947;
8:52 a. m.]

[Docket No. G-748]

REYNOSA PIPE LINE CO.

NOTICE OF ORDER DENYING MOTION FOR REHEARING

FEBRUARY 5, 1947.

Notice is hereby given that, on February 4, 1947, the Federal Power Commission issued its order entered January 31, 1947, denying motion for rehearing in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1225; Filed, Feb. 10, 1947;
8:52 a. m.]

[Project No. 492]

JOHN C. HIGGINS

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MAJOR)

FEBRUARY 6, 1947.

Notice is hereby given that, on February 5, 1947, the Federal Power Commission issued its order entered January 31, 1947, accepting surrender of license (Major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1243; Filed, Feb. 10, 1947;
8:53 a. m.]

[Docket No. G-822]

MEMPHIS NATURAL GAS CO.

NOTICE OF ORDER CANCELLING AND PERMITTING WITHDRAWAL OF RATE SCHEDULES

FEBRUARY 6, 1947.

Notice is hereby given that, on February 5, 1947, the Federal Power Commission issued its order entered February 4, 1947, cancelling and permitting withdrawal of rate schedules in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1244; Filed, Feb. 10, 1947;
8:54 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-476]

M. L. OBESTER

CONSENT ORDER

M. L. Obester of Pinehurst Village, Pompano, Florida, is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order 1 in that subsequent to March 26, 1946, and on or about November 21, 1946, he began and carried on construction of eight tourist cabins, each cabin being approximately 14' x 20' in size, said cabins being located about one-quarter mile north of Pinehurst Village on the east side of U. S. Highway No. 1, Pompano, Florida, at an estimated cost per cabin of \$1,500.00. Construction of said cabins was begun without obtaining authorization from the Civilian Production Administration, and was carried on until a stop violation telegram was dispatched to M. L. Obester on November 14, 1946, up to which time labor and materials amounting to approximately \$800.00 per cabin had been incorporated into said structures. Subsequent to November 14, 1946, M. L. Obester made application to the Civilian Production Administration for authorization to continue on said cabins but said application has not been granted.

M. L. Obester admits the violation as charged and does not desire to contest the same and has consented to the issuance of this order. M. L. Obester asserts, however, that the violation which he admits was not wilful or intentional.

Wherefore, upon the agreement and consent of M. L. Obester, the Regional Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither M. L. Obester, his successors and assigns, nor any other person shall do any further construction on the premises herein described or any part thereof located on U. S. Highway No. 1 about one-quarter mile north of Pinehurst Village, Pompano, Florida, including the putting up, completing or altering of any structure located on said premises except the three cabins and tool house or office the construction of which was begun prior to March 26, 1946, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The issuance of this consent order shall be without prejudice to the consideration, on its merits of application for authorization to carry on construction of the structures covered by this order.

(c) M. L. Obester shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve M. L. Obester, his successors and assigns, from any re-

striction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1362; Filed, Feb. 10, 1947;
11:17 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 106]

RECONSIGNMENT OF ORANGES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 4, 1947, by John B. Cangelmo Co., of cars containing oranges, now on the Baltimore and Ohio R. R., PFE 96920 and PFE 14997 to Cooke Munsante Canty, Inc., Boston, Mass. (B. & O.-N. Y. N. H. & H.), ART 21371 and FGE 37059 to J. R. Forita Co., New York, N. Y. (B. & O.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of February 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-1241; Filed, Feb. 10, 1947;
8:53 a. m.]

[S. O. 396, Special Permit 105]

RECONSIGNMENT OF SEED POTATOES AT SHREVEPORT, LA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Shreveport, La., February 1, 1947, by Dean Osking Co., of car SFRD 34436, certified seed potatoes, now on the Louisiana & Arkansas R. R., to Dallas, Texas (L&A) The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-1240; Filed, Feb. 10, 1947;
8:53 a. m.]

[S. O. 396, Special Permit 99]

RECONSIGNMENT OF CARS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by Louis D. Goldstein, of cars URT 9637, PFE 46075, and WFE 49339, now on the Pennsylvania R. R., to Tassini & Salisch, New York, N. Y. (P. R. R.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-1239; Filed, Feb. 10, 1947;
8:53 a. m.]

[S. O. 396, Special Permit 107]

RECONSIGNMENT OF PEARS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 4th, 1947, by M. Rosen Co., of car FGE 37334, pears, now on the Baltimore and Ohio R.R., to Victor Joseph Co., New York, N. Y. (B&O-Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of February 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-1242; Filed, Feb. 10, 1947;
8:53 a. m.]