



# FEDERAL REGISTER

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Rules, Regulations, Orders	TITLE 15—COMMERCE	CONTENTS
<p style="text-align: center;"><b>TITLE 14—CIVIL AVIATION</b></p> <p><b>CHAPTER III—AIR SAFETY BOARD, CIVIL AERONAUTICS AUTHORITY</b></p> <p><b>AMENDMENT OF RULES AND REGULATIONS</b></p> <p>At a session of the Air Safety Board held at its office in Washington, D. C., on the 30th day of November, 1939:</p> <p>Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly Section 702 (a) (1) thereof, and finding that such action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Air Safety Board amends its rules and regulations which were promulgated July 11, 1939 and filed with the FEDERAL REGISTER on August 24, 1939 (4 F.R. 3716):</p> <p>Paragraph (1), relating to <i>Notification</i>, is amended by striking the words "registered number" in the first sentence thereof and inserting in lieu thereof the words "identification mark."</p> <p style="text-align: right;">By the Board.</p> <p style="text-align: right;">R. D. Hoyt, <i>Executive Officer.</i></p> <p>At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 5th day of December 1939:</p> <p>Acting pursuant to Section 702 (a) (1) of the Civil Aeronautics Act of 1938, the Civil Aeronautics Authority approved the above amendment to the rules and regulations of the Air Safety Board.</p> <p style="text-align: right;">By the Authority.</p> <p style="text-align: right;">[SEAL] PAUL J. FRIZZELL, <i>Secretary.</i></p> <p>[F. R. Doc. 39-4534; Filed, December 7, 1939; 10:34 a. m.]</p>	<p style="text-align: center;"><b>CHAPTER III—BUREAU OF FOREIGN AND DOMESTIC COMMERCE</b></p> <p style="text-align: center;">[Order No. 7]</p> <p style="text-align: center;"><b>SUB-TITLE B—REGULATIONS RELATING TO COMMERCE</b></p> <p style="text-align: center;"><b>PART 305—FOREIGN TRADE STATISTICS</b></p> <p>§ 305.33 is amended to read as follows:</p> <p><i>Declarations for exports by railways, ferryboats, and vehicles.</i> (a) Any person who delivers merchandise to any transportation company for exportation from the United States to a foreign country by rail, ferryboat, or vehicle must deliver to the collector of customs at the port through which the merchandise passes into foreign territory export declarations in triplicate on commerce form 7525, showing the kinds, quantities, and values of all merchandise delivered by him or his agent to such carrier for exportation.</p> <p>(b) The collector shall not permit any car or other vehicle laden with merchandise intended for exportation to any foreign country to depart from the United States until a declaration specifying the kinds, quantities, and values of the merchandise has been delivered to him by the shipper or his agent.</p> <p>§ 305.38 is amended to read as follows:</p> <p><i>Car manifests—Shipper's export declarations.</i> (a) Upon arrival of merchandise for exportation at a border port the carrier must deliver to the collector of customs a car manifest, giving marks and numbers, the name of the shipper or consignee, description of the goods, and the destination thereof. This manifest may be the waybill, or a copy thereof or a copy of the manifest prepared for the foreign customs. The required shipper's export declarations in triplicate must be attached to the car manifest or waybill when delivered to the collector.</p> <p>(b) Under the provisions of the Act of March 3, 1893, no railway car containing commodities for export will be permitted to leave the United States until</p>	<p style="text-align: center;"><b>RULES, REGULATIONS, ORDERS</b></p> <p><b>TITLE 14—CIVIL AVIATION:</b> Civil Aeronautics Authority: Rules and regulations amended ..... 4791</p> <p><b>TITLE 15—COMMERCE:</b> Bureau of Foreign and Domestic Commerce: Foreign trade statistics, declarations for exports by railways, etc. .... 4791</p> <p><b>TITLE 19—CUSTOMS DUTIES:</b> Bureau of Customs: Antidumping; safety matches from Finland, etc. .... 4792</p> <p><b>TITLE 20—EMPLOYEES' BENEFITS:</b> Railroad Retirement Board: Contributions and reports by employee representatives, etc. .... 4792</p> <p>Railroad Retirement Act of 1937, regulations amended ..... 4794</p> <p><b>TITLE 25—INDIANS:</b> Office of Indian Affairs: Shoshone Tribe of the Wind River Reservation, Wyo.; disbursement of pro-rata shares of judgment fund. 4795</p> <p style="text-align: center;"><b>NOTICES</b></p> <p>Department of the Interior: Bituminous Coal Division: <i>Bituminous Coal Producers Board for District No. 20 v. John Arronco, et al.</i>, hearing ..... 4797</p> <p>Office of Indian Affairs: Shoshone Tribe of the Wind River Reservation, Wyo., declaration of policy in disbursement of judgment fund ..... 4797</p> <p>Department of Labor: Wage and Hour Division: Issuance of certificates for employment of learners: Apparel industry (2 notices) ..... 4793</p> <p style="text-align: right;">(Continued on next page)</p> <p style="text-align: right;">4791</p>

Board Order 39-709, dated November 14, 1939, amends Section 250.03, effective October 1, 1939, by substituting for the first sentence of subsection (c) (5) of this section the following:

"The number of the occupation classification to be shown on each quarterly report shall be that to which the employee is assigned in reports to the Interstate Commerce Commission during the first month in which the individual was employed in each reporting period: provided, however, that employees of railway labor organization employers described in Section 202.15 of these regulations shall not be classified as to occupation."

and by adding as an additional paragraph to the end of subsection (c) (5) the following:

"*Employees of railway labor organization employers.* Employers which are railway labor organization employers as described in Section 202.15 of these Regulations shall show on their reports of monthly compensation of employees the title and address of the Committee, Department, Lodge, Division or other subordinate unit to which the report is applicable."

#### PART 262—MISCELLANEOUS

Board Order 39-737, dated November 28, 1939, amends Part 262 by adding a new section, effective December 1, 1939, as follows:

"§ 262.02 *Posting notices to employees.* Regional Directors of the Board shall arrange for the posting by employers of such notices to their employees as the Board may provide in order to inform such employees of their rights under the Railroad Retirement Acts and the Railroad Unemployment Insurance Act. Such notices shall be so posted in such numbers and in such places as may be necessary to insure that they will be seen by the greatest number of employees." (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By authority of the Board.

[SEAL] JOHN C. DAVIDSON,  
Secretary.

Dated, December 7, 1939.

[F. R. Doc. 39-4537; Filed, December 7, 1939; 11:38 a. m.]

### TITLE 25—INDIANS

#### CHAPTER I—OFFICE OF INDIAN AFFAIRS

##### PART 223—JUDGMENT AND LIEU OF ALLOTMENT FUNDS<sup>1</sup>

###### SUBPART B—REGULATIONS GOVERNING DISBURSEMENT OF PRO-RATA SHARES OF THE JUDGMENT FUND OF THE SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING

Pursuant to the authority vested in me by the Act of July 27, 1939 (53 Stat. 1128—

<sup>1</sup>Other regulations under Part 223 appear at 4 F.R. 4260 DI.

1130), the following regulations governing the disbursement of pro-rata shares of the Shoshone Judgment Fund are hereby promulgated:

§ 223.50 *Program required; purposes for which expenditures may be made.* Pro-rata shares of the Shoshone Judgment Fund shall be expended only in accordance with an approved program and only for: purchase of land; improvement of land to be acquired or already held by the Indian; erection and improvement of suitable homes; education; medical service, including hospitalization; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment, supplies, or training necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other pursuits or vocations as will enable him to become self-supporting.

§ 223.51 *Family programs.* The funds of a husband and wife, and of any other adults in a family group, may be used in the execution of a family program, provided the written consent of each individual is filed with the superintendent of the Wind River Indian Agency, Wyoming, hereafter in this subpart referred to as the superintendent. The available funds of a minor may be used in the execution of such family program, only on condition that (a) the funds of such minor are used solely in the development, repair or maintenance of real or personal property owned by said minor or held in trust for him, or in the creation, development, or completion of a project or undertaking or in the production of a gain or profit which will inure directly to the benefit of such minor, (b) title to any real property or fixtures, purchased wholly or in part with his money shall, except with the approval of the Commissioner of Indian Affairs, be held in trust for him, or (c) the adults convey to the United States in trust for such minor sufficient real or personal property to assure, in so far as is possible, that the minor upon attaining majority will have, in lieu of the money, property of a value equal to that of his funds used in the execution of the program. The superintendent shall not approve a family program which involves the transfer to a minor, in exchange for his funds, of assets of a nature which will not be useful to him. The written consent of a minor who is 16 years of age or over, duly witnessed by at least two disinterested persons, shall accompany any family program which involves the use of said minor's funds.

§ 223.52 *Scope of program.* Programs shall contemplate the eventual use of the entire pro-rata share or definitely provide for the conservation of a portion of such share, but in no case shall a program provide for the expenditure in the first year, after its approval, of more than \$1,350 for each adult or more than \$500

for each minor contributing to the program, and the program shall recognize that future use and expenditures for such program after the first year shall depend upon the proper use of the funds initially authorized to be expended. Expenditures of a minor's funds under this sub-part shall not exceed a total sum of \$500 and the remaining \$1,350 of each minor's share shall be held intact until his majority, as required in Sec. 2 of the Act of July 27, 1939.

§ 223.53 *Authority to withhold funds.* The superintendent may stop disbursement of funds in the execution of an approved program upon evidence that the Indian is not complying with the program or that the continuation of the program or expenditures thereunder will not result in benefit to the Indian, and he may require either further justification for carrying out the program theretofore approved or the submission of a new program.

§ 223.54 *Approval of programs.* The superintendent, subject to the limitations described in this sub-part, shall approve or disapprove all programs submitted by Indians for the use and disbursement of pro-rata shares of the Shoshone Judgment Fund. Preference shall be given by the superintendent to programs (a) to establish the Indian in such enterprise or undertaking as will with his resources, training, education, and ability best enable him to succeed in providing for himself and family, (b) for the improvement of housing and living conditions, (c) to assist Indians in obtaining such higher academic or vocational education as will enable them to become self-supporting. Prior to being considered by the superintendent, programs shall be considered and approved by one or more members of the staff of the Wind River Indian Agency who, because of their experience in the fields of endeavor contemplated by the programs, shall be designated by the superintendent to advise and assist the Indians. The Shoshone Business Council may act, or designate a committee of Indians to act, in an advisory capacity in the preparation and consideration of programs. Programs shall be prepared upon an approved form<sup>2</sup> which shall be filled out in duplicate, one copy to be filed at the Wind River Indian Agency, and one copy to remain the property of the Indian.

§ 223.55 *Right of appeal.* Indians shall have the right of appeal, through the superintendent, to the Commissioner of Indian Affairs, (a) from an action by the superintendent in withholding funds under the provisions of Section 223.53, and (b) from an action of the superintendent in disapproving a program under the provisions of Section 223.54. The superintendent shall promptly forward such appeals, with his comments.

§ 223.56 *Limitations on superintendent's authority.* Except as otherwise pro-

<sup>2</sup>Forms shall be made available at the Wind River Indian Agency.

vided in Section 223.68, the superintendent shall not, without the approval of the Commissioner of Indian Affairs or his designated representative, (a) approve any expenditure for the purchase of land or an interest in land, or (b) approve any expenditure for the construction of a dwelling or other building estimated to cost \$100 or more, except in cases where such construction is in accordance with designs which have already been approved by the Commissioner of Indian Affairs. Individual land purchases shall not conflict with the tribal program of land purchase, consolidation and use authorized by the Act of July 27, 1939, and the right granted individual Indians by said Act to acquire lands by purchase with restricted funds or by exchange shall not extend to lands on the ceded or opened portion of the Wind River Reservation.

§ 223.57 *Issuance of purchase orders.* All expenditures from pro-rata share accounts for the purchase of property other than real property shall be by purchase orders which shall be issued by the superintendent and shall be headed "To Any Dealer", and which shall indicate the particular items of purchase and the total sum to be expended, and which shall bear a notation to the effect that no cash shall be given to the Indian under any circumstances; provided, that the superintendent may disburse to the individual to whom the order is issued a reasonable amount of cash to enable him to travel by convenient means to a locality where the goods may be purchased; and provided further, that adult Indians may, upon approval of the Shoshone Business Council and the superintendent, have cash disbursed to them in lieu of a purchase order for the execution of an approved program. The provisions of this section are subject to the provisions of Section 223.68.

§ 223.58 *Purchase of real property.* Except as otherwise provided in Section 223.68, payment for purchases of real property shall be made by the superintendent, and shall be made only after title to such property has been examined and approved by the Secretary of the Interior and the deed placed of record. Purchases of real property are subject to the provisions of Section 223.56.

§ 223.59 *Trust status of property.* All personal property purchased shall be covered by a bill of sale in the name of the superintendent in trust for the individual. All real property purchased shall be taken in the name of the United States in trust for the Indian, except that title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in trust without the prior approval of the Commissioner of Indian Affairs. All livestock purchased and the offspring thereof shall be branded ID and also marked with the individual brand of the Indian. All property, including livestock, whether originally purchased or the income or increase therefrom, shall

be held in trust unless released by the superintendent in the form of a permit or written record authorizing the sale or disposition of any such property or funds. It shall be the duty of the Indian, in carrying out his program, to make every effort to maintain the capital value of his original investment, and sales or other disposals depleting such capital value shall not be permitted except in cases where, in the opinion of the superintendent, such sales or disposals are clearly to the advantage of the Indian. The provisions of this section are subject to the provisions of Section 223.68.

§ 223.60 *Allowances for support.* The superintendent may, upon a proper showing, make expenditures for the maintenance and support of aged, infirm, decrepit, and incapacitated Indians, whether adult or minor, at a rate of not to exceed \$40 a month for adults and \$20 a month for minors. Allowances to minors must be solely for their direct benefit. In the case of allowances to an adult probable expectancy of life shall be considered in determining the amount of such allowances in order that, in so far as possible, his funds shall last during his lifetime.

§ 223.61 *Medical treatment.* The superintendent may expend not to exceed \$200 from the funds of any adult or minor to cover medical, dental, surgical, or hospital treatment, including nurse's services.

§ 223.62 *Education.* The superintendent may permit the expenditure of not to exceed \$25 per year from any minor's account for clothing on account of school needs. In addition, the superintendent may expend not to exceed \$175 a year from the funds of any minor in the ninth grade or above for his tuition, board and room, and other expenses in a government, private, public, or mission school. The superintendent shall give special attention to the educational needs of minors.

§ 223.63 *Approval for certain expenditures.* Authority for the expenditure of amounts in excess of the limitation provided in Section 223.60 must be obtained from the Secretary of the Interior and authority for the expenditure of amounts in excess of those authorized in Section 223.61 and 223.62 must be obtained from the Commissioner of Indian Affairs. Such requests for authorization shall be submitted by the superintendent with a full explanation of the circumstances and his recommendations.

§ 223.64 *Transfer of funds.* When an Indian who is entitled to a pro-rata share of the Shoshone Judgment Fund is a resident within the jurisdiction of another Indian Agency, the superintendent may transfer to the superintendent of such other Agency, to the credit of such Indian, the share of the Shoshone Judgment Fund to which such Indian is entitled. All funds so transferred shall be expended in accordance with this subpart.

§ 223.65 *Repayment of loans.* The superintendent shall draw checks against the funds of an individual for the repayment of all debts due by him, according to the terms of the agreement signed by the individual, to the United States or to the Shoshone and Arapaho Tribes. If the individual has borrowed from the tribal funds, repayment of all or a part of which loan is not due under the loan agreement, an amount equal to the unpaid balance of the loan, plus interest computed at the rate and for the term agreed upon in the loan agreement, shall be withheld by the superintendent, except that it may be paid over to the individual for use under this sub-part with the written consent of the Shoshone and Arapaho Business Councils.

§ 223.66 *Funds not available for payment of certain debts.* Debts, except those to the United States and the Shoshone and Arapaho Tribes, incurred by Indians prior to July 27, 1939, shall not be paid from any funds made available from the Shoshone Judgment Fund. Debts of Indians will not be paid from the funds to be disbursed under this sub-part unless previously authorized by the superintendent, except in emergency cases necessitating medical treatment or in the payment of last illness or funeral expenses,<sup>3</sup> as authorized in this sub-part, and in any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 223.67 *Disposition of funds in event of death.* The funds remaining to the credit of a deceased Indian shall be carried to the credit of the estate of such individual until his heirs have been determined. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the Shoshone and Arapaho Tribes and excluding any claims arising out of debts incurred prior to July 27, 1939, the balance, including any sum to his credit on the books of the Indian Office, will be transferred to the individual accounts of the heirs in accordance with the heirship findings of the Secretary of the Interior. Such funds shall be expended in accordance with this sub-part. The superintendent may disburse not to exceed \$40 per month for the support of the widow of a decedent, \$20 per month for the support of each minor child of a decedent, and \$20 per month for the support of an orphaned minor. Before making the disbursement, the superintendent shall reasonably satisfy himself that the recipients are the probable heirs to the estate, that they are in actual need of assistance, and that the value of the estate is sufficient to justify such payments. Complete record of such disbursements must be reported by the superintendent to the examiner of inheritance and by the latter considered and included in his report in the probate proceedings.

<sup>3</sup> Comptroller General Ruling A-62264, dated July 25, 1935.

§ 223.68 *Fee Patent Indians.* For the purposes of this sub-part a "fee patent Indian" shall be an adult Indian who has received a patent in fee to his allotment. Fee patent Indians shall be required to submit a program, the approval of which shall be in conformity with Sections 223.50, 223.51, 223.52, 223.53, 223.54, 223.55, and 223.63. Fee patent Indians shall not be required to conform to the provisions of Section 223.56 (b), but shall be required to conform to the remaining provisions of said section, except that they shall be required to conform to the provisions of Section 223.56 (a) only when the purchase of land or an interest in land contemplated by a program concerns lands within the diminished portion of the Wind River Reservation. Fee patent Indians shall not be required to make purchases through purchase orders as provided in Section 223.57, but may have funds disbursed to them by the superintendent for such purchases. The superintendent may disburse to fee patent Indians an initial payment of not more than \$1,350 each for the first year, and thereafter, on evidence of the proper use of the initial payment, a subsequent payment of not more than \$1,000 each for the execution of an approved program. Funds of minor children of fee patent Indians may be included in an approved family program, but their expenditure shall be subject to the same provisions as govern the expenditure of the funds of minor children of Indians other than fee patent Indians. Fee patent Indians shall be required to conform to the provisions of Section 223.58 only when the purchase of real property involves such property situated within the diminished portion of the Wind River Reservation; payment by fee patent Indians for real property outside the diminished portion of the Wind River Reservation may be made by them with funds disbursed to them by the superintendent and approval of title to such property by the Secretary of the Interior shall be only upon their request. Upon the request of fee patent Indians, and with the approval of the Shoshone Business Council and the superintendent, such Indians shall not be required to conform to the provisions of Section 223.59, except that title to real property situated within the diminished portion of the Wind River Reservation shall be taken in the name of the United States in trust for such Indians and title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in the name of the United States in trust but shall be taken in fee in the name of such Indians. Except as otherwise provided in this section, fee patent Indians shall conform to all the provisions of this sub-part.

§ 223.69 *Non-resident Indians.* The provisions of Section 223.68 pertaining to fee patent Indians shall also apply to Indians other than fee patent Indians who habitually reside away from the Wind

River Reservation and have, to all intents and purposes, severed their affiliation with the tribe, and who shall furnish to the superintendent in writing a statement that they intend to continue to reside away from the reservation and evidence, satisfactory to the superintendent, of their competency and ability to support themselves and manage their own affairs.

§ 223.70 *Definition of "Adult" and "Minor."* The term "adult" shall include all members of the tribe 18 years of age or over, and the term "minor" shall include all members of the tribe less than 18 years of age.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.  
NOVEMBER 29, 1939.

[F. R. Doc. 39-4532; Filed, December 7, 1939;  
9:38 a. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket Nos. 1117-FD to 1119-FD and  
1121-FD to 1133-FD]

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO 20, COMPLAINANT, vs. JOHN ARRONCO, BAILEY COAL CO., H. G. CAMPBELL, COMFORT COAL CO., JACK DODS, ERNEST JAGGI, J. B. JOHNSON, LOG CABIN COAL CO., LEO D. MURK, MUTUAL COAL CO., RIO GRANDE COAL CO., J. R. SITTERUD, ORRIN L. SNOW, STANDARD COAL CO., SWEET COAL COMPANY OF UTAH, TWIN CITIES COOPERATIVE, DEFENDANTS

##### NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 20, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

It is ordered, That a hearing on such matters be held on January 16, 1940, at 10 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, Room 200, the Post Office, Salt Lake City, Utah.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the

Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before January 12, 1940.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 20, alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board Assessments.

Dated, December 7, 1939.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 39-4538; Filed, December 7, 1939;  
11:39 a. m.]

##### Office of Indian Affairs.

DECLARATION OF POLICY IN DISBURSEMENT OF THE JUDGMENT FUND OF THE SHO- SHONE TRIBE OF THE WIND RIVER RES- ERVATION, WYOMING

NOVEMBER 29, 1939.

The Shoshone Judgment Fund represents the cash equivalent of land which was taken from the Tribe. The Fund, therefore, should be treated by the Shoshone Indians as a capital asset, in the nature of land, and thus to be conserved.

Congress has authorized the pro-ration of a portion of the Judgment Fund to living Indians for their use to foster their development and to enable them to become self-supporting. The objects for which the individual portions of the Judgment Fund may be expended have been strictly limited and defined by the Congress as indicated by the following extract from the act of July 27, 1939 (53 Stat. 1128-1130):

"Purchase of land, improvement of lands to be acquired or already held by the Indian, for the erection and improvement of suitable homes, the purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting: Provided, however, That the funds of the aged, infirm, decrepit, and incapacitated members may be used for their proper maintenance and support in the discretion of the Secretary of the Interior. The remainder of the share of each adult in-