THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 7 NUMBER 243

Washington, Saturday, December 12, 1942

The President

EXECUTIVE ORDER 9281

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, AND CAPITAL STOCK TAX RETURNS BY THE SPECIAL COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 257 (a) of the Revenue Act of 1926 (44 Stat. 9, 51); section 55 of the Revenue Act of 1932 (47 Stat. 169, 189) as amended by section 218 (h) of the National Industrial Recovery Act (48 Stat. 195, 209); sections 215 (e) and 216 (b) of the National Industrial Recovery Act (48 Stat. 195, 208); sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934 (48 Stat. 680, 698, 770); sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019); section 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936 (49 Stat. 1648, 1671, 1733, 1738); sections 55 (a), 409, 601 (e), and 602 (c) of the Revenue Act of 1938 (52 Stat. 447, 478, 564, 566, 568); and sections 55 (a), 508, 603, 1204, and 729 (a) of the Internal Revenue Code (53 Stat. 1, 29, 111, 171; 54 Stat. 974, 989), it is hereby ordered that income, excess-profits, declared value excess-profits, and capital stock tax returns made under the Revenue Act of 1932, the Revenue Act of 1932, as amended by the National Industrial Recovery Act, the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, the Revenue Act of 1936, as amended by the Revenue Act of 1937, the Revenue Act of 1938, and the Internal Revenue Code, for the year 1932 and subsequent years, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommitee thereof, for the purpose of carrying out the provisions of House Resolution 420, passed March 11, 1942 (Seventy-seventh Congress, second session); such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to the inspection of returns by that committee, approved by me this date.

This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 9, 1942.

[F. R. Doc. 42-13121; Filed, December 10, 1942; 3:07 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Amendment 1 to Oilseed Order 1]

PART 150—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

EXCESS PEANUTS

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, *It is hereby ordered*, That:

Section 250.1 *Use of excess peanuts* [7 F.R. 7133] is amended, and a new § 250.5a is added, to read as follows:

§ 250.1 *Use of excess peanuts.* (a) Except as hereinafter provided, no person shall, without the approval of the Commodity Credit Corporation, sell, contract for the sale of, or deliver excess peanuts of the 1942 crop for any purpose other than crushing and no person shall, without the approval of the Commodity Credit Corporation, purchase, contract for the purchase of, accept delivery of, or use such excess peanuts for any purpose other than crushing.

(b) The prohibitions of § 250.1 (a) shall not apply to any transaction in which a peanut grower sells excess peanuts produced by him to farmers for use as seed in 1943 and such purchaser delivers to the seller, at the time of the delivery of such peanuts, a certificate, approved by the county committee, for the quantity so delivered. The purchaser shall use such peanuts solely as seed in 1943. No person shall deliver excess peanuts under this subsection without first receiving such approved certificate. The

(Continued on next page)

CONTENTS

THE PRESIDENT

Page

EXECUTIVE ORDER:
Inspection of income, etc., tax returns by the Special Committee on Un-American Activities 10355

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Vesting orders:
Herrmann, Conrad 10403
Istrate, Nicholas 10404
Jones, Mary Emily 10404
Klaus, Helene 10404
Klener, Phillipine 10412
Koerner, Arno 10413
Kruger, Otto 10412
Lang, Louis 10412
Lenz, Sybilla 10411
Loew, Gustav 10411
Lutz, Anna M 10411
N. V. Handel-Maatschappij "Waldorf" 10403
Oberheim, Charles Philip 10410
Ott, Wilhelmina 10410
Pressprich, Otto, Jr 10409
Rademacher, Henry 10409
Reimann, Heinrich Wilhelm Ignatz 10409
Ritzki, Hedwig 10408
Rosenzweig, Mary F 10408
Sandhagen, Heinrich E. F 10408
Schaffald, Emil 10407
Schmidt, Alwine 10407
Schmidt, Harry J 10407
Schmitt, Joseph 10406
Terppe, Lizzie 10406
Tienken, Bertha 10405
Trifiro, Joseph 10406
Union Trust Co., certain property held in trust by 10405
Wollenberg, Theresa 10405

BITUMINOUS COAL DIVISION:
District 13, minimum price schedule amended 10368

COAST GUARD:
Emergency fishing kits for lifeboats and life rafts 10398

COMMODITY CREDIT CORPORATION:
Peanuts; vegetable oil seeds control 10355

FARM SECURITY ADMINISTRATION:
Denver Area, delegation of authority to Director 10402

(Continued on next page)

HeinOnline -- 7 Fed. Reg. 10355 1942

agency through which the Commanding General, Army Air Forces, fulfills his responsibilities with respect to priorities for air transportation. All applications should be directed to that agency which will issue complete instructions with respect to methods of securing priorities, information necessary to be presented, and the use of air priorities and identification numbers.

(g) The establishment of or subsequent change in priority ratings by the Air Priorities Division, Air Transport Command, Army Air Forces, will be final and conclusive. However, the shipper will be advised in the event a shipment is delayed due to a change in priorities so that other means of transportation may be provided.

(h) Air transport is a rapid means of transporting emergency items and, due to the limited airplane space available and the increased demand for this type of transportation, the provisions of this section will be rigidly enforced. (Chap. 418, Sec. 1, 39 Stat. 645; 10 U.S.C. 1361) [Sec. II, Cir. 385, W.D., November 27, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13095; Filed, December 10, 1942; 12:50 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 3604]

THE BRUNSWICK-BALKE-COLLENDER COMPANY

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By threatened loss attractive business in preponderant and established product:* § 3.39 *Dealing on exclusive and tying basis.* In connection with offer, etc., in commerce, of bowling pins, bowling supplies, bowling equipment, or other similar products, and among other things, as in order set forth, (1) using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor, in order to qualify for such contest, to purchase from the respondent all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season during which such contest is held; or (2) using any sales promotion plan or contest for the purpose, or having the effect, of coercing bowling-alley proprietors into purchasing all or substantially all of their bowling pins, bowling supplies, or bowling equipment from respondent; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Brunswick-Balke-Collender Company, Docket 3604, December 7, 1942]

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the sale, or the making of any contract for the sale, of bowling pins, bowling supplies, bowling equipment, or other similar products, in commerce, and among other things, as in order set forth, (1) selling, or making any contract for the sale of, bowling pins, bowling supplies, bowling equipment, or other similar products on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, bowling equipment, or other similar products other than those acquired from the respondent; or (2) using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor to purchase or agree to purchase all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season, where such sale or contract of sale is in effect a sale on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, or bowling equipment not manufactured or sold by the respondent; prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Cease and desist order. The Brunswick-Balke-Collender Company, Docket 3604, December 7, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Edward E. Reardon, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral arguments of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act and has violated the provisions of that certain Act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act;

It is ordered, That the respondent, the Brunswick-Balke-Collender Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of bowling pins, bowling supplies, bowling equipment, or other similar products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor, in order to qualify for such contest, to purchase from the respondent all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season during which such contest is held;

2. The use of any sales promotion plan or contest for the purpose, or having the effect, of coercing bowling-alley proprietors into purchasing all or substantially all of their bowling pins, bowling supplies, or bowling equipment from respondent.

It is further ordered, That the respondent, The Brunswick-Balke-Collender Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the sale, or the making of any contract for the sale, of bowling pins, bowling supplies, bowling equipment, or other similar products in commerce as "commerce" is defined in that Act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act, do forthwith cease and desist from:

1. Selling, or making any contract for the sale of, bowling pins, bowling supplies, bowling equipment, or other similar products on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, bowling equipment, or other similar products other than those acquired from the respondent;

2. Using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling alley proprietor to purchase or agree to purchase all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season, where such sale or contract of sale is in effect a sale on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, or bowling equipment not manufactured or sold by the respondent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-13175; Filed, December 11, 1942; 10:31 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

PART 256—RIGHTS-OF-WAY OVER INDIAN LANDS

HIGHWAYS IN TERRITORY OF FIVE CIVILIZED TRIBES

Section 256.54 of said Title, Chapter, Subchapter and Part is amended to read as follows:

§ 256.54 *Highways in territory of Five Civilized Tribes.* Rights of way for highways in the territory of the Five Civilized Tribes may be granted pursuant to §§ 256.50 to 256.53 of this part, or they may be handled through the medium of easement deeds executed by the allottees or their heirs and approved by the Secretary of the Interior. Deeds of minors should be executed by the legal guardian in each case, and have attached thereto copies of guardian's appointment and of the order of the court specifically authorizing him to execute the deed subject to

HeinOnline -- 7 Fed. Reg. 10360 1942

approval by the Secretary of the Interior. Upon receipt of the approved deed, the Superintendent should have attached thereto before delivery a copy of the Court's order confirming the sale, and send a copy of the order to the Commissioner of Indian Affairs. (31 Stat. 1084; 25 U.S.C. 311)

NOTE: The opinion of the Acting Solicitor of the Interior of August 24, 1942 (M 30582) held that the Act of March 3, 1901 (31 Stat. 1084) is applicable to the lands of the Five Civilized Tribes.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 42-13104; Filed, December 10, 1942; 12:50 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Bureau

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5195]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

MISCELLANEOUS AMENDMENTS

Regulations 103 amended to conform to certain sections[1] of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d session).

Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.3-1 the following:

SEC. 172. TEMPORARY INCOME TAX ON INDIVIDUALS. (Revenue Act of 1942, Title I).

* * * * *

(b) *Classification of provisions.* Section 3 is amended by adding at the end thereof the following new paragraph:

Subchapter D—Victory tax on individuals, divided into parts and sections.

* * * * *

PAR. 2. Section 19.3-1 is amended by striking out the last three sentences and inserting in lieu thereof the following:

Subpart D relates to Victory Tax on Individuals. Subpart E relates to Surtax on Personal Holding Companies. Subpart F relates to Definitions. Subpart G relates to Mitigation of Effect of Limitation and Other Provisions in Income Tax Cases.

PAR. 3. The headings of Subparts D (preceding section 500), E (preceding section 3797), and F (preceding section 3801) are relettered as Subparts E, F, and G, respectively.

PAR. 4. There is inserted immediately preceding § 19.4-1 the following:

SEC. 170. REGULATED INVESTMENT COMPANIES. (Revenue Act of 1942, Title I.)

* * * * *

(b) *Technical amendments.* (1) Section 4 (relating to applicability of supplements) is amended by striking out "(j) Mutual investment companies—Supplement Q" and inserting in lieu thereof "(j) Regulated investment companies,—Supplement Q".

* * * * *

PAR. 5. Section 19.4-1, as amended by Treasury Decision 5086, approved October 10, 1941, is amended by striking out "170", "189", "208", and "238" and inserting in lieu thereof, respectively, "172," "190", "207", and "237" and by striking out "Mutual" in the third paragraph from the end and inserting in lieu thereof "Regulated".

PAR. 6. There is inserted immediately preceding § 19.11-1 the following:

SEC. 102. NORMAL TAX ON INDIVIDUALS. (Revenue Act of 1942, Title I.)

Section 11 is amended to read as follows:

SEC. 11. NORMAL TAX ON INDIVIDUALS.

There shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax of 6 per centum of the amount of the net income in excess of the credits against net income provided in section 25. (For alternative tax, if gross income from certain sources is $3,000 or less, see section 400).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 7. Section 19.11-1, as amended by Treasury Decision 5086, approved October 10, 1941, is further amended by inserting immediately after the first sentence the following:

For taxable years beginning after December 31, 1938, and before January 1, 1942, the rate of normal tax on individuals is 4 percent; for taxable years beginning after December 31, 1941, such rate is 6 percent. But see section 108 as to certain fiscal years.

PAR. 8. There is inserted immediately preceding § 19.12-1 the following:

SEC. 103. SURTAX ON INDIVIDUALS. (Revenue Act of 1942, Title I.)

Section 12 (b) is amended to read as follows:

(b) *Rates of surtax.* There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual the surtax shown in the following table:

If the surtax net income is—	*The surtax shall be—*
Not over $2,000	13% of the surtax net income.
Over $2,000 but not over $4,000	$260, plus 16% of excess over $2,000.
Over $4,000 but not over $6,000	$580, plus 20% of excess over $4,000.
Over $6,000 but not over $8,000	$980, plus 24% of excess over $6,000.
Over $8,000 but not over $10,000	$1,460, plus 28% of excess over $8,000.
Over $10,000 but not over $12,000	$2,020, plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$2,660, plus 36% of excess over $12,000.
Over $14,000 but not over $16,000	$3,380, plus 40% of excess over $14,000.
Over $16,000 but not over $18,000	$4,180, plus 43% of excess over $16,000.
Over $18,000 but not over $20,000	$5,040, plus 46% of excess over $18,000.
Over $20,000 but not over $22,000	$5,960, plus 49% of excess over $20,000.
Over $22,000 but not over $26,000	$6,940, plus 52% of excess over $22,000.
Over $26,000 but not over $32,000	$9,020, plus 55% of excess over $26,000.
Over $32,000 but not over $38,000	$12,320, plus 58% of excess over $32,000.
Over $38,000 but not over $44,000	$15,800, plus 61% of excess over $38,000.
Over $44,000 but not over $50,000	$19,460, plus 63% of excess over $44,000.
Over $50,000 but not over $60,000	$23,240, plus 66% of excess over $50,000.
Over $60,000 but not over $70,000	$29,840, plus 69% of excess over $60,000.
Over $70,000 but not over $80,000	$36,740, plus 72% of excess over $70,000.
Over $80,000 but not over $90,000	$43,840, plus 75% of excess over $80,000.
Over $90,000 but not over $100,000	$51,440, plus 77% of excess over $90,000.
Over $100,000 but not over $150,000	$59,140, plus 79% of excess over $100,000.
Over $150,000 but not over $200,000	$93,640, plus 81% of excess over $150,000.
Over $200,000	$139,140, plus 82% of excess over $200,000.

SEC. 150. CAPITAL GAINS AND LOSSES. (Revenue Act of 1942, Title I.)

* * * * *

(j) *Cross reference.* Section 12 (c) is amended to read as follows:

(c) *Tax in case of capital gains or losses.* For rate and computation of alternative tax in lieu of normal tax and surtax in the case of a capital gain or loss from the sale or exchange of capital assets held for more than 6 months, see section 117 (c).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 9. Section 19.12-2, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the first sentence and inserting in lieu thereof the following sentence:

The following tables show the surtax (1) for taxable years beginning after December 31, 1938, and before January 1, 1940, (2) for taxable years beginning after December 31, 1939, and before January 1, 1941, (3) for taxable years beginning after December 31, 1940, and before January 1, 1942, and (4) for taxable years beginning after December 31, 1941, upon certain specified amounts of surtax net income. But see section 108 as to certain fiscal years.

(B) By striking out the heading of Table III and inserting in lieu thereof the following: "Table III—Taxable Years Beginning After December 31, 1940, and Before January 1, 1942".

(C) By striking out the last paragraph and inserting in lieu thereof the following:

TABLE IV—TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

Surtax net income	Percent	Total Surtax
$0 to $2,000	13	$260
$2,000 to $4,000	16	580
$4,000 to $6,000	20	980
$6,000 to $8,000	24	1,460
$8,000 to $10,000	28	2,020
$10,000 to $12,000	32	2,660
$12,000 to $14,000	36	3,380
$14,000 to $16,000	40	4,180
$16,000 to $18,000	43	5,040
$18,000 to $20,000	46	5,960
$20,000 to $22,000	49	6,940
$22,000 to $26,000	52	9,020
$26,000 to $32,000	55	12,320
$32,000 to $38,000	58	15,800
$38,000 to $44,000	61	19,460
$44,000 to $50,000	63	23,240
$50,000 to $60,000	66	29,840
$60,000 to $70,000	69	36,740
$70,000 to $80,000	72	43,840
$80,000 to $90,000	75	51,440
$90,000 to $100,000	77	59,140
$100,000 to $150,000	79	93,640
$150,000 to $200,000	81	139,140
$200,000 up	82	

---

[1] Sec. 101. Taxable years to which amendments applicable. Sec. 102. Normal tax on individuals. Sec. 103. Surtax on individuals. Sec. 104. Optional tax on individuals with gross income from certain sources of $3,000 or less. Sec. 105 (a), (b). Tax on corporations. Sec. 150 (j). Technical amendment. Sec. 160 (b). Tax on foreign corporations. Sec. 170 (b). Technical amendments. Sec. 172 (b). Technical amendment.

HeinOnline -- 7 Fed. Reg. 10361 1942