

THE
STATUTES AT LARGE

OF THE
UNITED STATES OF AMERICA

FROM

MARCH 1933 to JUNE 1934

CONCURRENT RESOLUTIONS
RECENT TREATIES AND CONVENTIONS, EXECUTIVE PROCLAMATIONS
AND AGREEMENTS, TWENTY-FIRST AMENDMENT
TO THE CONSTITUTION

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PART 2—Private Acts and Resolutions, Concurrent Resolutions
Treaties and Conventions, Executive Proclamations
and Agreements, Twenty-first Amendment to the
Constitution.

PART 1

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PUBLIC LAWS
OF THE
UNITED STATES OF AMERICA
PASSED BY THE
SEVENTY-THIRD CONGRESS
1933 – 1934

LIST

OF THE

PUBLIC ACTS AND RESOLUTIONS OF CONGRESS

CONTAINED IN THIS VOLUME

THE SEVENTY-THIRD CONGRESS OF THE UNITED STATES

FIRST SESSION, 1933

| | Page. |
|--|----------------------|
| <i>Emergency banking relief; Bank Conservation Act.</i> AN ACT To provide relief in the existing national emergency in banking, and for other purposes..... | March 9, 1933... 1 |
| <i>Legislative expenses.</i> JOINT RESOLUTION To provide for certain expenses incident to the first session of the Seventy-third Congress..... | March 17, 1933... 8 |
| <i>United States Government, maintain credit of.</i> AN ACT To maintain the credit of the United States Government..... | March 20, 1933... 8 |
| <i>Revenue taxes on certain nonintoxicating liquor.</i> AN ACT To provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes..... | March 22, 1933... 16 |
| <i>Earthquake, etc., relief.</i> JOINT RESOLUTION To authorize the Reconstruction Finance Corporation to make loans for financing the repair or reconstruction of buildings damaged by earthquake in 1933..... | March 23, 1933... 20 |
| <i>Direct loans to State banks, etc.</i> AN ACT To provide for direct loans by Federal reserve banks to State banks and trust companies in certain cases, and for other purposes..... | March 24, 1933... 20 |
| <i>Swimming exercise tank.</i> JOINT RESOLUTION To provide for the acceptance of sums donated for the construction of a swimming exercise tank for the use of the President..... | March 30, 1933... 22 |
| <i>Unemployment relief.</i> AN ACT For the relief of unemployment through the performance of useful public work, and for other purposes..... | March 31, 1933... 22 |
| <i>Medicinal liquor prescriptions.</i> AN ACT Relating to the prescribing of medicinal liquors..... | March 31, 1933... 23 |
| <i>District of Columbia, beer, etc., tax.</i> AN ACT To provide revenue for the District of Columbia by the taxation of beverages, and for other purposes..... | April 5, 1933... 25 |
| <i>Pages, Senate and House of Representatives.</i> JOINT RESOLUTION To provide for the payment of pages for the Senate and House of Representatives for the first session of the Seventy-third Congress..... | April 14, 1933... 29 |
| <i>Bridge, Allegheny River.</i> AN ACT Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Parkers Landing in the county of Armstrong, Commonwealth of Pennsylvania..... | April 29, 1933... 29 |
| <i>Bridge, Allegheny River.</i> AN ACT Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River, at a point near the Forest-Venango County line, in Tionesta Township, and in the county of Forest, and in the Commonwealth of Pennsylvania..... | April 29, 1933... 30 |
| <i>Crop production loans.</i> JOINT RESOLUTION To amend section 2 of the Act approved February 4, 1933, to provide for loans to farmers for crop production and harvesting during the year 1933, and for other purposes..... | May 1, 1933... 30 |
| <i>Pan American Petroleum Company, etc.</i> JOINT RESOLUTION Authorizing the Attorney General, with the concurrence of the Secretary of the Navy, to release claims of the United States upon certain assets of the Pan American Petroleum Company and the Richfield Oil Company of California and others in connection with collections upon a certain judgment in favor of the United States against the Pan American Petroleum Company heretofore duly entered..... | May 3, 1933... 30 |
| <i>Agricultural Adjustment Act.</i> AN ACT To relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes..... | May 12, 1933... 31 |
| <i>Bridge, Missouri River.</i> AN ACT To extend the time for completing the construction of a bridge across the Missouri River at or near Kansas City, Kansas..... | May 12, 1933... 54 |
| <i>Bridges, Pee Dee and Waccamaw Rivers.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina..... | May 12, 1933... 54 |
| <i>Bridge, Waccamaw River.</i> AN ACT To extend the time for commencing and completing the construction of a bridge across the Waccamaw River near Conway, South Carolina..... | May 12, 1933... 55 |

| | Page. |
|--|-------|
| <i>Bridge, Mahoning River.</i> AN ACT Granting the consent of Congress to the Board of County Commissioners of Mahoning County, Ohio, to construct a free overhead viaduct across the Mahoning River at Struthers, Mahoning County, Ohio... May 12, 1933... | 55 |
| <i>Federal Emergency Relief Act of 1933.</i> AN ACT To provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes... May 12, 1933... | 55 |
| <i>Grand juries.</i> AN ACT To amend section 1025 of the Revised Statutes of the United States... May 18, 1933... | 58 |
| <i>Tennessee Valley Authority Act of 1933.</i> AN ACT To improve the navigability and to provide for the flood control of the Tennessee River; to provide for reforestation and the proper use of marginal lands in the Tennessee Valley; to provide for the agricultural and industrial development of said valley; to provide for the national defense by the creation of a corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes... May 18, 1933... | 58 |
| <i>Mining claims, assessments.</i> AN ACT Providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska... May 18, 1933... | 72 |
| <i>Bank Conservation Act, correction.</i> AN ACT To amend section 207 of the Bank Conservation Act with respect to bank reorganizations... May 20, 1933... | 72 |
| <i>National banks, loans, etc.</i> AN ACT To amend sections 5200 and 5202 of the Revised Statutes, as amended, to remove the limitations on national banks in certain cases... May 20, 1933... | 72 |
| <i>National Maritime Day.</i> JOINT RESOLUTION Designating May 22 as National Maritime Day... May 20, 1933... | 73 |
| <i>Naval, Military, and Coast Guard Academies, Graduates.</i> AN ACT To confer the degree of bachelor of science upon graduates of the Naval, the Military, and the Coast Guard Academies... May 25, 1933... | 73 |
| <i>Securities Act of 1933.</i> AN ACT To provide full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof, and for other purposes... May 27, 1933... | 74 |
| <i>Bridge, Northwest River.</i> AN ACT Granting the consent of Congress to the State Highway Commission of Virginia to replace and maintain a bridge across Northwest River in Norfolk County, Virginia, on State Highway Route Numbered 27... May 27, 1933... | 96 |
| <i>Bridge, Staunton and Dan Rivers.</i> AN ACT Granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed to replace a weak structure in the same location, across the Staunton and Dan Rivers, in Mecklenburg County, Virginia, on United States Route Numbered 15... May 27, 1933... | 96 |
| <i>Bridge, Savannah River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia... May 27, 1933... | 96 |
| <i>Appropriations, third deficiency Act, 1933.</i> AN ACT Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes... May 29, 1933... | 97 |
| <i>Choctaw County, Oklahoma, tuition of Indians.</i> AN ACT To authorize the Comptroller General to allow claim of district numbered 13, Choctaw County, Oklahoma, for payment of tuition for Indian pupils... May 29, 1933... | 105 |
| <i>Bridge, Missouri River.</i> JOINT RESOLUTION Granting the consent of Congress to a compact or agreement between the State of Kansas and the State of Missouri authorizing the acceptance for and on behalf of the States of Kansas and Missouri of title to a toll bridge across the Missouri River from a point in Platte County, Missouri, to a point at or near Kansas City, in Wyandotte County, Kansas, and specifying the conditions thereof... May 29, 1933... | 105 |
| <i>Indian pueblos in New Mexico.</i> AN ACT To authorize appropriations to pay in part the liability of the United States to the Indian pueblos herein named, under the terms of the Act of June 7, 1924, and the liability of the United States to non-Indian claimants on Indian pueblo grants whose claims, extinguished under the Act of June 7, 1924, have been found by the Pueblo Lands Board to have been claims in good faith; to authorize the expenditure by the Secretary of the Interior of the sums herein authorized and of sums heretofore appropriated, in conformity with the Act of June 7, 1924, for the purchase of needed lands and water rights and the creation of other permanent economic improvements as contemplated by said Act; to provide for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians of New Mexico and others interested, and to authorize the Secretary of Agriculture to contract relating thereto and to amend the Act approved June 7, 1924, in certain respects... May 31, 1933... | 108 |
| <i>Menominee Indians, Wis., per capita payment.</i> AN ACT Authorizing a per capita payment of \$100 to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States... June 3, 1933... | 112 |
| <i>Military Academy, Posheng Yen.</i> JOINT RESOLUTION Authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Posheng Yen, a citizen of China... June 5, 1933... | 112 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

vii

| | Page. |
|---|-------|
| <i>Uniform value of coins and currencies.</i> JOINT RESOLUTION To assure uniform value to the coins and currencies of the United States..... June 5, 1933.. | 112 |
| <i>National cooperative employment service.</i> AN ACT To provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes..... June 6, 1933.. | 113 |
| <i>Testimony before international tribunals.</i> AN ACT To amend the Act approved July 3, 1930 (46 Stat. 1005), authorizing commissioners or members of international tribunals to administer oaths, and so forth..... June 7, 1933.. | 117 |
| <i>The Dalles Bridge Company.</i> AN ACT To amend an Act (Public, Numbered 431, Seventy-second Congress) to identify The Dalles Bridge Company..... June 9, 1933.. | 118 |
| <i>Bridge, Ohio River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Owensboro, Kentucky..... June 9, 1933.. | 118 |
| <i>Stock-raising homesteads.</i> AN ACT Amending section 1 of the Act entitled "An Act to provide for stock-raising homesteads, and for other purposes", approved December 29, 1916 (ch. 9, par. 1, 39 Stat. 862), and as amended February 28, 1931 (ch. 328, 46 Stat. 1454)..... June 9, 1933.. | 119 |
| <i>Insurance companies, laws, etc.</i> AN ACT to authorize the Reconstruction Finance Corporation to subscribe for preferred stock and purchase the capital notes of insurance companies, and for other purposes..... June 10, 1933.. | 119 |
| <i>Bridge, Deep Creek, Del.</i> AN ACT Granting the consent of Congress to the Levy Court of Sussex County, Delaware, to reconstruct, maintain, and operate a free highway bridge across the Deep Creek at Cherry Tree Landing, Sussex County, Delaware..... June 10, 1933.. | 122 |
| <i>Government records.</i> AN ACT For the protection of Government records..... June 10, 1933.. | 122 |
| <i>Naval Academy graduates, pay.</i> AN ACT To amend existing law in order to obviate the payment of one year's sea pay to surplus graduates of the Naval Academy..... June 10, 1933.. | 123 |
| <i>American apples and pears.</i> AN ACT To promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes.... June 10, 1933.. | 123 |
| <i>Settlement of war claims, extension.</i> JOINT RESOLUTION Extending for one year the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission..... June 12, 1933.. | 125 |
| <i>Construction of boilers, etc.</i> AN ACT To amend sections 4399, 4418, 4428, 4429, 4430, 4431, 4432, 4433, and 4434 of the Revised Statutes, as amended, relating to the construction and inspection of boilers, unfired pressure vessels and the appurtenances thereof..... June 13, 1933.. | 125 |
| <i>Unidentifiable bank notes.</i> AN ACT To provide for the redemption of national-bank notes, Federal Reserve bank notes, and Federal Reserve notes which cannot be identified as to the bank of issue..... June 13, 1933.. | 127 |
| <i>Ouachita National Forest, Ark.</i> AN ACT To authorize the creation of a game refuge in the Ouachita National Forest in the State of Arkansas..... June 13, 1933.. | 128 |
| <i>Home Owners' Loan Act of 1933.</i> AN ACT To provide emergency relief with respect to home mortgage indebtedness, to refinance home mortgages, to extend relief to the owners of homes occupied by them and who are unable to amortize their debt elsewhere, to amend the Federal Home Loan Bank Act, to increase the market for obligations of the United States and for other purposes..... June 13, 1933.. | 128 |
| <i>Bridge, Umpqua River.</i> AN ACT Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across the Umpqua River at or near Reedsport, Douglas County, Oregon..... June 13, 1933.. | 135 |
| <i>Bridge, Yaquina Bay.</i> AN ACT Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Yaquina Bay at or near Newport, Lincoln County, Oregon..... June 13, 1933.. | 136 |
| <i>Bridge, Coos Bay.</i> AN ACT Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Coos Bay at or near North Bend, Coos County, Oregon..... June 13, 1933.. | 137 |
| <i>Bridge, Siuslaw River.</i> AN ACT Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across the Siuslaw River at or near Florence, Lane County, Oregon..... June 13, 1933.. | 137 |
| <i>Bridges, navigable waters in Monroe County, Fla.</i> AN ACT Granting the consent of Congress to the Overseas Road and Toll Bridge District, a political subdivision of the State of Florida, to construct, maintain, and operate bridges across the navigable waters in Monroe County, Florida, from Lower Matecumbe Key to No Name Key..... June 13, 1933.. | 138 |
| <i>Death Valley National Monument, Calif., mining laws.</i> AN ACT To extend the mining laws of the United States to the Death Valley National Monument in California..... June 13, 1933.. | 139 |
| <i>Great Lakes Bridge Commission Act, amendments.</i> AN ACT To amend an Act entitled "An Act creating the Great Lakes Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Saint Clair River at or near Port Huron, Michigan", approved June 25, 1930, and to extend the times for commencing and completing construction of said bridge.... June 13, 1933.. | 139 |

| | Page. |
|--|-------|
| <i>Closed building and loan associations, loans.</i> AN ACT To amend the Reconstruction Finance Corporation Act, as amended, to provide for loans to closed building and loan associations..... June 14, 1933... | 141 |
| <i>Bridge, Saint Lawrence River.</i> AN ACT Creating the Saint Lawrence Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Saint Lawrence River at or near Ogdensburg, New York..... June 14, 1933... | 141 |
| <i>Seminole Indians, Okla., per capita payments.</i> AN ACT Providing for per capita payments to the Seminole Indians in Oklahoma from funds standing to their credit in the Treasury..... June 15, 1933... | 146 |
| <i>U.S. Courts, Florida southern district.</i> AN ACT Providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Florida..... June 15, 1933... | 147 |
| <i>Right of way, Celilo Canal, Oreg.</i> AN ACT To authorize the Secretary of War to grant a right of way to The Dalles Bridge Company..... June 15, 1933... | 147 |
| <i>Emergency banking relief, amendment.</i> AN ACT To amend the Act entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes", approved March 9, 1933..... June 15, 1933... | 147 |
| <i>U.S. Courts, Connecticut district.</i> AN ACT Amending section 74 of the Judicial Code, as amended (U.S.C., Annotated, title 28, sec. 147)..... June 15, 1933... | 148 |
| <i>Bridge, Alsea Bay, Oreg.</i> AN ACT Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Alsea Bay at or near Waldport, Lincoln County, Oregon..... June 15, 1933... | 148 |
| <i>Texas centennial, 1936.</i> AN ACT To authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary in 1936 of the independence of Texas, and of the noble and heroic sacrifices of her pioneers, whose revered memory has been an inspiration to her sons and daughters during the past century..... June 15, 1933... | 149 |
| <i>Ship Island Military Reservation, Miss.</i> AN ACT Providing for the sale to Joe Graham Post Numbered 119, American Legion, of the lands lying within the Ship Island Military Reservation in the State of Mississippi..... June 15, 1933... | 150 |
| <i>Bridge, Monongahela River.</i> AN ACT Authorizing Farris Engineering Company, its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near California, Pennsylvania..... June 15, 1933... | 150 |
| <i>Offenses on Federal territory.</i> AN ACT To amend section 289 of the Criminal Code..... June 15, 1933... | 152 |
| <i>Bridge, Missouri River.</i> AN ACT Granting the consent of Congress to the city of Washington, Missouri, to construct, maintain, and operate a toll bridge across the Missouri River at or near Washington, Missouri..... June 15, 1933... | 152 |
| <i>National Defense Act, amendments.</i> AN ACT To amend the National Defense Act of June 3, 1916, as amended..... June 15, 1933... | 153 |
| <i>Bridge, Lake Champlain.</i> AN ACT To revive and reenact the Act entitled "An Act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vermont, to West Swanton, Vermont", approved March 2, 1929..... June 15, 1933... | 162 |
| <i>Banking Act of 1933.</i> AN ACT To provide for the safer and more effective use of the assets of banks, to regulate interbank control, to prevent the undue diversion of funds into speculative operations, and for other purposes..... June 16, 1933... | 162 |
| <i>National Industrial Recovery Act.</i> AN ACT To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes..... June 16, 1933... | 195 |
| <i>Emergency Railroad Transportation Act, 1933.</i> AN ACT To relieve the existing national emergency in relation to interstate railroad transportation, and to amend sections 5, 15a, and 19a of the Interstate Commerce Act, as amended..... June 16, 1933... | 211 |
| <i>Bridge, French Broad River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the French Broad River on the proposed Morristown-Newport Road between Jefferson and Cocke Counties, Tennessee..... June 16, 1933... | 222 |
| <i>Appropriations, District of Columbia, fiscal year 1934.</i> AN ACT Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1934, and for other purposes..... June 16, 1933... | 222 |
| <i>U.S. Courts, Tennessee middle district.</i> AN ACT To transfer Bedford County from the Nashville division to the Winchester division of the middle Tennessee judicial district..... June 16, 1933... | 253 |
| <i>Chippewa Indians, Minn., Red Lake Band.</i> AN ACT Providing for payment of \$50 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota from the timber funds standing to their credit in the Treasury of the United States..... June 16, 1933... | 254 |
| <i>Internal revenue, gasoline tax, postage rates, etc.</i> AN ACT To extend the gasoline tax for one year, to modify postage rates on mail matter, and for other purposes..... June 16, 1933... | 254 |
| <i>U.S. Courts, probationers.</i> AN ACT To amend the probation law..... June 16, 1933... | 256 |
| <i>Farm Credit Act of 1933.</i> AN ACT To provide for organizations within the Farm Credit Administration to make loans for the production and marketing of agricultural products, to amend the Federal Farm Loan Act, to amend the Agricultural Marketing Act, to provide a market for obligations of the United States, and for other purposes..... June 16, 1933... | 257 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

ix

| | Page. |
|--|---------------------|
| <i>Public lands, homestead entries.</i> AN ACT To extend the provisions of the Act entitled "An Act to extend the period of time during which final proof may be offered by homestead entrymen", approved May 13, 1932, to desert-land entrymen, and for other purposes..... | June 16, 1933.. 274 |
| <i>Appropriations, fourth deficiency Act, 1933.</i> AN ACT Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes..... | June 16, 1933.. 274 |
| <i>Appropriations, Independent Offices, etc., fiscal year 1934.</i> AN ACT Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes..... | June 16, 1933.. 283 |
| <i>Ninth judicial circuit, filling vacancy.</i> AN ACT To remove the limitation on the filling of the vacancy in the office of senior circuit judge for the ninth judicial circuit..... | June 16, 1933.. 310 |
| <i>U.S. Courts, survival of civil actions.</i> AN ACT To provide for the survival of certain actions in favor of the United States..... | June 16, 1933.. 311 |
| <i>Indian timber lands.</i> AN ACT To amend Public Act Numbered 435 of the Seventy-second Congress, relating to sales of timber on Indian land..... | June 16, 1933.. 311 |
| <i>Oklahoma, beer.</i> AN ACT To legalize the manufacture, sale, or possession of 3.2 percentum beer in the State of Oklahoma when and if the same is legalized by a majority vote of the people of Oklahoma or by act of the Legislature of the State of Oklahoma..... | June 16, 1933.. 311 |

SECOND SESSION, 1934

| | |
|---|-------------------------|
| <i>Liquor Taxing Act of 1934.</i> AN ACT To raise revenue by taxing certain intoxicating liquors, and for other purposes..... | January 11, 1934.. 313 |
| <i>Appropriations, expenses, 2d sess., 73d Congress.</i> JOINT RESOLUTION To provide for certain expenses incident to the second session of the Seventy-third Congress..... | January 18, 1934.. 318 |
| <i>Reconstruction Finance Corporation, functions continued.</i> AN ACT To continue the functions of the Reconstruction Finance Corporation, to provide additional funds for the Corporation, and for other purposes..... | January 20, 1934.. 318 |
| <i>District of Columbia, Alcoholic Beverage Control Act.</i> AN ACT To control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia..... | January 24, 1934.. 319 |
| <i>Agricultural Adjustment Act, contracts.</i> AN ACT Relating to contracts and agreements under the Agricultural Adjustment Act..... | January 25, 1934.. 337 |
| <i>Gold Reserve Act of 1934.</i> AN ACT To protect the currency system of the United States, to provide for the better use of the monetary gold stock of the United States, and for other purposes..... | January 30, 1934.. 337 |
| <i>Federal Farm Mortgage Corporation Act.</i> AN ACT To provide for the establishment of a corporation to aid in the refinancing of farm debts, and for other purposes..... | January 31, 1934.. 344 |
| <i>District of Columbia, Alcoholic Beverage Control Act, appropriation.</i> JOINT RESOLUTION To provide appropriations to carry into effect the Act entitled "An Act to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia", approved January 24, 1934..... | February 2, 1934.. 349 |
| <i>Desert-land entries, public lands.</i> AN ACT To amend an Act approved March 4, 1929 (45 Stat. 1548), entitled "An Act to supplement the last three paragraphs of section 5 of the Act of March 4, 1915 (38 Stat. 1161), as amended by the Act of March 21, 1918 (40 Stat. 458)"..... | February 14, 1934.. 349 |
| <i>Deschutes County, Oreg., school district.</i> AN ACT Authorizing the conveyance of certain lands to School District Numbered 28, Deschutes County, Oregon..... | February 14, 1934.. 350 |
| <i>Fort Lowell Military Reservation, homestead entries.</i> AN ACT To provide for extension of time for making deferred payments on homestead entries in the abandoned Fort Lowell Military Reservation, Arizona..... | February 14, 1934.. 350 |
| <i>Wyoming, school lands.</i> AN ACT To amend section 5 of the Act approved July 10, 1890 (28 Stat. 664), relating to the admission into the Union of the State of Wyoming..... | February 15, 1934.. 350 |
| <i>Federal Emergency Relief Act, appropriation.</i> AN ACT Making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil-Works program, and for other purposes..... | February 15, 1934.. 351 |
| <i>District of Columbia, banking regulations.</i> AN ACT To amend the Act of March 4, 1933, relating to the regulation of banking in the District of Columbia..... | February 16, 1934.. 352 |
| <i>Mount Pleasant Indian School.</i> AN ACT Granting certain property to the State of Michigan for institutional purposes..... | February 19, 1934.. 353 |
| <i>Washington Home for Foundlings, D.C.</i> AN ACT To authorize an increase in the number of directors of the Washington Home for Foundlings..... | February 20, 1934.. 353 |
| <i>Crop-production loans.</i> AN ACT To provide for loans to farmers for crop production and harvesting during the year 1934, and for other purposes..... | February 23, 1934.. 354 |
| <i>Bridge, Delaware River.</i> AN ACT To extend the time for completing the construction of a bridge across the Delaware River near Trenton, New Jersey..... | February 24, 1934.. 355 |

| | Page. |
|--|-------|
| <i>Noxubee River, Noxubee County, Miss., nonnavigable.</i> AN ACT To declare Noxubee River in Noxubee County, Mississippi, to be a nonnavigable stream..... | 356 |
| <i>Bridge, Youngs Bay, Oreg.</i> AN ACT Granting the consent of Congress to the State of Oregon to maintain a bridge already constructed across Youngs Bay near the city of Astoria, Oregon..... | 356 |
| <i>Bridge, Missouri River.</i> AN ACT To extend the time for completing the construction of a bridge across the Missouri River at or near South Omaha, Nebraska..... | 356 |
| <i>Bridge, Delaware River.</i> AN ACT Authorizing the State of Pennsylvania and the State of New Jersey to construct, maintain, and operate a toll bridge across the Delaware River at a point between Easton, Pennsylvania, and Phillipsburg, New Jersey..... | 356 |
| <i>Bridge, Missouri River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Weldon Spring, Missouri..... | 357 |
| <i>Bridge, Des Moines River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Saint Francisville, Missouri..... | 358 |
| <i>Bridge, Mississippi River.</i> AN ACT Authorizing the City of Hannibal, Missouri, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the City of Hannibal, Marion County, Missouri..... | 358 |
| <i>Bridge, Saint Lawrence River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Alexandria Bay, New York..... | 360 |
| <i>Federal Farm Mortgage Corporation Act, amendment.</i> AN ACT To amend subsection (b) of section 12 of the Act entitled "An Act to provide for the establishment of a corporation to aid in the refinancing of farm debts, and for other purposes", approved January 31, 1934..... | 360 |
| <i>Puerto Rico and Virgin Islands, prohibition laws.</i> AN ACT To repeal Federal Liquor prohibition laws to the extent they are in force in Puerto Rico and the Virgin Islands, and for other purposes..... | 361 |
| <i>Appropriations, Interior Department, fiscal year 1935.</i> AN ACT Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1935, and for other purposes..... | 362 |
| <i>American shipwrecked merchant seamen.</i> AN ACT To provide for the care and transportation of seamen from shipwrecked fishing and whaling vessels..... | 395 |
| <i>Bridge, Missouri River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Farnam Street, Omaha, Nebraska..... | 395 |
| <i>Bridge, Mississippi River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, Louisiana..... | 396 |
| <i>Intoxicating liquors in former Indian Territory.</i> AN ACT To repeal certain specific Acts of Congress and an amendment thereto enacted to regulate the manufacture, sale, or possession of intoxicating liquors in the Indian Territory, now a part of the State of Oklahoma..... | 396 |
| <i>Distinguished Service Cross.</i> AN ACT To award the Distinguished Service Cross to former holders of the certificate of merit, and for other purposes..... | 396 |
| <i>International Petroleum Exposition, Okla.</i> JOINT RESOLUTION Authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Oklahoma, to be held May 12 to May 19, 1934, inclusive..... | 397 |
| <i>Timber sales, Indian lands.</i> JOINT RESOLUTION To amend Public Act Numbered 81 of the Seventy-third Congress, relating to the sale of timber on Indian land..... | 397 |
| <i>Federal Reserve notes.</i> AN ACT To extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes..... | 398 |
| <i>Dams, Yaquina Bay and River.</i> AN ACT To revive and reenact the Act entitled "An Act granting the consent of Congress to the Mill Four Drainage District in Lincoln County, Oregon, to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith", approved June 17, 1930..... | 398 |
| <i>Proceedings in criminal cases after verdict.</i> AN ACT To amend an Act entitled "An Act to give the Supreme Court of the United States authority to prescribe rules of practice and procedure with respect to proceedings in criminal cases after verdict"..... | 399 |
| <i>Plattsburgh Barracks and Military Reservation.</i> AN ACT To authorize the Secretary of War to sell to the Plattsburgh National Bank and Trust Company a tract of land comprising part of the Plattsburgh Barracks Military Reservation, New York..... | 399 |
| <i>Pennsylvania, Department of Forests and Waters.</i> AN ACT To authorize the Department of Agriculture to issue a duplicate check in favor of Department of Forests and Waters, Commonwealth of Pennsylvania, the original check having been lost..... | 400 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

xi

| | Page. |
|--|-----------------------|
| <i>Fish and game sanctuaries.</i> AN ACT To establish fish and game sanctuaries in the national forests..... | March 10, 1934... 400 |
| <i>Conservation of wild life, etc.</i> AN ACT To promote the conservation of wild life, fish, and game, and for other purposes..... | March 10, 1934... 401 |
| <i>Crop production loans, appropriation.</i> JOINT RESOLUTION To provide an appropriation to carry into effect the Act entitled "An Act to provide for loans to farmers for crop production and harvesting during the year 1934, and for other purposes", approved February 23, 1934..... | March 10, 1934... 402 |
| <i>Appropriations, Navy Department, etc., fiscal year 1935.</i> AN ACT Making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1935, and for other purposes..... | March 15, 1934... 403 |
| <i>Appropriations, Treasury and Post Office Departments, fiscal year 1935.</i> AN ACT Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1935, and for other purposes..... | March 15, 1934... 425 |
| <i>Migratory Bird Conservation Act, amendment.</i> AN ACT To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes..... | March 16, 1934... 451 |
| <i>District of Columbia-Virginia boundary line.</i> AN ACT To provide for the appointment of a commission to establish the boundary line between the District of Columbia and the Commonwealth of Virginia..... | March 21, 1934... 453 |
| <i>Fugitives, extradition.</i> AN ACT To provide for the removal of American citizens and nationals accused of crime to and from the jurisdiction of any officer or representative of the United States vested with judicial authority in any country in which the United States exercises extraterritorial jurisdiction..... | March 22, 1934... 454 |
| <i>Philippine Independence Act.</i> AN ACT To provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes..... | March 24, 1934... 459 |
| <i>Alaska, date of certain elections; meeting of legislature, etc.</i> AN ACT Fixing the date for holding elections of a Delegate from Alaska to the House of Representatives and of members of the Legislature of Alaska; fixing the date on which the Legislature of Alaska shall hereafter meet; prescribing the personnel of the territorial canvassing board, defining its duties, and for other purposes..... | March 26, 1934... 465 |
| <i>Foreign Service officers, losses due to foreign currency appreciation.</i> AN ACT To authorize annual appropriations to meet losses sustained by officers and employees of the United States in foreign countries due to appreciation of foreign currencies in their relation to the American dollar, and for other purposes..... | March 26, 1934... 466 |
| <i>Hawaii, repeal of prohibition laws.</i> AN ACT To repeal Federal liquor prohibition laws to the extent they are in force in the Territory of Hawaii..... | March 26, 1934... 467 |
| <i>Appropriations, Department of Agriculture, etc., fiscal year 1935.</i> AN ACT Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1935, and for other purposes..... | March 26, 1934... 467 |
| <i>Reconstruction Finance Corporation, exports.</i> JOINT RESOLUTION Requiring agricultural or other products to be shipped in vessels of the United States where the Reconstruction Finance Corporation or any other instrumentality of the Government finances the exporting of such products..... | March 26, 1934... 500 |
| <i>Indian irrigation projects.</i> AN ACT To further extend the operation of the Act entitled "An Act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law" approved April 1, 1932..... | March 27, 1934... 500 |
| <i>Five Civilized Tribes, records.</i> AN ACT To authorize the Secretary of the Interior to place with the Oklahoma Historical Society, at Oklahoma City, Oklahoma, as custodian for the United States, certain records of the Five Civilized Tribes, and of other Indian tribes in the State of Oklahoma, under rules and regulations to be prescribed by him..... | March 27, 1934... 501 |
| <i>Sitka, Alaska, abandoned buildings and grounds.</i> AN ACT Granting abandoned public buildings and grounds at Sitka, Alaska, to the Territory of Alaska, and for other purposes..... | March 27, 1934... 502 |
| <i>Naval vessels, construction, etc.</i> AN ACT To establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties, to authorize the construction of certain naval vessels; and for other purposes..... | March 27, 1934... 503 |
| <i>District of Columbia building, etc., associations.</i> AN ACT To amend the Code of Laws for the District of Columbia, approved March 3, 1901, as amended (D.C. Code, title 5, ch. 3), relating to building and loan associations..... | March 27, 1934... 506 |
| <i>District of Columbia, electrifying steam railroads.</i> AN ACT To authorize steam railroads to electrify their lines within the District of Columbia, and for other purposes..... | March 27, 1934... 506 |
| <i>Bridge, Mississippi River.</i> AN ACT Granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, Louisiana..... | March 27, 1934... 507 |

| | Page. |
|---|-------|
| <i>United States title to lands in the territories.</i> AN ACT To prevent the loss of the title of the United States to lands in the territories or territorial possessions through adverse possession or prescription..... | 507 |
| March 27, 1934.. | |
| <i>Airmail, equipment, etc.</i> AN ACT To authorize the Postmaster General to accept and use equipment, landing fields, men, and material of the War Department, for carrying the mails by air, and for other purposes..... | 508 |
| March 27, 1934.. | |
| <i>Appropriations, Independent Offices, fiscal year 1935.</i> AN ACT Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935, and for other purposes..... | 509 |
| March 28, 1934.. | |
| <i>Agricultural Adjustment Act, amendments.</i> AN ACT To amend the Agricultural Adjustment Act so as to include cattle and other products as basic agricultural commodities, and for other purposes..... | 528 |
| April 7, 1934.. | |
| <i>Appropriations, State, Justice, Commerce, and Labor Departments, fiscal year 1935.</i> AN ACT Making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1935, and for other purposes..... | 529 |
| April 7, 1934.. | |
| <i>United States interest-bearing bonds.</i> AN ACT To amend section 3702, Revised Statutes..... | 571 |
| April 9, 1934.. | |
| <i>Bridge, Missouri River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Missouri..... | 572 |
| April 9, 1934.. | |
| <i>Bridge, Minnesota River.</i> AN ACT Granting the consent of Congress to the State of Minnesota, and Scott County and Carver County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Jordan, Minnesota..... | 572 |
| April 9, 1934.. | |
| <i>Bridge, Saint Louis River.</i> AN ACT Granting the consent of Congress to the Highway Department of the State of Minnesota to construct, maintain, and operate a free highway bridge across the Saint Louis River at or near Cloquet, Minnesota..... | 573 |
| April 9, 1934.. | |
| <i>Bridge, Mississippi River.</i> AN ACT Granting the consent of Congress to the Highway Department of the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the southerly end of Lake Bemidji, Minnesota..... | 573 |
| April 9, 1934.. | |
| <i>Bridge, Cumberland River.</i> AN ACT Granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River at or near Carthage, Smith County, Tennessee..... | 573 |
| April 9, 1934.. | |
| <i>District of Columbia, Independence Avenue.</i> AN ACT To change the name of B Street southwest in the District of Columbia..... | 574 |
| April 13, 1934.. | |
| <i>Foreign governments in default.</i> AN ACT To prohibit financial transactions with any foreign government in default on its obligations to the United States..... | 574 |
| April 13, 1934.. | |
| <i>District of Columbia, sale of certain property.</i> AN ACT Authorizing the sale of certain property no longer required for public purposes in the District of Columbia..... | 574 |
| April 13, 1934.. | |
| <i>District of Columbia, Whitehaven Parkway.</i> AN ACT To readjust the boundaries of Whitehaven Parkway at Huidekoper Place in the District of Columbia, provide for an exchange of land, and for other purposes..... | 575 |
| April 13, 1934.. | |
| <i>Bridge, Columbia River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Astoria, Oregon..... | 576 |
| April 13, 1934.. | |
| <i>Greene County, Mo., easement.</i> AN ACT Granting an easement over certain lands to the Springfield Special Road District in the county of Greene, State of Missouri, for road purposes..... | 576 |
| April 13, 1934.. | |
| <i>Bridge, Ohio River.</i> AN ACT Creating the Cairo Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Illinois..... | 577 |
| April 13, 1934.. | |
| <i>Department of Labor, statistical studies.</i> AN ACT To authorize the Department of Labor to make special statistical studies upon payment of the cost thereof, and for other purposes..... | 582 |
| April 13, 1934.. | |
| <i>Alaska, repeal of prohibition laws.</i> AN ACT To repeal an Act of Congress entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes", approved February 14, 1917, and for other purposes..... | 583 |
| April 13, 1934.. | |
| <i>Perishable Agricultural Commodities Act, amendments.</i> AN ACT To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" approved June 10, 1930..... | 584 |
| April 13, 1934.. | |
| <i>Flood damage, etc., relief.</i> AN ACT Authorizing the Reconstruction Finance Corporation to make loans to nonprofit corporations for the repair of damages caused by floods or other catastrophes, and for other purposes..... | 589 |
| April 13, 1934.. | |
| <i>Fremont National Forest, Oreg.</i> AN ACT To authorize the revision of the boundaries of the Fremont National Forest in the State of Oregon..... | 590 |
| April 14, 1934.. | |
| <i>Weirton Steel Company, counsel.</i> AN ACT Limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in the case of United States of America against Weirton Steel Company and other cases..... | 590 |
| April 14, 1934.. | |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

xiii

| | Page. |
|--|-------|
| <i>Electrical energy, rates investigation.</i> JOINT RESOLUTION Authorizing necessary funds to conduct investigation regarding rates charged for electrical energy and to prepare report thereon..... April 14, 1934... | 591 |
| <i>District of Columbia, degree-conferring institutions.</i> AN ACT To amend section 586c of the Act entitled "An Act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions", approved March 2, 1929..... April 16, 1934... | 592 |
| <i>District of Columbia, compensation insurance.</i> AN ACT To amend the Code of Law for the District of Columbia..... | 592 |
| <i>District of Columbia Mutual Fire Insurance Company.</i> AN ACT To amend an Act entitled "An Act to incorporate the Mutual Fire Insurance Company of the District of Columbia", as amended..... April 16, 1934... | 593 |
| <i>Alaskan fisheries.</i> AN ACT To amend sections 3 and 4 of an Act of Congress entitled "An Act for the protection and regulation of the fisheries of Alaska", approved June 26, 1906, as amended by the Act of Congress approved June 6, 1924, and for other purposes..... April 16, 1934... | 594 |
| <i>Indian welfare, State contracts.</i> AN ACT Authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes..... April 16, 1934... | 596 |
| <i>Whaling and fishing industries.</i> JOINT RESOLUTION Extending to the whaling and fishing industries certain benefits granted under section 11 of the Merchant Marine Act, 1920, as amended..... April 16, 1934... | 596 |
| <i>Naturalization proceedings, fees.</i> AN ACT To reduce certain fees in naturalization proceedings, and for other purposes..... April 19, 1934... | 597 |
| <i>Smithsonian Institution, John C. Merriam, regent.</i> JOINT RESOLUTION To provide for the reappointment of John C. Merriam as a member of the Board of Regents of the Smithsonian Institution..... April 20, 1934... | 598 |
| <i>Cotton marketing and control.</i> AN ACT To place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes..... April 21, 1934... | 598 |
| <i>Bridge, Tombigbee River.</i> AN ACT To revive and reenact the Act entitled "An Act granting the consent of Congress to Meridian and Bigbee River Railway Company to construct, maintain, and operate a railroad bridge across the Tombigbee River at or near Naheola, Alabama", approved January 15, 1927..... April 23, 1934... | 607 |
| <i>Mississippi Valley flood control, levee rights-of-way.</i> AN ACT To authorize payment for the purchase of, or to reimburse States or local levee districts for the cost of, levee rights-of-way for flood-control work in the Mississippi Valley, and for other purposes..... April 23, 1934... | 607 |
| <i>District of Columbia, boxing.</i> AN ACT To authorize boxing in the District of Columbia, and for other purposes..... April 24, 1934... | 608 |
| <i>Juneau, Alaska, bonds.</i> AN ACT To authorize the incorporated city of Juneau, Alaska, to undertake certain municipal public works, including regrading and paving of streets and sidewalks, installation of sewer and water pipes, bridge construction and replacement, construction of concrete bulkheads, and construction of refuse incinerator, and for such purposes to issue bonds in any sum not exceeding \$103,000. April 25, 1934... | 609 |
| <i>Skagway, Alaska, bonds.</i> AN ACT To authorize the incorporated city of Skagway, Alaska, to construct, reconstruct, replace, and install a water-distribution system and for such purposes to issue bonds in any sum not exceeding \$40,000..... April 25, 1934... | 611 |
| <i>Wrangell, Alaska, bonds.</i> AN ACT To authorize the incorporated town of Wrangell, Alaska, to undertake certain municipal public works, including construction, reconstruction, enlargement, extension, and improvements of its water-supply system; construction of a retaining wall and to back-fill behind same to make a permanent street; and construction, reconstruction, enlargement, extension, and improvements to sewers, and for such purposes to issue bonds in any sum not exceeding \$51,000. April 25, 1934... | 612 |
| <i>Appropriations, War Department and Army, fiscal year 1935.</i> AN ACT Making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes..... April 26, 1934... | 614 |
| <i>East Bay Municipal District, Calif., lands.</i> AN ACT Granting and confirming to the East Bay Municipal Utility District, a municipal utility district of the State of California and a body corporate and politic, of said State, and a political subdivision thereof, certain lands, and for other purposes..... April 27, 1934... | 642 |
| <i>Home Owners' Loan Act of 1933, amendments.</i> AN ACT To guarantee the bonds of the Home Owners' Loan Corporation, to amend the Home Owners' Loan Act of 1933, and for other purposes..... April 27, 1934... | 643 |
| <i>Indian trust allotments.</i> AN ACT To amend section 1 of the Act entitled "An Act to provide for determining the heirs of the deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes", approved June 25, 1910, as amended..... April 30, 1934... | 647 |
| <i>United States courts, procedure.</i> AN ACT Regulating procedure in criminal cases in the courts of the United States..... April 30, 1934... | 648 |
| <i>Bridge, Columbia River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Columbia River near The Dalles, Oregon..... April 30, 1934... | 649 |

| | Page. |
|--|-----------------------|
| <i>Idaho, national forests.</i> AN ACT For the inclusion of certain lands in the national forests in the State of Idaho, and for other purposes..... | April 30, 1934... 649 |
| <i>Bridge, Columbia River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oregon..... | April 30, 1934... 650 |
| <i>Bridge, Des Moines River.</i> AN ACT Granting the consent of Congress to the Iowa State Highway Commission and the Missouri Highway Department to maintain a free bridge already constructed across the Des Moines River near the city of Keokuk, Iowa..... | April 30, 1934... 651 |
| <i>Bridge, Black River.</i> AN ACT To legalize a bridge across Black River at or near Pocahontas, Arkansas..... | April 30, 1934... 651 |
| <i>Bridge, Saint Francis River.</i> AN ACT To legalize a bridge across Saint Francis River at or near Lake City, Arkansas..... | April 30, 1934... 651 |
| <i>Bridge, Mississippi River.</i> AN ACT To revive and reenact the Act entitled "An Act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Illinois", approved March 3, 1931..... | April 30, 1934... 652 |
| <i>Bridge, Potomac River.</i> AN ACT Authorizing the State Road Commission of West Virginia to construct, maintain, and operate a toll bridge across the Potomac River at or near Shepherdstown, Jefferson County, West Virginia..... | April 30, 1934... 652 |
| <i>Bridge, Wabash River.</i> AN ACT Authorizing the owners of Cut-Off Island, Posey County, Indiana, to construct, maintain, and operate a free highway bridge or causeway across the old channel of the Wabash River..... | April 30, 1934... 653 |
| <i>Bridge, Wabash River.</i> AN ACT To extend the time for the construction of a bridge across the Wabash River at a point in Sullivan County, Indiana, to a point opposite on the Illinois shore..... | April 30, 1934... 654 |
| <i>District of Columbia, Alcoholic Beverage Control Act, amendments.</i> AN ACT To amend the District of Columbia Alcoholic Beverage Control Act by amending sections 11, 22, 23, and 24..... | April 30, 1934... 654 |
| <i>Volunteer Army claims.</i> AN ACT Providing for settlement of claims of officers and enlisted men for extra pay provided by Act of January 12, 1899..... | April 30, 1934... 656 |
| <i>New Orleans, La., lighthouse depot.</i> AN ACT Authorizing the Secretary of Commerce to acquire a site for a lighthouse depot at New Orleans, Louisiana, and for other purposes..... | April 30, 1934... 657 |
| <i>Columbus Day, celebration.</i> JOINT RESOLUTION Requesting the President to proclaim October 12 as Columbus Day for the observance of the anniversary of the discovery of America..... | April 30, 1934... 657 |
| <i>Pike National Forest, Colo.</i> AN ACT To add certain lands to the Pike National Forest, Colorado..... | May 3, 1934... 657 |
| <i>Cochetopa National Forest, Colo.</i> AN ACT To add certain lands to the Cochetopa National Forest in the State of Colorado..... | May 3, 1934... 658 |
| <i>Anchorage, Alaska, sale of land.</i> AN ACT To authorize the sale of land and houses at Anchorage, Alaska..... | May 3, 1934... 660 |
| <i>Bridge, Mississippi River.</i> AN ACT Authorizing the city of East Saint Louis, Illinois, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of Saint Louis, Missouri, and a point opposite thereto in the city of East Saint Louis, Illinois..... | May 3, 1934... 661 |
| <i>Bridge, Pearl River.</i> AN ACT Granting the consent of Congress to the Mississippi Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River in the State of Mississippi..... | May 3, 1934... 662 |
| <i>Buffalo-Fort Erie peace bridge.</i> JOINT RESOLUTION Granting consent of Congress to an agreement or compact entered into by the State of New York with the Dominion of Canada for the establishment of the Buffalo and Fort Erie Public Bridge Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, New York, and the village of Fort Erie, Canada..... | May 3, 1934... 662 |
| <i>Amelia Island Lighthouse Reservation.</i> AN ACT To authorize the city of Fernandina, Florida, under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation..... | May 4, 1934... 662 |
| <i>Alaska, mining laws.</i> AN ACT To repeal an Act of Congress entitled "An Act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes", approved August 1, 1912..... | May 4, 1934... 663 |
| <i>Navigation rules, amendment.</i> AN ACT Authorizing pursers or licensed deck officers of vessels to perform the duties of the masters of such vessels in relation to entrance and clearance of same..... | May 4, 1934... 663 |
| <i>Carlsbad Caverns National Park, N.Mex.</i> AN ACT To authorize the exchange of the use of certain Government land within the Carlsbad Caverns National Park for certain privately owned land therein..... | May 4, 1934... 664 |
| <i>Postmasters, accounts.</i> AN ACT To require postmasters to account for money collected on mail delivered at their respective offices..... | May 4, 1934... 664 |
| <i>Pass A'Loutre Lighthouse Reservation, La.</i> AN ACT Authorizing the Secretary of Commerce to dispose of the Pass A'Loutre Lighthouse Reservation, Louisiana... .. | May 4, 1934... 664 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

XV

| | Page. |
|--|-------|
| <i>Bridgeport, Conn., conveyance to, of certain light station.</i> AN ACT To authorize the Secretary of Commerce to transfer to the city of Bridgeport, Connecticut, a certain unused light-station reservation..... May 4, 1934.. | 665 |
| <i>Ogeechee River, Ga., flood control.</i> AN ACT Authorizing a preliminary examination of the Ogeechee River in the State of Georgia, with a view to controlling of floods..... May 4, 1934.. | 666 |
| <i>Chickamauga and Chattanooga Military Park, addition.</i> AN ACT To provide for the addition of certain lands to the Chickamauga and Chattanooga National Military Park in the States of Tennessee and Georgia..... May 4, 1934.. | 666 |
| <i>Mississippi State treasurer, duplicate check.</i> AN ACT To authorize the Department of Agriculture to issue a duplicate check in favor of the Mississippi State treasurer, the original check having been lost..... May 4, 1934.. | 666 |
| <i>Postal service, letter boxes.</i> AN ACT To amend section 198 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended by the Acts of May 18, 1916, and July 28, 1916..... May 7, 1934.. | 667 |
| <i>Metlakahla Indians, Alaska, citizenship.</i> AN ACT Granting citizenship to the Metlakahla Indians of Alaska..... May 7, 1934.. | 667 |
| <i>United States Supreme Court building, custody, etc.</i> AN ACT To provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof..... May 7, 1934.. | 668 |
| <i>Chippewa Indians, Minn., per capita payment.</i> AN ACT Providing for payment of \$25 to each enrolled Chippewa Indian of Minnesota from the funds standing to their credit in the Treasury of the United States..... May 7, 1934.. | 668 |
| <i>Appropriations, certain public services.</i> JOINT RESOLUTION To provide appropriations to meet urgent needs in certain public services, and for other purposes..... May 7, 1934.. | 669 |
| <i>Agricultural Adjustment Act, amendments.</i> AN ACT To include sugar beets and sugarcane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes..... May 9, 1934.. | 670 |
| <i>Reading matter for the blind.</i> AN ACT To amend the Act entitled "An Act to promote the circulation of reading matter among the blind", approved April 27, 1904, and Acts supplemental thereto..... May 9, 1934.. | 678 |
| <i>Maryland tercentenary, coinage.</i> AN ACT To authorize the coinage of 50-cent pieces in commemoration of the three-hundredth anniversary of the founding of the Province of Maryland..... May 9, 1934.. | 679 |
| <i>Revenue Act of 1934.</i> AN ACT To provide revenue, equalize taxation, and for other purposes..... May 10, 1934.. | 680 |
| <i>Statutes of limitations.</i> AN ACT To limit the operation of statutes of limitations in certain cases..... May 10, 1934.. | 772 |
| <i>Ochoco National Forest, Oreg., addition.</i> AN ACT To authorize the addition of certain lands to the Ochoco National Forest, Oregon..... May 11, 1934.. | 772 |
| <i>Mount Hood National Forest, Oreg., mining.</i> AN ACT To amend the United States mining laws applicable to the Mount Hood National Forest within the State of Oregon..... May 11, 1934.. | 773 |
| <i>Bridge, Ohio River.</i> AN ACT Authorizing the City of Wheeling, a municipal corporation, to construct, maintain, and operate a bridge across the Ohio River, at Wheeling, West Virginia..... May 11, 1934.. | 774 |
| <i>Mammoth Cave National Park, Ky.</i> AN ACT To amend the Act of May 25, 1926, entitled "An Act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes"..... May 14, 1934.. | 775 |
| <i>United States district courts, jurisdiction over State administrative boards.</i> AN ACT To amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to orders of State administrative boards..... May 14, 1934.. | 775 |
| <i>Spanish War Service Medal.</i> AN ACT To amend the Act authorizing the issuance of the Spanish War Service Medal..... May 14, 1934.. | 776 |
| <i>"Newport" made available to Aberdeen, Wash.</i> AN ACT Authorizing the Secretary of the Navy to make available to the municipality of Aberdeen, Washington, the United States ship <i>Newport</i> May 14, 1934.. | 776 |
| <i>Arkansas centennial, coinage.</i> AN ACT To authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Arkansas into the Union..... May 15, 1934.. | 776 |
| <i>United States and Alaska, mining claims.</i> AN ACT Providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska..... May 15, 1934.. | 777 |
| <i>Hawaiian Homes Commission.</i> AN ACT To amend sections 203 and 207 of the Hawaiian Homes Commission Act, 1920 (U.S.C., title 48, secs. 697 and 701), conferring upon certain lands of Auwailimu, Kewalo, and Kalawahine, on the island of Oahu, Territory of Hawaii, the status of Hawaiian home lands, and providing for the leasing thereof for residence purposes..... May 16, 1934.. | 777 |
| <i>Boise National Forest, Idaho.</i> AN ACT To add certain lands to the Boise National Forest..... May 17, 1934.. | 779 |

| | Page. |
|---|-------|
| <i>Bridge, Saint Louis River.</i> AN ACT To legalize a bridge across the Saint Louis River at or near Cloquet, Minnesota..... May 17, 1934.. | 780 |
| <i>Federal officers, assaulting, etc.</i> AN ACT To provide punishment for killing or assaulting Federal officers..... May 18, 1934.. | 780 |
| <i>Extortion messages in interstate commerce.</i> AN ACT Applying the powers of the Federal Government, under the commerce clause of the Constitution, to extortion by means of telephone, telegraph, radio, oral message, or otherwise..... May 18, 1934.. | 781 |
| <i>Kidnaping.</i> AN ACT To amend the Act forbidding the transportation of kidnaped persons in interstate commerce..... May 18, 1934.. | 781 |
| <i>Interstate flight of accused persons.</i> AN ACT Making it unlawful for any person to flee from one State to another for the purpose of avoiding prosecution or the giving of testimony in certain cases..... May 18, 1934.. | 782 |
| <i>Federal penal and correctional institutions, crimes.</i> AN ACT To define certain crimes against the United States in connection with the administration of Federal penal and correctional institutions and to fix the punishment therefor..... May 18, 1934.. | 782 |
| <i>Offenses against banks.</i> AN ACT To provide punishment for certain offenses committed against banks organized or operating under laws of the United States or any member of the Federal Reserve System..... May 18, 1934.. | 783 |
| <i>Bourne, Mass., donation of land.</i> AN ACT To authorize the donation of certain land to the town of Bourne, Massachusetts..... May 18, 1934.. | 783 |
| <i>Pulaski Memorial Day.</i> JOINT RESOLUTION Authorizing the President of the United States of America to proclaim October 11, 1934, General Pulaski's Memorial Day for the observance and commemoration of the death of Brigadier General Casimir Pulaski..... May 18, 1934.. | 784 |
| <i>Lafayette Memorial Day.</i> JOINT RESOLUTION Requesting the President of the United States of America to proclaim May 20, 1934, General Lafayette Memorial Day for the observance and commemoration of the one hundredth anniversary of the death of General Lafayette..... May 18, 1934.. | 784 |
| <i>Century of Progress, participation continued.</i> AN ACT to amend an Act entitled "An Act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Illinois, in 1933, authorizing an appropriation therefor, and for other purposes", approved February 8, 1932, to provide for participation in A Century of Progress in 1934, to authorize an appropriation therefor, and for other purposes..... May 21, 1934.. | 785 |
| <i>Mount Hood National Forest, Oreg.</i> AN ACT To add certain lands to the Mount Hood National Forest in the State of Oregon..... May 21, 1934.. | 785 |
| <i>University of Arizona, use of lands.</i> AN ACT To provide for the selection of certain lands in the State of Arizona for the use of the University of Arizona..... May 21, 1934.. | 786 |
| <i>Genoa, Nebr., Indian school lands.</i> AN ACT Authorizing the conveyance of certain lands to the State of Nebraska..... May 21, 1934.. | 786 |
| <i>Homesteads, leave of absence.</i> AN ACT Granting a leave of absence to settlers of homestead lands during the years 1932, 1933, and 1934..... May 21, 1934.. | 787 |
| <i>Revised Statutes, repeal of certain sections relating to Indians.</i> AN ACT Repealing certain sections of the Revised Code of Laws of the United States relating to the Indians..... May 21, 1934.. | 787 |
| <i>Hawaii, conveyance of certain lands.</i> AN ACT To authorize the Secretary of War to convey by appropriate deed of conveyance certain lands in the District of Ewa, island of Oahu, Territory of Hawaii..... May 21, 1934.. | 787 |
| <i>Natchez Trace Parkway.</i> AN ACT To provide for an appropriation of \$50,000 with which to make a survey of the Old Indian Trail known as the "Natchez Trace", with a view of constructing a national road on this route to be known as the "Natchez Trace Parkway"..... May 21, 1934.. | 791 |
| <i>Vocational education.</i> AN ACT To provide for the further development of vocational education in the several States and Territories..... May 21, 1934.. | 792 |
| <i>A Century of Progress Exposition, exhibits.</i> JOINT RESOLUTION To permit articles imported from foreign countries for the purpose of exhibition at A Century of Progress Exposition, Chicago, Illinois, to be admitted without payment of tariff, and for other purposes..... May 21, 1934.. | 793 |
| <i>National Stolen Property Act.</i> AN ACT To extend the provisions of the National Motor Vehicle Theft Act to other stolen property..... May 22, 1934.. | 794 |
| <i>Fort Mojave Indian Reservation, Ariz.</i> AN ACT To provide for the exchange of Indian and privately owned lands, Fort Mojave Indian Reservation, Arizona..... May 23, 1934.. | 795 |
| <i>Fort Morgan Military Reservation, Ala.</i> AN ACT To provide for the exploitation for oil, gas, and other minerals on the lands comprising Fort Morgan Military Reservation, Alabama..... May 23, 1934.. | 796 |
| <i>Circuit judges, disability provisions.</i> AN ACT To provide, in case of the disability of senior circuit judges, for the exercise of their powers and the performance of their duties by the other circuit judges..... May 23, 1934.. | 796 |
| <i>Citizenship and naturalization.</i> AN ACT To amend the law relative to citizenship and naturalization, and for other purposes..... May 24, 1934.. | 797 |
| <i>Bankruptcy Act of 1898, amendments.</i> AN ACT To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto..... May 24, 1934.. | 798 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

xvii

| | Page. |
|--|-------|
| <i>Confederate Veterans' encampment equipment.</i> AN ACT To authorize the Secretary of War to lend to the housing committee of the United Confederate Veterans two hundred and fifty pyramidal tents, complete; fifteen 16- by 80- by 40-foot assembly tents; thirty 11- by 50- by 15-foot hospital-ward tents; ten thousand blankets, olive drab, numbered 4; five thousand canvas cots; twenty field ranges, numbered 1; ten field bake ovens, to be used at the encampment of the United Confederate Veterans, to be held at Chattanooga, Tennessee, in June 1934..... May 25, 1934... | 803 |
| <i>Electro Metallurgical Company, etc., counsel in proceedings against.</i> AN ACT Limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain proceedings against the Electro Metallurgical Company, New-Kanawha Power Company, and the Union Carbide and Carbon Corporation..... May 25, 1934... | 804 |
| <i>Oregon, bridge construction.</i> AN ACT To extend the times for commencing and completing the construction of certain bridges in the State of Oregon..... May 25, 1934... | 804 |
| <i>Grand Island, Nebr., radio station.</i> AN ACT To authorize the Federal Radio Commission to purchase and enclose additional land at the radio station near Grand Island, Nebraska..... May 25, 1934... | 805 |
| <i>Cotton and cattle and dairy products.</i> JOINT RESOLUTION To provide funds to enable the Secretary of Agriculture to carry out the purposes of the Acts approved April 21, 1934, and April 7, 1934, relating, respectively, to cotton and to cattle and dairy products, and for other purposes..... May 25, 1934... | 805 |
| <i>Military Academy, physics department established.</i> AN ACT To establish a department of physics at the United States Military Academy, West Point, New York..... May 25, 1934... | 806 |
| <i>Longshoremen's and Harbor Workers' Compensation Act, amendments.</i> AN ACT To amend the Longshoremen's and Harbor Workers' Compensation Act with respect to rates of compensation, and for other purposes..... May 26, 1934... | 806 |
| <i>Daniel Boone bicentennial, coinage.</i> AN ACT To authorize the coinage of 50-cent pieces in commemoration of the two-hundredth anniversary of the birth of Daniel Boone..... May 26, 1934... | 807 |
| <i>Salt Lake City, Utah, water supply.</i> AN ACT For the protection of the municipal water supply of the city of Salt Lake City, State of Utah..... May 26, 1934... | 808 |
| <i>Alaska, homestead laws.</i> AN ACT To amend section 10 of the Act entitled "An Act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes", approved May 14, 1898, as amended..... May 26, 1934... | 809 |
| <i>Bridge, Puget Sound.</i> AN ACT Granting the consent of Congress to the county of Pierce, a legal subdivision of the State of Washington, to construct, maintain, and operate a toll bridge across Puget Sound, State of Washington, at or near a point commonly known as "The Narrows"..... May 28, 1934... | 810 |
| <i>Quinaielt Indian Reservation, Wash.</i> AN ACT To authorize the Secretary of the Interior to issue patents for lots to Indians within the Indian village of Taholah, on the Quinaielt Indian Reservation, Washington..... May 28, 1934... | 811 |
| <i>Sale of war material to belligerents.</i> JOINT RESOLUTION To prohibit the sale of arms or munitions of war in the United States under certain conditions..... May 28, 1934... | 811 |
| <i>Marine Corps, distribution, etc. of commissioned officers.</i> AN ACT To regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes..... May 29, 1934... | 811 |
| <i>Naval promotions, etc.</i> AN ACT To provide for promotion by selection in the line of the Navy in the grades of lieutenant commander and lieutenant; to authorize appointment as ensigns in the line of the Navy all midshipmen who hereafter graduate from the Naval Academy, and for other purposes..... May 29, 1934... | 814 |
| <i>American Legion, obsolete equipment.</i> AN ACT To provide for the donation of certain Army equipment to posts of the American Legion..... May 29, 1934... | 815 |
| <i>Army, foreign assignments.</i> AN ACT To amend the laws relating to the length of tours of duty in the Tropics and certain foreign stations in the case of officers and enlisted men of the Army, Navy, and Marine Corps, and for other purposes..... May 29, 1934... | 815 |
| <i>Everglades National Park, Fla., established.</i> AN ACT To provide for the establishment of the Everglades National Park in the State of Florida and for other purposes..... May 30, 1934... | 816 |
| <i>Appropriations, Legislative Branch, fiscal year 1935.</i> AN ACT Making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1935, and for other purposes..... May 30, 1934... | 817 |
| <i>District of Columbia, industrial insurance contracts.</i> AN ACT Respecting contracts of industrial life insurance in the District of Columbia..... June 4, 1934... | 834 |
| <i>District of Columbia, Mount Olivet Cemetery.</i> AN ACT To amend an Act entitled "An Act to incorporate the Mount Olivet Cemetery Company in the District of Columbia"..... June 4, 1934... | 835 |
| <i>District of Columbia, land claims.</i> AN ACT Authorizing the Secretary of the Interior, with the approval of the National Capital Park and Planning Commission and the Attorney General of the United States, to make equitable adjustments of conflicting claims between the United States and other claimants of lands along the shores of the Potomac River, Anacostia River, and Rock Creek in the District of Columbia..... June 4, 1934... | 836 |

| | Page. |
|--|--------------------|
| <i>District of Columbia, National Society, U. S. Daughters of 1812.</i> AN ACT To exempt from taxation certain property of the National Society United States Daughters of 1812 in the District of Columbia..... | June 4, 1934.. 836 |
| <i>District of Columbia, change in designation of 4½ Street, southwest.</i> AN ACT To change the designation of Four-and-a-half Street southwest to Fourth Street..... | June 4, 1934.. 836 |
| <i>Ellen Wilson Memorial Homes, D.C., dissolution.</i> AN ACT To dissolve the Ellen Wilson Memorial Homes..... | June 4, 1934.. 837 |
| <i>Allegheny County, Pa., bridge construction.</i> AN ACT To authorize the construction and operation of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pennsylvania..... | June 4, 1934.. 837 |
| <i>Bridges, Pee Dee and Waccamaw Rivers.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina..... | June 4, 1934.. 838 |
| <i>Bridge, Wabash River.</i> AN ACT Granting the consent of Congress to the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River, at or near Delphi, Indiana..... | June 4, 1934.. 839 |
| <i>Bridge, Ohio River.</i> AN ACT Authorizing the city of Shawneetown, Illinois, to construct, maintain, and operate a toll bridge across the Ohio River at or near a point between Washington Avenue and Monroe Street in said city of Shawneetown and a point opposite thereto in the county of Union and State of Kentucky..... | June 4, 1934.. 839 |
| <i>Bridge, Susquehanna River.</i> AN ACT Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Holtwood, Lancaster County..... | June 4, 1934.. 840 |
| <i>Bridge, Connecticut River.</i> AN ACT Granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at Turners Falls, Massachusetts..... | June 4, 1934.. 841 |
| <i>Bridge, Susquehanna River.</i> AN ACT Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Bainbridge, Lancaster County, and Manchester, York County..... | June 4, 1934.. 841 |
| <i>Bridge, Susquehanna River.</i> AN ACT Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Millersburg, Dauphin County, Pennsylvania..... | June 4, 1934.. 842 |
| <i>Bridge, Red River.</i> AN ACT Authorizing the State Highway Departments of the States of Minnesota and North Dakota to construct, maintain, and operate certain free highway bridges across the Red River from Moorhead, Minnesota, to Fargo, North Dakota..... | June 4, 1934.. 842 |
| <i>District of Columbia, fire escapes.</i> AN ACT To amend the Act entitled "An Act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes", approved March 19, 1906, as amended..... | June 4, 1934.. 843 |
| <i>Appropriations, District of Columbia, fiscal year 1935.</i> AN ACT Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1935, and for other purposes..... | June 4, 1934.. 846 |
| <i>Congress, time of meeting, terms of Members, electoral votes.</i> AN ACT To provide for changing the time of the meeting of Congress, the beginning of the terms of Members of Congress, and the time when the electoral votes shall be counted, and for other purposes..... | June 5, 1934.. 879 |
| <i>Board of Indeterminate Sentence and Parole, D. C.</i> AN ACT To amend an Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932..... | June 5, 1934.. 880 |
| <i>Postage rates on certain periodicals.</i> AN ACT To fix the rates of postage on certain periodicals exceeding eight ounces in weight..... | June 5, 1934.. 880 |
| <i>Railway Mail Service, promotions.</i> AN ACT To remove inequities in the law governing eligibility for promotion to the position of chief clerk in the Railway Mail Service..... | June 5, 1934.. 880 |
| <i>San Carlos irrigation project.</i> AN ACT To amend the Act of Congress approved June 7, 1924, commonly called the "San Carlos Act", and Acts supplementary thereto..... | June 5, 1934.. 881 |
| <i>Securities Exchange Act of 1934.</i> AN ACT To provide for the regulation of securities exchanges and of over-the-counter markets operating in interstate and foreign commerce and through the mails, to prevent inequitable and unfair practices on such exchanges and markets, and for other purposes..... | June 5, 1934.. 881 |
| <i>Alaska coal lands.</i> AN ACT To amend an Act entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes"..... | June 6, 1934.. 909 |
| <i>Compacts for prevention of crime.</i> AN ACT Granting the consent of Congress to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime, and for other purposes..... | June 6, 1934.. 909 |
| <i>Quinault Indian Reservation, Wash., timber sales.</i> AN ACT To authorize the Secretary of the Interior to modify the terms of existing contracts for the sale of timber on the Quinault Indian Reservation when it is in the interest of the Indians so to do..... | June 6, 1934.. 910 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

xix

| | Page. |
|---|-------|
| <i>Apprehending persons charged with crime.</i> AN ACT To authorize an appropriation of money to facilitate the apprehension of certain persons charged with crime... June 6, 1934... | 910 |
| <i>Cotton Act of 1934, administering oaths.</i> JOINT RESOLUTION Empowering certain agents authorized by the Secretary of Agriculture to administer oaths to applicants for tax-exemption certificates under the Cotton Act of 1934..... June 6, 1934... | 911 |
| <i>Bankruptcy Act of 1898, amendment.</i> AN ACT To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto... June 7, 1934... | 911 |
| <i>General Federation of Women's Clubs.</i> AN ACT To amend an Act entitled "An Act granting a charter to the General Federation of Women's Clubs"..... June 7, 1934... | 925 |
| <i>Court of Appeals for District of Columbia, designation changed.</i> AN ACT To amend an Act of Congress approved February 9, 1893, entitled "An Act to establish a court of appeals for the District of Columbia, and for other purposes"..... June 7, 1934... | 926 |
| <i>Chinch bug control.</i> JOINT RESOLUTION To provide funds to enable the Secretary of Agriculture to cooperate with States in control of chinch bugs..... June 7, 1934... | 926 |
| <i>Registry of certain aliens.</i> AN ACT Relating to the record of registry of certain aliens..... June 8, 1934... | 926 |
| <i>Bridge, Saint Lawrence River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Ogdensburg, New York..... June 8, 1934... | 927 |
| <i>Chippewa Indian lands.</i> AN ACT To modify the effect of certain Chippewa Indian treaties on areas in Minnesota..... June 11, 1934... | 927 |
| <i>Second-class matter, postal service.</i> AN ACT To amend the third clause of section 14 of the Act of March 3, 1879 (20 Stat. 359; U.S.C. title 39, sec. 226)..... June 11, 1934... | 928 |
| <i>Columbus University, D.C., incorporation.</i> AN ACT Relating to the incorporation of Columbus University of Washington, District of Columbia, organized under and by virtue of a certificate of incorporation pursuant to the incorporation laws of the District of Columbia as provided in subchapter 1 of chapter 18 of the Code of Laws of the District of Columbia..... June 11, 1934... | 928 |
| <i>Philippine Islands, Government deposits.</i> AN ACT Relating to deposits in the United States of public moneys of the government of the Philippine Islands..... June 11, 1934... | 929 |
| <i>Emergency Farm Mortgage Act, amendment.</i> AN ACT To amend section 32 of the Emergency Farm Mortgage Act of 1933..... June 11, 1934... | 929 |
| <i>Climax baskets for mushrooms.</i> AN ACT To amend the Standard Baskets Act of August 31, 1916, to provide for a one-pound Climax basket for mushrooms..... June 11, 1934... | 930 |
| <i>District of Columbia Alley Dwelling Act.</i> AN ACT To provide for the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia, and for the replatting and development of squares containing inhabited alleys, in the interest of public health, comfort, morals, safety, and welfare, and for other purposes..... June 12, 1934... | 930 |
| <i>Air-mail laws, revision.</i> AN ACT To revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy.... June 12, 1934... | 933 |
| <i>National Defense Act, amendment.</i> AN ACT To amend the Act of June 15, 1933, amending the National Defense Act of June 3, 1916, as amended..... June 12, 1934... | 939 |
| <i>Bridge, Chesapeake Bay.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Chesapeake Bay between Baltimore and Kent Counties, Maryland..... June 12, 1934... | 939 |
| <i>Bridge Bayou Bartholomew.</i> AN ACT Granting the consent of Congress to the Tensas Basin Levee Board of the State of Louisiana to construct, maintain, and operate a free highway bridge across Bayou Bartholomew at or near its mouth in Morehouse Parish, Louisiana..... June 12, 1934... | 939 |
| <i>Erie, Pa., lighthouse reservation.</i> AN ACT To provide for the conveyance of the abandoned lighthouse reservation and buildings, including detached tower, situate within the city limits of Erie, Pennsylvania, to the city for public-park purposes..... June 12, 1934... | 940 |
| <i>Central Pacific Railway Company, conveyances.</i> AN ACT Validating certain conveyances heretofore made by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, involving certain portions of right-of-way, in and in the vicinity of the city of Lodi, and near the station of Acampo, and in the city of Tracy, all in the county of San Joaquin, State of California, and in or in the vicinity of Galt, and Polk, in the county of Sacramento, State of California, acquired by Central Pacific Railway Company under the Act of Congress approved July 1, 1862 (12 Stat.L. 489), as amended by the Act of Congress approved July 2, 1864 (13 Stat.L. 356)..... June 12, 1934... | 940 |
| <i>Central Pacific Railway Company, validating certain conveyances.</i> AN ACT Validating certain conveyances heretofore made by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, involving certain portions of right-of-way, in and in the vicinity of the town of Gridley, all in the county of Butte, State of California, acquired by Central Pacific Railway Company under the Act of Congress approved July 25, 1866 (14 Stat.L. 239)..... June 12, 1934... | 942 |
| <i>Postal treaties and conventions.</i> AN ACT To provide for the final construction, on behalf of the United States, of postal treaties or conventions to which the United States is a party..... June 12, 1934... | 943 |
| <i>Trade Agreements Act.</i> AN ACT To amend the Tariff Act of 1930..... June 12, 1934... | 943 |

| | Page. |
|---|-------|
| <i>Bridge, Grand Calumet River.</i> AN ACT Granting the consent of Congress to the State of Indiana to construct, maintain, and operate a free highway bridge across the Grand Calumet River near Clark Street, in Gary, Indiana..... June 12, 1934... | 945 |
| <i>Bridge, Tennessee River.</i> AN ACT Granting the consent of Congress to the State of Alabama, its agent or agencies, and to Colbert County and to Lauderdale County in the State of Alabama, and to the city of Sheffield, Colbert County, Alabama, and to the city of Florence, Lauderdale County, Alabama, or to any two of them, or to either of them, to construct, maintain, and operate a bridge, and approaches thereto, across the Tennessee River at a point between the city of Sheffield, Alabama, and the city of Florence, Alabama, suitable to the interests of navigation..... June 12, 1934... | 945 |
| <i>Bridge, Savannah River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia..... June 12, 1934... | 946 |
| <i>Bridge, Missouri River.</i> AN ACT To further extend the times for commencement and completing the construction of a bridge across the Missouri River at or near Garrison, North Dakota..... June 12, 1934... | 946 |
| <i>Dike, Columbia River.</i> AN ACT Granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington..... June 12, 1934... | 946 |
| <i>Bridge, Missouri River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebraska..... June 12, 1934... | 947 |
| <i>Bridge, Saint Marys River.</i> AN ACT Authorizing the city of Sault Sainte Marie, Michigan, its successors and assigns, to construct, maintain, and operate a bridge across the Saint Marys River at or near Sault Sainte Marie, Michigan..... June 12, 1934... | 947 |
| <i>Public works, rates of pay.</i> AN ACT To effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes..... June 13, 1934... | 948 |
| <i>Government publications.</i> AN ACT To repeal certain provisions of the Act of March 4, 1933, and to reenact sections 4 and 5 of the Act of March 2, 1929..... June 13, 1934... | 948 |
| <i>Bridge, Columbia River.</i> AN ACT Authorizing the Oregon-Washington Bridge Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oregon..... June 13, 1934... | 949 |
| <i>Bridge, Columbia River.</i> AN ACT Authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington..... June 13, 1934... | 950 |
| <i>Stillaguamish River, flood survey.</i> AN ACT To provide a preliminary examination of Stillaguamish River and its tributaries in the State of Washington, with a view to the control of its floods..... June 13, 1934... | 950 |
| <i>Snohomish River, flood survey.</i> AN ACT To provide a preliminary examination of Snohomish River and its tributaries in the State of Washington, with a view to the control of its floods..... June 13, 1934... | 951 |
| <i>Nooksack River, flood survey.</i> AN ACT To provide a preliminary examination of the Nooksack River and its tributaries in the State of Washington, with a view to the control of its floods..... June 13, 1934... | 951 |
| <i>Skagit River, flood survey.</i> AN ACT To provide a preliminary examination of Skagit River and its tributaries in the State of Washington, with a view to the control of its flood waters..... June 13, 1934... | 951 |
| <i>Contractors, postal service.</i> AN ACT To authorize the Post Office Department to hold contractors responsible in damages for the loss, rifling, damage, wrong delivery, depredation upon, or other mistreatment of mail matter due to fault or negligence of the contractor or an agent or employee thereof..... June 13, 1934... | 952 |
| <i>Paint Rock River, flood survey.</i> AN ACT To provide a preliminary examination of the Paint Rock River in Jackson County, Alabama, with a view to the control of its floods..... June 13, 1934... | 952 |
| <i>Connecticut River, flood survey.</i> AN ACT To provide for a preliminary examination of the Connecticut River, with a view to the control of its floods and prevention of erosion of its banks in the State of Massachusetts..... June 13, 1934... | 952 |
| <i>District of Columbia, American Legion property.</i> AN ACT To exempt from taxation certain property of The American Legion in the District of Columbia..... June 13, 1934... | 953 |
| <i>Cowlitz River, flood survey.</i> AN ACT To provide a preliminary examination of the Cowlitz River and its tributaries in the State of Washington, with a view to the control of its floods..... June 13, 1934... | 953 |
| <i>Chehalis River, flood survey.</i> AN ACT To provide a preliminary examination of Chehalis River and its tributaries in the State of Washington, with a view to the control of its floods..... June 13, 1934... | 953 |
| <i>Lewis River, flood survey.</i> AN ACT To provide a preliminary examination of the Lewis River and its tributaries in the State of Washington, with a view to the control of its floods..... June 13, 1934... | 954 |
| <i>Columbia River, flood survey.</i> AN ACT To provide a preliminary examination of Columbia River and its tributaries in the State of Washington, with a view to the control of its flood waters..... June 13, 1934... | 954 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

xxi

| | Page. |
|---|-------|
| <i>Emergency Railroad Transportation Act, amendments.</i> AN ACT To amend the Emergency Railroad Transportation Act, 1933, approved June 16, 1933..... | 954 |
| <i>Fort Francis E. Warren, Wyo., addition.</i> AN ACT To authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States..... | 955 |
| <i>Purchase of forest lands, under Conservation Act.</i> AN ACT To facilitate purchases of forest lands under the Act approved March 1, 1911..... | 955 |
| <i>Judicial Code, amendment, declaratory judgments.</i> AN ACT To amend the Judicial Code by adding a new section to be numbered 274D..... | 955 |
| <i>Green River, Wash., flood survey.</i> AN ACT To provide a preliminary examination of the Green River, Washington, with a view to the control of its floods..... | 956 |
| <i>Coquille, Oreg., water supply.</i> AN ACT To afford permanent protection to the watershed and water supply of the city of Coquille, Coos County, Oregon..... | 956 |
| <i>McMinnville, Oreg., lands.</i> AN ACT To authorize the purchase by the city of McMinnville, Oregon, of certain tracts of public lands and certain tracts revested in the United States under the Act of June 9, 1916 (39 Stat. 218)..... | 957 |
| <i>Hampton Roads Naval Operating Base, addition.</i> AN ACT Providing for the acquisition of additional lands for the naval air station at Hampton Roads Naval Operating Base, Norfolk, Virginia..... | 957 |
| <i>Forest Grove, Oreg., land patent.</i> AN ACT To authorize the purchase by the city of Forest Grove, Oregon, of certain tracts of public lands and certain tracts revested in the United States under the Act of June 9, 1916 (39 Stat. 218)..... | 958 |
| <i>Railway Mail Service, laborers.</i> AN ACT To provide hourly rates of pay for substitute laborers in the Railway Mail Service and time credits when appointed as regular laborer..... | 958 |
| <i>Ocmulgee National Monument.</i> AN ACT To authorize the establishment of the Ocmulgee National Monument in Bibb County, Georgia..... | 958 |
| <i>Olmstead lands in North Carolina.</i> AN ACT To authorize the Secretary of Agriculture to adjust claims to so-called "Olmstead lands" in the State of North Carolina..... | 959 |
| <i>Navajo Indian Reservation, Ariz.</i> AN ACT To define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes..... | 960 |
| <i>Terminal railway post offices.</i> AN ACT To reclassify terminal railway post offices..... | 962 |
| <i>Samoa Islands, coastwise shipping laws.</i> JOINT RESOLUTION To harmonize the treaties and statutes of the United States with reference to American Samoa..... | 963 |
| <i>District of Columbia, harbor regulations.</i> AN ACT To amend section 895 of the Code of Law of the District of Columbia..... | 963 |
| <i>Acknowledgment of oaths, Railway Mail Service.</i> AN ACT To authorize the acknowledgment of oaths by post-office inspectors and by chief clerks of the Railway Mail Service..... | 963 |
| <i>Great Smoky Mountains National Park.</i> AN ACT To establish a minimum area for the Great Smoky Mountains National Park, and for other purposes..... | 964 |
| <i>Menominee Indian Reservation, Wis., timber operations.</i> AN ACT To amend the law relating to timber operations on the Menominee Indian Reservation in Wisconsin..... | 964 |
| <i>Menominee Indians of Wisconsin, membership.</i> AN ACT To provide for the enrollment of members of the Menominee Indian Tribe of the State of Wisconsin..... | 965 |
| <i>District of Columbia, Tenley School sale.</i> AN ACT To authorize the Commissioners of the District of Columbia to sell the old Tenley School to the duly authorized representative of Saint Ann's Church of the District of Columbia..... | 967 |
| <i>Pharmacists' liquor stamp tax.</i> AN ACT To change the name of the retail liquor dealers' stamp tax in the case of retail drug stores or pharmacies..... | 967 |
| <i>United States Territorial Expansion Memorial Commission.</i> JOINT RESOLUTION Authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction, on the western bank of the Mississippi River, at or near the site of old Saint Louis, Missouri, of a permanent memorial to the men who made possible the territorial expansion of the United States, particularly President Thomas Jefferson and his aids, Livingston and Monroe, who negotiated the Louisiana Purchase, and to the great explorers, Lewis and Clark, and the hardy hunters, trappers, frontiersmen, and pioneers and others who contributed to the territorial expansion and development of the United States of America..... | 967 |
| <i>Inland Waterways Corporation Act, amendment.</i> AN ACT To amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended..... | 968 |
| <i>Federal Reserve, deposit insurance.</i> AN ACT To amend section 12B of the Federal Reserve Act so as to extend for one year the temporary plan for deposit insurance, and for other purposes..... | 969 |
| <i>National Society of the Sons of the American Revolution.</i> AN ACT To exempt from taxation certain property of the National Society of the Sons of the American Revolution..... | 972 |
| <i>Kiowa, etc., Indians of Oklahoma.</i> AN ACT To authorize payment of expenses of formulating claims of the Kiowa, Comanche, and Apache Indians of Oklahoma against the United States, and for other purposes..... | 972 |

| | Page. |
|--|-------|
| <i>Frank J. Boudinot, allowances.</i> AN ACT Authorizing and directing the Court of Claims, in the event of judgment or judgments in favor of the Cherokee Indians, or any of them, in suits by them against the United States under the Acts of March 19, 1924, and April 25, 1932, to include in its decrees allowances to Frank J. Boudinot, not exceeding 5 per centum of such recoveries, and for other purposes..... | 972 |
| <i>Money orders, postal service.</i> AN ACT To compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn..... | 973 |
| <i>Agricultural Adjustment Act, amendment.</i> AN ACT To amend an Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933..... | 973 |
| <i>Alcoholic Beverage Control Act, D.C. amendment.</i> AN ACT To amend the District of Columbia Alcoholic Beverage Control Act to permit the issuance of retailers' licenses of class B in residential districts..... | 974 |
| <i>Government contractors operating under Code.</i> AN ACT To provide relief to Government contractors whose costs of performance were increased as a result of compliance with the Act approved June 16, 1933, and for other purposes..... | 974 |
| <i>New Mexico, public lands.</i> AN ACT Providing for the issuance of patents upon certain conditions to lands and accretions thereto determined to be within the State of New Mexico in accordance with the decree of the Supreme Court of the United States entered April 9, 1928..... | 975 |
| <i>International Council of Scientific Unions, etc.</i> AN ACT To authorize appropriations to pay the annual share of the United States as an adhering member of the International Council of Scientific Unions and associated unions..... | 976 |
| <i>Sea lions, Alaska waters.</i> AN ACT To repeal certain laws providing for the protection of sea lions in Alaska waters..... | 976 |
| <i>Mineral Lands Leasing Act, amendment.</i> AN ACT To amend the Mineral Lands Leasing Act of 1920 with reference to oil- or gas-prospecting permits and leases..... | 977 |
| <i>Memorial archways authorized.</i> JOINT RESOLUTION Authorizing suitable memorials in honor of James Wilson and Seamen A. Knapp..... | 977 |
| <i>Parliament of upper Canada, mace.</i> JOINT RESOLUTION Authorizing the President to return the mace of the Parliament of upper Canada to the Canadian Government..... | 978 |
| <i>Trading with the Enemy Act, amendment.</i> AN ACT To amend section 24 of the Trading with the Enemy Act, as amended..... | 978 |
| <i>Chippewa Indians of Minnesota, claims.</i> AN ACT To amend an Act approved May 14, 1926 (44 Stat. 555), entitled "An Act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."..... | 979 |
| <i>Protecting trade against interference by violence.</i> AN ACT To protect trade and commerce against interference by violence, threats, coercion, or intimidation..... | 979 |
| <i>Chippewa Indians of Minnesota, attorneys.</i> AN ACT To amend the Act approved June 28, 1932 (47 Stat. L. 337)..... | 980 |
| <i>King Hill Irrigation District, Idaho.</i> AN ACT To convey to the King Hill Irrigation District, State of Idaho, all the interest of the United States in the King Hill Federal Reclamation Project, and for other purposes..... | 980 |
| <i>Bridge, Missouri River.</i> AN ACT Creating the Florence Bridge Commission and authorizing said Commission and its successors and assigns to construct, maintain, and operate a bridge across the Missouri River at or near Florence, Nebraska..... | 981 |
| <i>Pioneer National Monument, Ky.</i> AN ACT To provide for the creation of the Pioneer National Monument in the State of Kentucky, and for other purposes..... | 982 |
| <i>Oyster planters, loans.</i> AN ACT To authorize production credit associations to make loans to oyster planters..... | 983 |
| <i>Bridge, Saint Clair River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Saint Clair River at or near Port Huron, Michigan..... | 983 |
| <i>Indian allotments, etc.</i> AN ACT To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes..... | 984 |
| <i>Bridge, Lake Champlain.</i> AN ACT Granting the consent of Congress to the State Board of Public Works of the State of Vermont to construct, maintain, and operate a toll bridge across Lake Champlain at or near West Swanton, Vermont..... | 988 |
| <i>Postal Service, commissions of postmasters.</i> AN ACT To enable the Postmaster General to withhold commissions on false returns made by postmasters..... | 989 |
| <i>Postal service, claims.</i> AN ACT To amend the Act entitled "An Act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty", approved March 17, 1882, as amended..... | 990 |
| <i>Bankruptcy Act of 1898, amendment.</i> AN ACT To amend section 4 of "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplementary thereto", approved June 7, 1934..... | 991 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

xxiii

| | Page. |
|--|-------|
| <i>Salmon River, flood control.</i> AN ACT Authorizing the control of floods in the Salmon River, Alaska..... | 991 |
| <i>Bridge, Missouri River.</i> AN ACT Authorizing the city of Atchison, Kansas, and the county of Buchanan, Missouri, or either of them or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Atchison, Kansas..... | 991 |
| <i>Star routes, postal service.</i> AN ACT To remove the limitation upon the extension of star routes..... | 992 |
| <i>Domestic registered, insured, etc., mail.</i> AN ACT To authorize the Postmaster General to charge an additional fee for effecting delivery of domestic registered, insured, or collection-delivery mail, the delivery of which is restricted to the addressee only, or to the addressee or order..... | 992 |
| <i>Receivers, etc., in Federal courts.</i> AN ACT Making receivers appointed by any United States courts and authorized to conduct any business, or conducting any business, subject to taxes levied by the State the same as if such business were conducted by private individuals or corporations..... | 993 |
| <i>Emergency construction of public highways, etc.</i> AN ACT To increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes..... | 993 |
| <i>Fraudulent claims.</i> AN ACT To amend section 35 of the Criminal Code of the United States..... | 996 |
| <i>D.C., Alcoholic Beverage Control Act, amendment.</i> AN ACT To amend section 11 of the District of Columbia Alcoholic Beverage Control Act..... | 997 |
| <i>Mall, etc., for resale to baker, etc.</i> AN ACT To amend section 601 (c) (2) of the Revenue Act of 1932..... | 998 |
| <i>Foreign trade zones.</i> AN ACT To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes..... | 998 |
| <i>Bridge, Susquehanna River.</i> AN ACT Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near York Furnace, Pennsylvania..... | 1003 |
| <i>Douglas City, Alaska, bonds.</i> AN ACT To authorize the incorporated town of Douglas City, Alaska, to undertake certain municipal public works, including construction, reconstruction, enlargement, extension, and improvements of its water-supply system; and construction, reconstruction, enlargement, extension, and improvements to sewers, and for such purposes to issue bonds in any sum not exceeding \$40,000..... | 1004 |
| <i>Bridge, Susquehanna River.</i> AN ACT Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Middletown, Dauphin County, Pennsylvania..... | 1005 |
| <i>Fairbanks, Alaska, bonds.</i> AN ACT To authorize the incorporated town of Fairbanks, Alaska, to undertake certain municipal public works, including construction, reconstruction, and extension of sidewalks; construction, reconstruction, and extension of sewers, and construction of a combined city hall and fire-department building, and for such purposes to issue bonds in any sum not exceeding \$50,000..... | 1006 |
| <i>Investigation Division, Department of Justice.</i> AN ACT To empower certain members of the Division of Investigation of the Department of Justice to make arrests in certain cases, and for other purposes..... | 1008 |
| <i>Bridge, Lake Sabine.</i> AN ACT Authorizing the city of Port Arthur, Texas, or the commission hereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Texas..... | 1008 |
| <i>Bridge, Merrimack River.</i> AN ACT Granting the consent of Congress to the county commissioners of Essex County, in the State of Massachusetts, to construct, maintain, and operate a free highway bridge across the Merrimack River, in the city of Lawrence, Massachusetts..... | 1012 |
| <i>Liquor distilleries, etc.</i> AN ACT To authorize the reduction of the required distance between liquor distilleries and rectifying plants and to authorize higher fences around distilleries..... | 1013 |
| <i>Bridge, Ohio River.</i> AN ACT Authorizing the Sistersville Bridge Board of Trustees to construct, maintain, and operate a toll bridge across the Ohio River at Sistersville, Tyler County, West Virginia..... | 1013 |
| <i>Alcoholic Beverage Control Act, D.C., amendment.</i> AN ACT To amend subsection (a) of section 23 of the District Alcoholic Beverage Control Act..... | 1014 |
| <i>Bridge, Missouri River.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Missouri..... | 1015 |
| <i>Upper Mississippi River Wild Life, etc.</i> AN ACT To authorize the acquisition of additional land for the Upper Mississippi River Wild Life and Fish Refuge..... | 1015 |
| <i>Bridge, Ohio River.</i> AN ACT Authorizing the Spencer County Bridge Commission, of Spencer County, Indiana, to construct, maintain, and operate a toll bridge across the Ohio River between Rockport, Indiana, and Owensboro, Kentucky..... | 1015 |

| | Page. |
|---|-------|
| <i>Puerto Rican, coffee duty.</i> AN ACT Providing for the ratification of Joint Resolution Numbered 59 of the Legislature of Puerto Rico, approved by the Governor May 5, 1930, imposing an import duty on coffee imported into Puerto Rico..... June 18, 1934... | 1017 |
| <i>Military Academy, admission of Eloy and Jaime Eduardo Alfaro.</i> JOINT RESOLUTION Authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Eloy Alfaro and Jaime Eduardo Alfaro, citizens of Ecuador..... June 18, 1934... | 1017 |
| <i>Allotment of documents.</i> JOINT RESOLUTION To amend section 72 of the Printing Act, approved January 12, 1895, and Acts amendatory thereof and supplementary thereto, relative to the allotment of public documents, and section 85 of the same Act fixing the date of the expiration of the franking privilege to Member of Congress..... June 18, 1934... | 1017 |
| <i>American-Turkish claims.</i> JOINT RESOLUTION Authorizing appropriation for expenses of representatives of United States to meet at Istanbul, Turkey, with representatives of Turkish Republic for purpose of examining claims of either Government against the other and for expense of proceedings before an umpire, if necessary..... June 18, 1934... | 1018 |
| <i>Settlement of War Claims Act, amendment.</i> JOINT RESOLUTION Extending for two years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1936, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbitrator..... June 18, 1934... | 1019 |
| <i>International celebration at Fort Niagara.</i> JOINT RESOLUTION Authorizing an appropriation for the participation of the United States in the International Celebration at Fort Niagara, New York..... June 18, 1934... | 1019 |
| <i>Containers of distilled spirits.</i> JOINT RESOLUTION To protect the revenue by regulation of the traffic in containers of distilled spirits..... June 18, 1934... | 1020 |
| <i>Substances used in manufacturing distilled spirits.</i> JOINT RESOLUTION To protect the revenue by requiring information concerning the disposition of substances used in the manufacture of distilled spirits..... June 18, 1934... | 1020 |
| <i>Appropriations, emergencies, fiscal years 1934 and 1935.</i> AN ACT Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes..... June 19, 1934... | 1021 |
| <i>Guantanamo Bay naval station, water supply.</i> AN ACT To authorize the Secretary of the Navy to make a long-term contract for the supply of water to the United States naval station at Guantanamo Bay, Cuba..... June 19, 1934... | 1063 |
| <i>Shipments of poisons, etc., by mails.</i> AN ACT To amend the Act entitled "An Act to amend section 217, as amended, of the Act entitled 'An Act to codify, revise, and amend the penal laws of the United States', approved March 4, 1909", approved January 11, 1929, with respect to the use of the mails for the shipment of certain drugs and medicines to cosmetologists and barbers..... June 19, 1934... | 1063 |
| <i>United States Supreme Court, rules in actions at law.</i> AN ACT To give the Supreme Court of the United States authority to make and publish rules in actions at law..... June 19, 1934... | 1064 |
| <i>Communications Act of 1934.</i> AN ACT To provide for the regulation of interstate and foreign communication by wire or radio, and for other purposes..... June 19, 1934... | 1064 |
| <i>Federal Reserve Act, amendment.</i> AN ACT Relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes..... June 19, 1934... | 1105 |
| <i>Air Commerce Act of 1926, amendment.</i> AN ACT To amend the Air Commerce Act of 1926 and to increase the efficiency of the Aeronautics Branch of the Department of Commerce with respect to the development and regulation of civil aeronautics..... June 19, 1934... | 1113 |
| <i>Philippine currency reserves.</i> AN ACT Relating to Philippine currency reserves on deposit in the United States..... June 19, 1934... | 1115 |
| <i>Vessels and aircraft, return of seized.</i> AN ACT To amend section 938 of the Revised Statutes to vest the courts with discretion to refuse to order the return of vessels seized for violation of any law of the United States; and to amend subsection (b) of section 7 of the Air Commerce Act of 1926, as amended, to provide for the forfeiture of aircraft used in violation of customs laws..... June 19, 1934... | 1116 |
| <i>Canal Zone, alcoholic beverages.</i> AN ACT Authorizing the President to make rules and regulations in respect to alcoholic beverages in the Canal Zone, and for other purposes..... June 19, 1934... | 1116 |
| <i>Haiti, Government property.</i> AN ACT To authorize the President to transfer to the Government of Haiti without charge to that Government certain property of the United States in Haiti..... June 19, 1934... | 1117 |
| <i>Bridge, Rio Grande.</i> AN ACT To extend the times for commencing and completing the construction of a bridge across the Rio Grande at Boca Chica, Texas..... June 19, 1934... | 1117 |
| <i>Cohoes Historical Society, trophy guns.</i> AN ACT Donating bronze trophy guns to the Cohoes Historical Society, Cohoes, New York..... June 19, 1934... | 1117 |
| <i>California Débris Commission Act, amendment.</i> AN ACT To amend the Act entitled "An Act to create the California Débris Commission and regulate hydraulic mining in the State of California", approved March 1, 1893, as amended..... June 19, 1934... | 1118 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

XXV

| | Page. |
|---|-------|
| <i>Real estate sales.</i> AN ACT Amending section 1 of the Act of March 3, 1893 (27 Stat.L. 751), providing for the method of selling real estate under an order or decree of any United States court..... | 1119 |
| <i>El Paso, Tex., quarters for Government services.</i> AN ACT To make provision for suitable quarters for certain Government Services at El Paso, Texas, and for other purposes..... | 1119 |
| <i>North Dakota, judicial district.</i> AN ACT To amend section 99 of the Judicial Code (U.S.C., title 28, sec. 180), as amended..... | 1120 |
| <i>Postal Service, domestic letters.</i> AN ACT To amend section 3937 of the Revised Statutes..... | 1120 |
| <i>San Antonio, Tex., post-office site.</i> AN ACT Authorizing the Secretary of the Treasury to convey a part of the post-office site in San Antonio, Texas, to the city of San Antonio, Texas, for street purposes, in exchange for land for the benefit of the Government property..... | 1121 |
| <i>Canal Zone Code.</i> AN ACT To establish a Code of Laws for the Canal Zone, etc..... | 1122 |
| <i>United States National Archives.</i> AN ACT To establish a National Archives of the United States Government, and for other purposes..... | 1122 |
| <i>Yellowstone River, division of waters.</i> AN ACT To amend an Act approved June 14, 1932 (47 Stat. 306), entitled "An Act granting the consent of Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River"..... | 1124 |
| <i>American Legion encampment, 1934.</i> AN ACT To authorize the Secretary of War to lend War Department equipment for use at the Sixteenth National Convention of the American Legion at Miami, Florida, during the month of October 1934..... | 1124 |
| <i>Children of deceased veterans of World War.</i> AN ACT Providing educational opportunities for the children of soldiers, sailors, and marines who were killed in action or died during the World War..... | 1125 |
| <i>District of Columbia, life insurance.</i> AN ACT To regulate the business of life insurance in the District of Columbia..... | 1125 |
| <i>United States Courts, habeas corpus proceedings.</i> AN ACT To amend section 766 of the Revised Statutes, as amended..... | 1177 |
| <i>Silver Purchase Act of 1934.</i> AN ACT To authorize the Secretary of the Treasury to purchase silver, issue silver certificates, and for other purposes..... | 1178 |
| <i>Ninth Pan American Sanitary Conference, expenses of delegates.</i> JOINT RESOLUTION To provide for the expenses of delegates of the United States to the Ninth Pan American Sanitary Conference..... | 1182 |
| <i>International Labor Organization, membership.</i> JOINT RESOLUTION Providing for membership of the United States in the International Labor Organization..... | 1182 |
| <i>National Industrial Recovery Act, policies.</i> JOINT RESOLUTION To effectuate further the policy of the National Industrial Recovery Act..... | 1183 |
| <i>Cotton Control Act, amendment.</i> JOINT RESOLUTION To amend an Act entitled "An Act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes" (Public, Numbered 169, Seventy-third Congress), approved April 21, 1934..... | 1184 |
| <i>Seneca Indian School, Okla., acquisition of site.</i> AN ACT To authorize, the acquisition by the United States of the land upon which the Seneca Indian School, Wyandotte, Oklahoma, is located..... | 1184 |
| <i>Public Lands, issue of patents.</i> AN ACT Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress..... | 1185 |
| <i>Public Lands, homestead rights.</i> AN ACT To restore homestead rights to certain cases..... | 1185 |
| <i>Railway Labor Act, amendment.</i> AN ACT To amend the Railway Labor Act approved May 20, 1926, and to provide for the prompt disposition of disputes between carriers and their employees..... | 1185 |
| <i>Reconstruction Finance Corporation Act, amendment.</i> AN ACT To amend section 5 of Public Act Numbered 2 of the Seventy-second Congress, as amended..... | 1198 |
| <i>Yaquina Bay Lighthouse Reservation, Oreg.</i> AN ACT Authorizing the Secretary of Commerce to dispose of a portion of the Yaquina Bay Lighthouse Reservation, Oregon..... | 1198 |
| <i>Monocacy, Md., military park.</i> AN ACT To establish a national military park at the battlefield of Monocacy, Maryland..... | 1198 |
| <i>Connecticut tercentenary.</i> AN ACT To authorize the coinage of 50-cent pieces in commemoration of the three-hundredth anniversary of the founding of the Colony of Connecticut..... | 1200 |
| <i>Vessel construction, research work, ocean fisheries.</i> AN ACT To provide for the construction and operation of a vessel for use in research work with respect to ocean fisheries..... | 1201 |

| | Page. |
|---|-------|
| <i>Civil Service Retirement Act of 1930, amendment.</i> AN ACT To amend the Civil Service Retirement Act of May 29, 1930, and for other purposes..... | 1201 |
| <i>Bridge, Agate Pass.</i> AN ACT To revive and reenact the Act entitled "An Act to authorize the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington", approved March 2, 1929..... | 1203 |
| <i>Fort Douglas Military Reservation, conveyance.</i> AN ACT To grant a portion of the Fort Douglas Military Reservation to the University of Utah, Salt Lake City, Utah..... | 1203 |
| <i>Pure Food and Drug Act, amendment.</i> AN ACT To amend the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes", approved June 30, 1906, as amended..... | 1204 |
| <i>Vehicle hire from postal employees.</i> AN ACT To authorize the Postmaster General to hire vehicles from postal employees..... | 1205 |
| <i>Appropriation, mineral spring, Lincoln, Nebr.</i> AN ACT Making appropriation to restore water of high mineral content on land owned and controlled by the Federal Government..... | 1205 |
| <i>Wilmington, Del., exchange of lands.</i> AN ACT Providing for the transfer of certain lands from the United States to the city of Wilmington, Delaware, and from the city of Wilmington, Delaware, to the United States..... | 1205 |
| <i>Postal service, conveyance of private letters.</i> AN ACT Relating to conveyance of letters by private hands without compensation, or by special messenger employed for the particular occasion only..... | 1207 |
| <i>Claims, adjustment, etc., by Postmaster General.</i> AN ACT To amend section 392 of title 5 of the United States Code..... | 1207 |
| <i>Findlay, Ohio, public building.</i> AN ACT To authorize the Secretary of the Treasury to amend the contract for sale of post-office building and site at Findlay, Ohio..... | 1207 |
| <i>Bridge, Eleven Points River.</i> AN ACT Granting the consent of Congress to the State Highway Commission to construct, maintain, and operate a free highway bridge across Eleven Points River in the northwest half of section 31, township 25 north, range 3 west, eight miles northeast of Alton, on Route B in Oregon County, Missouri..... | 1208 |
| <i>Monterey, Calif., easement.</i> AN ACT To grant to the city of Monterey, California, an easement for street purposes over certain portions of the military reservation at Monterey, California..... | 1208 |
| <i>Writings of George Washington.</i> AN ACT Authorizing the George Washington Bicentennial Commission to print and distribute additional sets of the writings of George Washington..... | 1210 |
| <i>Federal Prison Industries.</i> AN ACT To authorize the formation of a body corporate to insure the more effective diversification of prison industries, and for other purposes..... | 1211 |
| <i>San Diego, Calif., Pueblo lands.</i> AN ACT Authorizing the sale of portions of the Pueblo lands of San Diego to the City of San Diego, California..... | 1212 |
| <i>Rural letter carriers, postal service.</i> AN ACT To adjust the salaries of rural letter carriers, and for other purposes..... | 1212 |
| <i>Aquatic Products, association of producers.</i> AN ACT Authorizing associations of producers of aquatic products..... | 1213 |
| <i>District of Columbia, building construction.</i> AN ACT Authorizing loans from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes..... | 1215 |
| <i>Nez Perce tribe of Indians.</i> AN ACT For the relief of the Nez Perce Tribe of Indians..... | 1216 |
| <i>Federal Credit Union System.</i> AN ACT To establish a Federal Credit Union System, to establish a further market for securities of the United States and to make more available to people of small means credit for provident purposes through a national system of cooperative credit, thereby helping to stabilize the credit structure of the United States..... | 1216 |
| <i>Army enlisted men, collection of indebtedness.</i> AN ACT To amend the Act of May 22, 1928, entitled "An Act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes"..... | 1222 |
| <i>Cromline Creek, N.Y., flood survey.</i> AN ACT To provide for a preliminary examination of Cromline Creek in the State of New York, with a view to the control of its floods..... | 1223 |
| <i>Agricultural Adjustment Act, amendment.</i> AN ACT To exempt articles of machinery belting from the tax on floor stocks imposed by the Agricultural Adjustment Act..... | 1223 |
| <i>Mount Rushmore Memorial Commission, amendment.</i> AN ACT To amend the Act entitled "An Act creating the Mount Rushmore National Memorial Commission and defining its powers and purposes", approved February 25, 1929, and for other purposes..... | 1223 |
| <i>Postal Service, fees, application for entry as second-class matter.</i> AN ACT To reduce the fee to accompany applications for entry as second-class matter of publications of limited circulation..... | 1224 |

LIST OF PUBLIC ACTS AND RESOLUTIONS.

xxvii

| | Page. |
|---|-------|
| <i>Permanent Appropriation Repeal Act.</i> AN ACT Providing that permanent appropriations be subject to annual consideration and appropriation by Congress, and for other purposes..... | 1224 |
| <i>National Firearms Act.</i> AN ACT To provide for the taxation of manufacturers, importers, and dealers in certain firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof..... | 1236 |
| <i>Coal and asphalt deposits, Choctaw and Chickasaw lands.</i> AN ACT To amend the Act of June 19, 1930 (46 Stat. 788), entitled "An Act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes"..... | 1240 |
| <i>Processing tax on hogs.</i> AN ACT To amend the Agricultural Adjustment Act with respect to the processing tax on hogs..... | 1241 |
| <i>Federal Trade Commission report, utilities investigation.</i> JOINT RESOLUTION Whereas it is learned that the Federal Trade Commission, because of lack of time, money, and personnel, intends to close its utilities investigation under S. Res. 83, Seventieth Congress, first session, without investigating various important corporations included among those described in said resolution; and Whereas it is in the public interest that certain of said corporations be investigated: Therefore be it..... | 1242 |
| <i>Navy and Marine Memorial.</i> JOINT RESOLUTION Authorizing an appropriation to defray the expense of erecting the completed Navy and Marine Memorial Monument..... | 1243 |
| <i>Air-mail routes, etc., Postal Service.</i> JOINT RESOLUTION To simplify the administration of air-mail routes and contracts..... | 1243 |
| <i>Thomas Jefferson Memorial, D.C.</i> JOINT RESOLUTION Authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction, on the apex block, Constitution and Pennsylvania Avenues, in the city of Washington, District of Columbia, of a permanent memorial to the memory of Thomas Jefferson, third President of the United States and author of the Declaration of Independence..... | 1243 |
| <i>International Celebration, Fort Niagara, N.Y., participation.</i> JOINT RESOLUTION To provide an appropriation to enable the United States Army to send certain units to participate in the International Celebration at Fort Niagara, New York..... | 1244 |
| <i>House of Representatives, committees expenses.</i> JOINT RESOLUTION To provide an additional appropriation for expenses of special and select committees of the House of Representatives for the fiscal year 1935..... | 1244 |
| <i>Puerto Rico, citizenship and naturalization.</i> AN ACT To amend the Act of March 2, 1917, entitled "An Act to provide a civil government for Puerto Rico, and for other purposes"..... | 1245 |
| <i>Indian liquor laws, modification.</i> AN ACT To modify the operation of the Indian liquor laws on lands which were formerly Indian lands..... | 1245 |
| <i>National Housing Act.</i> AN ACT To encourage improvement in housing standards and conditions, to provide a system of mutual mortgage insurance, and for other purposes..... | 1246 |
| <i>Independent Offices Appropriation Act, 1935, amendment.</i> AN ACT Amending the Independent Offices Appropriation Act of 1935..... | 1265 |
| <i>Irrigation projects, Langell Valley district.</i> AN ACT To amend the Act entitled "An Act to adjust water-right charges, to grant other relief on the Federal irrigation projects, and for other purposes", approved May 25, 1926, with respect to certain lands in the Langell Valley irrigation district..... | 1266 |
| <i>Decorations, etc., tendered by foreign Governments.</i> JOINT RESOLUTION Authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign Governments..... | 1267 |
| <i>Settlement of War Claims Act, amendment.</i> JOINT RESOLUTION To amend the Settlement of War Claims Act of 1928, as amended..... | 1267 |
| <i>Grazing Act.</i> AN ACT To stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes..... | 1269 |
| <i>Tobacco Control Act.</i> AN ACT To place the tobacco-growing industry on a sound financial and economic basis, to prevent unfair competition and practices in the production and marketing of tobacco entering into the channels of interstate and foreign commerce, and for other purposes..... | 1275 |
| <i>Compensate widows and children, certain World War Veterans.</i> AN ACT To compensate widows and children of persons who died while receiving monetary benefits for disabilities directly incurred in or aggravated by active military or naval service in the World War..... | 1281 |
| <i>Railroad Retirement Act.</i> AN ACT To provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes..... | 1283 |
| <i>Bankruptcy Act of 1898, amendment.</i> AN ACT To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto..... | 1289 |

PUBLIC LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Thursday, the ninth day of March, 1933, and was adjourned without day on Friday, the sixteenth day of June, 1933.

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; HENRY T. RAINEY, Speaker of the House of Representatives.

[CHAPTER 1.]

AN ACT

To provide relief in the existing national emergency in banking, and for other purposes.

March 9, 1933.

[H. R. 1491.]

[Public, No. 1.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.

National banking system.
Emergency declared existing.

TITLE I

SECTION 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

Proclamations, orders, etc., issued since March 4, 1933; approval.

Post, p. 343.
Trading with the Enemy Act, amended. Vol. 40, pp. 415, 986, amended.

Foreign exchange, export or hoarding of coin, bullion, etc.
Regulatory powers of President during national emergency.

SEC. 2. Subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to read as follows:“(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned

Compulsory testimony, etc.

Punishment for violation.

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| | for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. |
| "Person" construed. | As used in this subdivision the term 'person' means an individual, partnership, association, or corporation." |
| Federal Reserve Act, amended. Vol. 39, p. 752. | SEC. 3. Section 11 of the Federal Reserve Act is amended by adding at the end thereof the following new subsection: |
| Emergency impounding of gold. Authority of Secretary of Treasury. | "(n) Whenever in the judgment of the Secretary of the Treasury such action is necessary to protect the currency system of the United States, the Secretary of the Treasury, in his discretion, may require any or all individuals, partnerships, associations and corporations to pay and deliver to the Treasurer of the United States any or all gold coin, gold bullion, and gold certificates owned by such individuals, partnerships, associations and corporations. Upon receipt of such gold coin, gold bullion or gold certificates, the Secretary of the Treasury shall pay therefor an equivalent amount of any other form of coin or currency coined or issued under the laws of the United States. The Secretary of the Treasury shall pay all costs of the transportation of such gold bullion, gold certificates, coin, or currency, including the cost of insurance, protection, and such other incidental costs as may be reasonably necessary. Any individual, partnership, association, or corporation failing to comply with any requirement of the Secretary of the Treasury made under this subsection shall be subject to a penalty equal to twice the value of the gold or gold certificates in respect of which such failure occurred, and such penalty may be collected by the Secretary of the Treasury by suit or otherwise." |
| Exchange for any other form of currency, etc. | |
| Reimbursing transportation costs. | |
| Hoarding, etc., deemed an offense. | |
| Penalty. | |
| Operations of the National Banking and Federal Reserve Systems. Emergency suspension, etc., provided for. | SEC. 4. In order to provide for the safer and more effective operation of the National Banking System and the Federal Reserve System, to preserve for the people the full benefits of the currency provided for by the Congress through the National Banking System and the Federal Reserve System, and to relieve interstate commerce of the burdens and obstructions resulting from the receipt on an unsound or unsafe basis of deposits subject to withdrawal by check, during such emergency period as the President of the United States by proclamation may prescribe, no member bank of the Federal Reserve System shall transact any banking business except to such extent and subject to such regulations, limitations and restrictions as may be prescribed by the Secretary of the Treasury, with the approval of the President. Any individual, partnership, corporation, or association, or any director, officer or employee thereof, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or, if a natural person, may, in addition to such fine, be imprisoned for a term not exceeding ten years. Each day that any such violation continues shall be deemed a separate offense. |
| Proclamation. | |
| Penalty for violation. | |
| Each day a separate offense. | |

TITLE II

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| "Bank Conservation Act." | SEC. 201. This title may be cited as the "Bank Conservation Act." |
| Citation of title. Terms construed Post, p. 72. | SEC. 202. As used in this title, the term "bank" means (1) any national banking association, and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency; and the term "State" means any State, Territory, or possession of the United States, and the Canal Zone. |
| Conservators. | SEC. 203. Whenever he shall deem it necessary in order to conserve the assets of any bank for the benefit of the depositors and other |

creditors thereof, the Comptroller of the Currency may appoint a conservator for such bank and require of him such bond and security as the Comptroller of the Currency deems proper. The conservator, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such bank, and take such action as may be necessary to conserve the assets of such bank pending further disposition of its business as provided by law. Such conservator shall have all the rights, powers, and privileges now possessed by or hereafter given receivers of insolvent national banks and shall be subject to the obligations and penalties, not inconsistent with the provisions of this title, to which receivers are now or may hereafter become subject. During the time that such conservator remains in possession of such bank, the rights of all parties with respect thereto shall, subject to the other provisions of this title, be the same as if a receiver had been appointed therefor. All expenses of any such conservatorship shall be paid out of the assets of such bank and shall be a lien thereon which shall be prior to any other lien provided by this Act or otherwise. The conservator shall receive as salary an amount no greater than that paid to employees of the Federal Government for similar services.

SEC. 204. The Comptroller of the Currency shall cause to be made such examinations of the affairs of such bank as shall be necessary to inform him as to the financial condition of such bank, and the examiner shall make a report thereon to the Comptroller of the Currency at the earliest practicable date.

SEC. 205. If the Comptroller of the Currency becomes satisfied that it may safely be done and that it would be in the public interest, he may, in his discretion, terminate the conservatorship and permit such bank to resume the transaction of its business subject to such terms, conditions, restrictions and limitations as he may prescribe.

SEC. 206. While such bank is in the hands of the conservator appointed by the Comptroller of the Currency, the Comptroller may require the conservator to set aside and make available for withdrawal by depositors and payment to other creditors, on a ratable basis, such amounts as in the opinion of the Comptroller may safely be used for this purpose; and the Comptroller may, in his discretion, permit the conservator to receive deposits, but deposits received while the bank is in the hands of the conservator shall not be subject to any limitation as to payment or withdrawal, and such deposits shall be segregated and shall not be used to liquidate any indebtedness of such bank existing at the time that a conservator was appointed for it, or any subsequent indebtedness incurred for the purpose of liquidating any indebtedness of such bank existing at the time such conservator was appointed. Such deposits received while the bank is in the hands of the conservator shall be kept on hand in cash, invested in the direct obligations of the United States, or deposited with a Federal reserve bank. The Federal reserve banks are hereby authorized to open and maintain separate deposit accounts for such purpose, or for the purpose of receiving deposits from State officials in charge of State banks under similar circumstances.

SEC. 207. In any reorganization of any national banking association under a plan of a kind which, under existing law, requires the consent, as the case may be, (a) of depositors and other creditors or (b) of stockholders or (c) of both depositors and other creditors and stockholders, such reorganization shall become effective only (1) when the Comptroller of the Currency shall be satisfied that the plan of reorganization is fair and equitable as to all depositors, other cred-

Appointment
Bond, etc., required

To take over all
books, assets, etc.

Powers and obliga-
tions of.

Rights under.

Expenses of conser-
vatorship.

Salary.

Bank examination;
reports.

Termination of con-
servatorship and re-
sumption of bank busi-
ness.

Sums for depositors'
withdrawals or pay-
ments for creditors set
aside by conservator.

Receipt of deposits.

Certain limitations
not applicable to.

Segregation; restric-
tion on use, etc.

To be kept on hand
in cash.

Separate accounts to
be kept.

Bank reorganization.
Post, p. 72.
Requirements, etc.

Approval of Comp-
troller.

itors and stockholders and is in the public interest and shall have approved the plan subject to such conditions, restrictions and limitations as he may prescribe and (2) when, after reasonable notice of such reorganization, as the case may require, (A) depositors and other creditors of such bank representing at least 75 per cent in amount of its total deposits and other liabilities as shown by the books of the national banking association or (B) stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of the national banking association or (C) both depositors and other creditors representing at least 75 per cent in amount of the total deposits and other liabilities and stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of the national banking association, shall have consented in writing to the plan of reorganization: *Provided, however,* That claims of depositors or other creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the total deposits and other liabilities of the national banking association in determining the 75 per cent thereof as above provided. When such reorganization becomes effective, all books, records, and assets of the national banking association shall be disposed of in accordance with the provisions of the plan and the affairs of the national banking association shall be conducted by its board of directors in the manner provided by the plan and under the conditions, restrictions and limitations which may have been prescribed by the Comptroller of the Currency. In any reorganization which shall have been approved and shall have become effective as provided herein, all depositors and other creditors and stockholders of such national banking association, whether or not they shall have consented to such plan of reorganization, shall be fully and in all respects subject to and bound by its provisions, and claims of all depositors and other creditors shall be treated as if they had consented to such plan of reorganization.

Consent of depositors representing 75 per cent of deposits, etc.
Or stockholders.
Depositors and other creditors.
Proviso.
Satisfied claims to be deducted.
Disposition of records, assets, etc., on reorganization.
Plan to apply equally.
Segregation of deposits to cease.
Proviso.
Notice before turning back control.
To be furnished each depositor.

SEC. 208. After fifteen days after the affairs of a bank shall have been turned back to its board of directors by the conservator, either with or without a reorganization as provided in section 207 hereof, the provisions of section 206 of this title with respect to the segregation of deposits received while it is in the hands of the conservator and with respect to the use of such deposits to liquidate the indebtedness of such bank shall no longer be effective: *Provided,* That before the conservator shall turn back the affairs of the bank to its board of directors he shall cause to be published in a newspaper published in the city, town or county in which such bank is located, and if no newspaper is published in such city, town or county, in a newspaper to be selected by the Comptroller of the Currency published in the State in which the bank is located, a notice in form approved by the Comptroller, stating the date on which the affairs of the bank will be returned to its board of directors and that the said provisions of section 206 will not be effective after fifteen days after such date; and on the date of the publication of such notice the conservator shall immediately send to every person who is a depositor in such bank under section 206 a copy of such notice by registered mail addressed to the last known address of such person as shown by the records of the bank, and the conservator shall send similar notice in like manner to every person making deposit in such bank under section 206 after the date of such newspaper publication and before the time when the affairs of the bank are returned to its directors.

SEC. 209. Conservators appointed pursuant to the provisions of this title shall be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes (U. S. C., Title 12, sec. 592) ; and sections 112, 113, 114, 115, 116 and 117 of the Criminal Code of the United States (U. S. C., Title 18, secs. 202, 203, 204, 205, 206 and 207), in so far as applicable, are extended to apply to contracts, agreements, proceedings, dealings, claims and controversies by or with any such conservator or the Comptroller of the Currency under the provisions of this title.

Provisions governing conservators.
R. S. sec. 5209, p. 1007;
U. S. C. pp. 291, 475.
Vol. 35, p. 1108.
Vol. 40, p. 972.

SEC. 210. Nothing in this title shall be construed to impair in any manner any powers of the President, the Secretary of the Treasury, the Comptroller of the Currency, or the Federal Reserve Board.

Powers of President, etc., not impaired.

SEC. 211. The Comptroller of the Currency is hereby authorized and empowered, with the approval of the Secretary of the Treasury, to prescribe such rules and regulations as he may deem necessary in order to carry out the provisions of this title. Whoever violates any rule or regulation made pursuant to this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

Rules to be prescribed.

TITLE III

SEC. 301. Notwithstanding any other provision of law, any national banking association may, with the approval of the Comptroller of the Currency and by vote of shareholders owning a majority of the stock of such association, upon not less than five days' notice, given by registered mail pursuant to action taken by its board of directors, issue preferred stock in such amount and with such par value as shall be approved by said Comptroller, and make such amendments to its articles of association as may be necessary for this purpose; but, in the case of any newly organized national banking association which has not yet issued common stock, the requirement of notice to and vote of shareholders shall not apply. No issue of preferred stock shall be valid until the par value of all stock so issued shall be paid in.

National banks.
Preferred stock.
Post, p. 147.
Issue of, by vote of shareholders.

SEC. 302. (a) The holders of such preferred stock shall be entitled to cumulative dividends at a rate not exceeding 6 per centum per annum, but shall not be held individually responsible as such holders for any debts, contracts, or engagements of such association and shall not be liable for assessments to restore impairments in the capital of such association as now provided by law with reference to holders of common stock. Notwithstanding any other provision of law, the holders of such preferred stock shall have such voting rights, and such stock shall be subject to retirement in such manner and on such terms and conditions, as may be provided in the articles of association with the approval of the Comptroller of the Currency.

Amount, par value, etc.

Payment.

Dividends.
Post, p. 148.

Liability of shareholders.

Voting rights.

Retirement provisions.

(b) No dividends shall be declared or paid on common stock until the cumulative dividends on the preferred stock shall have been paid in full; and, if the association is placed in voluntary liquidation or a conservator or a receiver is appointed therefor, no payments shall be made to the holders of the common stock until the holders of the preferred stock shall have been paid in full the par value of such stock plus all accumulated dividends.

Priority.

SEC. 303. The term "common stock" as used in this title means stock of national banking associations other than preferred stock issued under the provisions of this title. The term "capital" as used in provisions of law relating to the capital of national banking associations shall mean the amount of unimpaired common stock plus

Definitions.
"Common stock."
"Capital."

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| "Capital stock." | the amount of preferred stock outstanding and unimpaired; and the term "capital stock", as used in section 12 of the Act of March 14, 1900, shall mean only the amount of common stock outstanding. |
| Reconstruction Finance Corporation. Subscription for preferred stock. <i>Post</i> , p. 21. | SEC. 304. If in the opinion of the Secretary of the Treasury any national banking association or any State bank or trust company is in need of funds for capital purposes either in connection with the organization or reorganization of such association, State bank or trust company or otherwise, he may, with the approval of the President, request the Reconstruction Finance Corporation to subscribe for preferred stock in such association, State bank or trust company, or to make loans secured by such stock as collateral, and the Reconstruction Finance Corporation may comply with such request. The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market or otherwise the whole or any part of the preferred stock of any national banking association, State bank or trust company acquired by the Corporation pursuant to this section. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section. |
| Sale of, permitted. | |
| Increase of outstanding obligations authorized. | |

TITLE IV

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| Federal Reserve Act, amendments. Vol. 38, p. 269, amended. U.S.C., p. 286. Delivery of circulating notes on deposit of U.S. bonds, etc. <i>Post</i> , p. 21. | SEC. 401. The sixth paragraph of Section 18 of the Federal Reserve Act is amended to read as follows: |
| Amount of issue. | "Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of the United States or (b) of any notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of this Act, any Federal reserve bank making such deposit in the manner prescribed by the Secretary of the Treasury shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, duly registered and countersigned. When such circulating notes are issued against the security of obligations of the United States, the amount of such circulating notes shall be equal to the face value of the direct obligations of the United States so deposited as security; and, when issued against the security of notes, drafts, bills of exchange and bankers' acceptances acquired under the provisions of this Act, the amount thereof shall be equal to not more than 90 per cent of the estimated value of such notes, drafts, bills of exchange and bankers' acceptances so deposited as security. Such notes shall be the obligations of the Federal reserve bank procuring the same, shall be in form prescribed by the Secretary of the Treasury, shall be receivable at par in all parts of the United States for the same purposes as are national bank notes, and shall be redeemable in lawful money of the United States on presentation at the United States Treasury or at the bank of issue. The Secretary of the Treasury is authorized and empowered to prescribe regulations governing the issuance, redemption, replacement, retirement and destruction of such circulating notes and the release and substitution of security therefor. Such circulating notes shall be subject to the same tax as is provided by law for the circulating notes of national banks secured by 2 per cent bonds of the United States. No such circulating notes shall be issued under this paragraph after the President has declared by proclamation that the |
| Value, use, etc. | |
| Redemption. | |
| Regulations. | |
| Tax. | |
| Issue to cease when emergency terminates; exception. | |

emergency recognized by the President by proclamation of March 6, 1933, has terminated, unless such circulating notes are secured by deposits of bonds of the United States bearing the circulation privilege. When required to do so by the Secretary of the Treasury, each Federal reserve agent shall act as agent of the Treasurer of the United States or of the Comptroller of the Currency, or both, for the performance of any of the functions which the Treasurer or the Comptroller may be called upon to perform in carrying out the provisions of this paragraph. Appropriations available for distinctive paper and printing United States currency or national bank currency are hereby made available for the production of the circulating notes of Federal reserve banks herein provided; but the United States shall be reimbursed by the Federal reserve bank to which such notes are issued for all expenses necessarily incurred in connection with the procuring of such notes and all other expenses incidental to their issue, redemption, replacement, retirement and destruction."

Agent of Treasurer
or Comptroller of the
Currency.

Sums available for
expenses.

Reimbursement.

SEC. 402. Section 10(b) of the Federal Reserve Act, as amended, is further amended to read as follows:

Vol. 47, p. 56,
amended.
U.S.C., Supp. VI,
p. 136.

"SEC. 10(b). In exceptional and exigent circumstances, and when any member bank has no further eligible and acceptable assets available to enable it to obtain adequate credit accommodations through rediscounting at the Federal reserve bank or any other method provided by this Act other than that provided by section 10 (a), any Federal reserve bank, under rules and regulations prescribed by the Federal Reserve Board, may make advances to such member bank on its time or demand notes secured to the satisfaction of such Federal reserve bank. Each such note shall bear interest at a rate not less than 1 per centum per annum higher than the highest discount rate in effect at such Federal reserve bank on the date of such note. No advance shall be made under this section after March 3, 1934, or after the expiration of such additional period not exceeding one year as the President may prescribe."

Advances to member
banks when acceptable
assets not available for
rediscount.
Post, p. 21.

Security.

Interest.

Expiration.

SEC. 403. Section 13 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following new paragraph:

"Subject to such limitations, restrictions and regulations as the Federal Reserve Board may prescribe, any Federal reserve bank may make advances to any individual, partnership or corporation on the promissory notes of such individual, partnership or corporation secured by direct obligations of the United States. Such advances shall be made for periods not exceeding 90 days and shall bear interest at rates fixed from time to time by the Federal reserve bank, subject to the review and determination of the Federal Reserve Board."

Advances to indi-
viduals, etc.

Security, interest,
etc.

Post, p. 20.

TITLE V

SEC. 501. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000,000, which shall be available for expenditure, under the direction of the President and in his discretion, for any purpose in connection with the carrying out of this Act.

Appropriation.

SEC. 502. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Amendment, etc.

Saving provision.

Approved, March 9, 1933, 8.30 p. m.