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township line to the boundary line between the Choctaw and Chickasaw nations; thence north on said boundary line to the point of beginning. The place of record for district numbered twenty-five shall be Durant.

Approved, February 19, 1903.

CHAP. 708.—An Act To further regulate commerce with foreign nations and among the States.

February 19, 1903.
[Public, No. 103.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That anything done or omitted to be done by a corporation common carrier, subject to the Act to regulate commerce and the Acts amendatory thereof which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said Acts or under this Act shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said Acts or by this Act with reference to such persons except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said Acts to file and publish the tariffs or rates and charges as required by said Acts or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine not less than one thousand dollars nor more than twenty thousand dollars for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give or to solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce by any common carrier subject to said Act to regulate commerce and the Acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said Act to regulate commerce and the Acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced. Every person or corporation who shall offer, grant, or give or solicit, accept or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one thousand dollars nor more than twenty thousand dollars. In all convictions occurring after the passage of this Act for offenses under said Acts to regulate commerce, whether committed before or after the passage of this Act, or for offenses under this section, no penalty shall be imposed on the convicted party other than the fine prescribed by law, imprisonment wherever now prescribed as part of the penalty being hereby abolished. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

Interstate-Commerce regulations.
Corporation common carriers liable for violating.
Vol. 24, p. 379.
Vol. 25, p. 855.
Vol. 26, p. 743.

Penalty for failing to file tariffs, etc.

Rebates, concessions, etc., prohibited.

Penalty.

Imprisonment penalties abolished.

Prosecutions.

In construing and enforcing the provisions of this section the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier acting within the scope of his employment shall in every case be also deemed to be the act, omission,

Liability for acts of agents, etc.

Published rates to be adhered to.

or failure of such carrier as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the Act to regulate commerce or Acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers, or agents in any prosecution begun under this Act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this Act.

Parties included in interstate commerce proceedings.

SEC. 2. That in any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any circuit court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

Equity courts to enforce tariffs, prohibit discrimination, etc.

SEC. 3. That whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, a petition may be presented alleging such facts to the circuit court of the United States sitting in equity having jurisdiction; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the court summarily to inquire into the circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary, and upon being satisfied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs or direct and require a discontinuance of such discrimination by proper orders, writs, and process, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier, subject to the right of appeal as now provided by law. It shall be the duty of the several district attorneys of the United States, whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission, to institute and prosecute such proceedings, and the proceedings provided for by this Act shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by said Act approved February fourth, eighteen hundred and eighty-seven, entitled An Act to regulate commerce and the Acts amendatory thereof. And in proceedings under this Act and the Acts to regulate commerce the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and the shipper, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing

District attorneys to bring suits, etc.

Recovery of damages.

Vol. 24, p. 382.

Compulsory attendance of witnesses, etc.
Vol. 25, p. 859.
Vol. 26, p. 743.

concerning which he may testify or produce evidence documentary or otherwise in such proceeding: *Provided*, That the provisions of an Act entitled "An Act to expedite the hearing and determination of suits in equity pending or hereafter brought under the Act of July second, eighteen hundred and ninety, entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may be hereafter enacted, approved February eleventh, nineteen hundred and three," shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission.

Proviso.
Precedence to be given cases.
Ante, p. 823.
Vol. 26, p. 209.
Vol. 24, p. 379.

SEC. 4. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, but such repeal shall not affect causes now pending nor rights which have already accrued, but such causes shall be prosecuted to a conclusion and such rights enforced in a manner heretofore provided by law and as modified by the provisions of this Act.

Conflicting laws repealed.
Pending cases not affected.

SEC. 5. That this Act shall take effect from its passage.

Effect.

Approved, February 19, 1903.

CHAP. 709.—An Act Providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kansas, and for other purposes.

February 19, 1903.
[Public, No. 101.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That terms of the circuit court and of the district court of the United States for the first division of the judicial district of Kansas in addition to those now provided by law shall be hereafter held at the city of Kansas City, Kansas, on the second Monday of January and first Monday of October of each year, but a jury shall not attend said October term excepting upon the order of the court, and a grand jury shall not attend either of said terms except upon the order of the district court.

United States courts.
Kansas judicial district.
Terms, Kansas City.
R. S., sec. 572, 658, pp. 99, 121.
Juries.

SEC. 2. That all Acts and parts of Acts so far as in conflict with the provisions of this Act are hereby repealed.

Repeal.

Approved, February 19, 1903.

CHAP. 710.—An Act For the relief of the clerks of circuit and district courts of the United States.

February 19, 1903.
[Public, No. 105.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury are hereby authorized and directed to reopen and restate the emolument accounts of the clerks of the circuit and district courts of the United States for the years eighteen hundred and ninety-one to nineteen hundred, inclusive, where a balance against said clerks has been created contrary to the decision of the Comptroller of the Treasury dated July twenty-ninth, nineteen hundred and one, and the decisions of the Supreme Court of the United States cited therein, and to settle the same in accordance with said decisions; and upon satisfactory proof, which shall be made under oath, of any balance due any of said clerks, to certify and pay such balance to them out of any money in the Treasury not otherwise appropriated.

United States courts.
Payment of balances due clerks of.
Proofs.

Approved, February 19, 1903.