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defraud, sells, conveys, conceals, or aids in concealing the same, or removes the same from the District of Columbia without the consent of the vendor, before performance of the conditions precedent to acquiring the title thereto, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for more than ninety days." Penalty.

Approved, April 28, 1904.

CHAP. 1809.—An Act To prevent the fraudulent sale of merchandise in the District of Columbia.

April 28, 1904.
[H. R. 5067.]
[Public, No. 241.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of every person who shall bargain for or purchase any stock of goods, wares, or merchandise in bulk, for cash or credit, within the District of Columbia, to demand and receive from the vendor thereof, and if the vendor be a corporation then from a managing officer or agent thereof, at least five days before the consummation of such bargain or purchase and at least five days before paying or delivering to the vendor any part of the purchase price or consideration therefor, or any promissory note or other evidence of indebtedness therefor, a written statement, under oath, containing the names and addresses of all of the creditors of said vendor, together with the amount of indebtedness due or owing, or to become due or owing, by said vendor to each of such creditors, and if there be no such creditors, a written statement, under oath, to that effect; and it shall be the duty of such vendor to furnish such statement at least five days before any sale or transfer by him of any stock of goods, wares, or merchandise in bulk.

District of Columbia. Sale of merchandise in bulk.

Affidavit required from vendor as to indebtedness prior to.

SEC. 2. That after having received from the vendor the written statement, under oath, mentioned in section one, the vendor shall, at least five days before the consummation of such bargain or purchase, and at least five days before paying or delivering to the vendor any part of the purchase price or consideration therefor, or any promissory note or other evidence of indebtedness for the same, in good faith notify or cause to be notified, personally or by wire or by registered letter, each of the creditors of the vendor named in said statement of the proposed purchase by him of such stock of goods, wares, or merchandise; and whenever any person shall purchase any stock of goods, wares, or merchandise in bulk, or shall pay the purchase price or any part thereof, or execute or deliver to the vendor thereof or to his order, or to any person for his use, any promissory note or other evidence of indebtedness for said stock, or any part thereof, without having first demanded and received from his vendor the statement, under oath, as provided in section one, and without also having notified or caused to be notified all of the creditors of the vendor named in such statement, as in this section prescribed, such purchase, sale, or transfer shall, as to any and all creditors of the vendor, be conclusively presumed fraudulent and void.

Notice of purchase to creditors.

In absence of notice, sale to be deemed fraudulent and void.

SEC. 3. That any sale or transfer of a stock of goods, wares, or merchandise out of the usual or ordinary course of the business or trade of the vendor, or whenever thereby substantially the entire business or trade theretofore conducted by the vendor shall be sold or conveyed, or attempted to be sold or conveyed, to one or more persons, shall be deemed a sale or transfer in bulk, in contemplation of this Act.

Sale in bulk, etc., defined.

SEC. 4. That nothing contained in this Act shall apply to sales made by executors, administrators, receivers, or any public officer conducting a sale in his official capacity.

Sales by executors, etc.

Rules of evidence, etc., not affected.

SEC. 5. That except as expressly provided in this Act, nothing therein contained, nor any Act thereunder shall change or affect the present rules of evidence or the present presumptions of law.

Repeal.

SEC. 6. That all Acts and parts of Acts inconsistent herewith be, and the same is hereby, repealed.

Approved, April 28, 1904.

April 28, 1904.
[H. R. 5075.]
[Public, No. 242.]

CHAP. 1810.—An Act For the relief of small-holding settlers within the limits of the grant of land to the Atlantic and Pacific Railroad Company in the Territory of New Mexico.

New Mexico.
Atlantic and Pacific Railroad Company, etc., may relinquish, etc., certain lands in.
Vol. 14, p. 294.
Lands occupied by settlers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atlantic and Pacific Railroad Company, its successors in interest and its or their assigns, may, when requested by the Secretary of the Interior so to do, relinquish or deed, as may be proper, to the United States any section or sections of its or their lands in the Territory of New Mexico the title to which was derived by said railroad company through the Act of Congress of July twenty-seventh, eighteen hundred and sixty-six, in aid of the construction of said railroad, any portion of which section is and has been occupied by any settler or settlers as a home or homestead by themselves or their predecessors in interest for a period of not less than twenty-five years next before the passage of this Act, and shall then be entitled to select in lieu thereof, and to have patented other sections of vacant public land of equal quality in said Territory, as may be agreed upon with the Secretary of the Interior.

Vacant public lands exchanged in lieu of.
Minimum occupation period.

Survey of holdings.

SEC. 2. That the Secretary of the Interior shall, as soon as may be after the passage of this Act, cause inquiry to be made of all lands so held by settlers, and shall cause the holdings of such settlers to be surveyed, and on receiving such relinquishments or deeds shall at once, without cost to the settlers, cause patents to issue to each such settler for his or her such holdings: *Provided*, That not to exceed one hundred and sixty acres shall be patented to any one person, and such recipient must possess the qualifications necessary to entitle him or her to enter such land under the homestead laws.

Patents to settlers.
Proviso.
Maximum acreage.

Remaining lands subject to entry.

SEC. 3. That any fractions of any such sections of land remaining after the issuance of patents to the settlers as aforesaid shall be subject to entry by citizens the same as other public lands of the United States.

Approved, April 28, 1904.

April 28, 1904.
[H. R. 6493.]
[Public, No. 243.]

CHAP. 1811.—An Act To ratify and confirm Act Numbered Forty-seven of the legislative assembly of the Territory of Arizona.

Arizona.
Preamble.

Whereas the legislative assembly of the Territory of Arizona, for the purpose of authorizing the sale of Territorial bonds to the amount of eleven thousand dollars to provide for improvements at the Territorial agricultural experimental station of the University of Arizona, passed the following law, to wit:

"An act entitled 'An act to provide for improvements and publications of the agricultural experimental station of the University of Arizona, and for holding farmers' institutes throughout the Territory.'

"*Be it enacted by the legislative assembly of the Territory of Arizona.*

University of Arizona.
Act of legislature authorizing bond issue in aid of agricultural experimental station, etc.

SECTION 1. For the purpose of providing for improvements and publications necessitated by the growth of the agricultural experimental station of the University of Arizona, and to provide for the establishment of farmers' institutes throughout the Territory, a loan of eleven