

CHAP. 171.—An Act To repeal and annul certain parts of the charter and lease granted and made to the Washington Market Company by Act of Congress entitled "An Act to incorporate the Washington Market Company," approved May 20, 1870.

March 4, 1921.
[H. R. 9036.]
[Public, No. 399.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the desire, purpose and intent of the United States to annul and hold for naught the lease made by Congress to the Washington Market Company, of reservation numbered seven, in the District of Columbia, and to take over unto its own ownership, use, occupancy and control the said grounds and buildings and improvements thereon and therein now held and occupied by the said market company and its tenants under authority of an Act approved May 20, 1870, entitled "An Act to incorporate the Washington Market Company," and Acts or laws amendatory thereof or supplemental thereto.

District of Columbia.
Washington Market
Company.
Lease, etc., to be an-
nulled.

Ownership, etc., of
buildings to be taken
over by the Govern-
ment.

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SEC. 2. That all of said market grounds and buildings, together with all improvements thereon and therein, shall be surrendered by the market company and taken over by and appropriated to and for the United States on the date of the payment to the said market company of a sum of money equal to 75 per centum of the amount of the award hereinafter provided, which said payment shall be made upon the filing of the award by the commission to be appointed as hereinafter provided, and the remainder of said award, with interest thereon at the rate of 5 per centum per annum until paid, shall be paid to the said market company at the expiration of thirty days thereafter unless an appeal is noted to the Court of Appeals of the District of Columbia, as hereinafter provided; and, in the event of such appeal, the balance unpaid of the award as finally determined shall be paid to the said market company within twenty days from the date judgment is rendered by said court of appeals, with interest thereon as hereinbefore provided.

Market buildings,
etc., to be surrendered
when 75 per cent of
award paid.

Remainder in 30
days if no appeal
noted.

Payment when
judgment rendered.

Upon securing possession of said premises, and, until otherwise directed by Congress, the complete possession and control of said grounds, buildings and improvements shall, for the benefit of the United States, vest in the Secretary of Agriculture, who shall first reserve so much of the grounds and space in said buildings as he may deem necessary for the use of the United States; and, after such reservation shall have been made, and until Congress shall otherwise direct, any remaining portion or portions of the said grounds, buildings or improvements may be rented by the Secretary of Agriculture to the present tenants or to any other person or persons for such rental as may be agreed upon by the parties; but, in no event, shall any part of the premises be subleased by the tenant. The Secretary of Agriculture is hereby empowered and directed to make and enforce such rules and regulations for the management and control of the said property as he may deem best for the enforcement of the provisions of said Act.

Control of premises
to vest in Secretary of
Agriculture.

Rent of part of prem-
ises to present tenants,
etc.

Rules, etc., to be
prescribed.

The said Secretary shall not make or enter into any lease for any part of said premises for a longer period than one year, and all such leases and contracts shall be subject to cancellation and annulment by Congress at any time; and all revenues derived from said premises shall be the property of the United States. The rents and storage charges which are due or may become due to the market company up to the date of the taking over by the United States, but which remain unpaid at the time the property is taken over by the United States, shall belong to the market company; but if any rents or storage charges have been paid to the market company, on account of said reservation numbered seven, for any period terminating on a date later than that of the taking over of the property by the United States, the market company shall account to and pay to the United States the proportion of such rents and storage charges which the

Limit of leases, etc.

Disposal of rents,
etc.

Liability of Market Company for rents, taxes, etc., not changed.

Employees, etc., for operation authorized.

Commission for appraising buildings, etc., of Market Company to be appointed.

Majority finding to be the award. Minority report.

Disqualifications for serving on commission.

Oath required.

Power of commission to secure testimony.

Hearings to determine just valuation.

unexpired portion of the period bears to the whole period for which payment has been so made. Nothing herein shall be so construed as to relieve the market company of its liability for rentals, imposed by existing law, for any part of the period during which the property remains in the possession of the market company. Neither shall the market company be released from the payment of any taxes owing by them on account of said reservation numbered seven, when taken over by the United States under the terms of this Act; but the said market company shall not be chargeable with or liable for rental or taxes beyond the date of the taking over of said property.

The Secretary of Agriculture is hereby authorized, out of appropriations made by Congress from time to time for that purpose, to employ such persons and purchase such materials as may be essential to the operation or maintenance of said property and for the proper management and control thereof; and he shall render a detailed report to Congress at the beginning of each regular term thereof of all revenues derived from and expenditures made on the said property.

SEC. 3. That the President of the United States, as soon as is practicable after the approval of this Act, shall appoint a commission composed of three disinterested men, not more than one of whom shall be a resident of the District of Columbia, to appraise the said buildings and improvements thereon and therein which were erected or made at the expense of the Washington Market Company, and which stand and remain upon said reservation; the valuation thereof to be determined as of the date of filing said award; and the finding of a majority of said commission shall constitute the award. Any member of the commission who may dissent from the award made by the majority thereof shall make a minority report in writing, which shall be filed with the award and made part of the record to be considered by the court of appeals, if an appeal be taken as hereinafter provided. A copy thereof shall be delivered to the market company at the same time and place that the award is delivered.

No one shall be appointed on said commission if he be either a Member of Congress or an ex-Member thereof; nor if he be an officer or employee of the United States; nor if he be a stockholder in, or the owner or pledgee of any bond of the market company; nor if he be a creditor or debtor of the said market company or of any officer or stockholder thereof; nor if he be an officer or stockholder of any corporation which is either a creditor or debtor of any officer or stockholder of the market company; nor if he be, directly or indirectly, interested financially in the market company, any of its officers, stockholders or bondholders; nor if he be a tenant, lessee, bailee or bailor of the market company; nor if he be the owner or pledgee of any bond or of any of the capital stock of the market company; nor if he be an officer, agent, employee, tenant, bailee or bailor of any firm, copartnership or corporation which is a tenant, bailee or bailor of the market company; nor if he be attorney for any of the aforesaid.

Before entering upon the discharge of his duties, each member of said commission shall make oath before a justice of the Supreme Court of the District of Columbia to faithfully and impartially perform his duties according to law; and, at the same time, that he is qualified under the provisions of this section, which oath shall be spread upon the order book of said court.

SEC. 4. That the said commission shall have power, and it shall be its duty, to subpoena witnesses, with or without books or papers, before it for either of the parties, and to require such witnesses to testify under oath administered by the chairman of said commission or by any one authorized to administer oaths. Said commission shall give each party a full hearing on the question of what is a fair and just valuation of the buildings and improvements erected and

made at the expense of the said market company on said premises, and remaining thereon when the award is made. And the commission shall daily furnish to the Attorney General and to the market company a stenographic copy of each day's proceedings.

Copy of proceedings.

Thereafter the said commission shall fix the amount to be awarded as a fair and just valuation of the buildings and improvements erected and made on said premises at the expense of the said market company and remaining thereon when the award is made; and the award of the commission, together with the record and evidence on which the same is based, shall, within six months from the date of the appointment and qualification of the members thereof, be filed in the office of the clerk of the Court of Appeals of the District of Columbia, and copies of said award and minority report or finding, if any, together with said record and evidence, shall, on the day of the filing thereof, be delivered by said commission to the Attorney General of the United States and to the market company at its principal place of business in the District of Columbia.

Award by commission. Filed, with record, etc., in Court of Appeals.

Copies to Attorney General and Market Company.

If either party be dissatisfied with the amount of the award, such dissatisfied party may take an appeal to the Court of Appeals of the District of Columbia by noting in the office of the clerk of the court of appeals an appeal therefrom within thirty days after the filing of said award, and perfect the said appeal within sixty days thereafter by filing the entire record, or a copy thereof, certified by the chairman or any two members of said commission, and filing it in the office of the clerk of the Court of Appeals of the District of Columbia, which court is hereby vested with jurisdiction to hear and determine such appeal, and may revise the amount of the award as shall be just; and the judgment rendered by said court shall be final.

Appeal allowed to Court of Appeals, D. C.

Jurisdiction of court.

SEC. 5. That it shall be the duty of the Supreme Court of the District of Columbia, by contempt proceedings or otherwise, to compel witnesses to obey the subpoenas hereinbefore provided for; to produce all records, and to testify before said commission, and generally to require observance of all reasonable rules and regulations adopted by the said commission.

Authority to obtain evidence.

SEC. 6. That a sufficient sum of money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed by the President, to pay said award and interest and to compensate the members of said commission and a secretary and stenographer thereof to be chosen by said commission: *Provided*, That the total compensation made the members of the commission and the secretary thereof, including the stenographer and necessary expenses, shall not exceed \$35,000.

Appropriation for award, etc.

Proviso. Limit of commission expenses.

SEC. 7. That it shall be the duty of the Attorney General to assign one or more of the attorneys in the Department of Justice to represent the interests of the United States before said commission and before the court of appeals, if an appeal should be prosecuted thereto and, generally, to represent the United States in all steps and proceedings looking to the enforcement of this Act.

Representative of United States at hearings, etc.

SEC. 8. That if, at any time, the Secretary of Agriculture, or his successor in charge of said reservation, should become satisfied that any lessee of said reservation, or any part thereof, or any person having property stored thereon, is guilty of overcharging, extortion, profiteering or making any unconscionable bargain or sale he is hereby empowered and directed to cause such person, together with his goods and wares, to be ejected therefrom; and, further, forever afterwards denied the privilege of trading or being employed therein in any capacity whatever. The right or authority of the Secretary of Agriculture, or his successor in control of said reservation, to summarily and forthwith eject therefrom, as aforesaid, and to cancel the lease or contract of storage—either or both—without recourse to any judicial tribunal, of any person so offending is hereby made specific

Secretary of Agriculture empowered to eject any lessee for profiteering, etc.

Authority mandatory to eject, cancel lease, etc.

and mandatory. And no contract of lease or for storage shall be made or entered into by the said Secretary, or his successor, without such a provision being incorporated therein and agreed to by the lessee or bailor. If any such offending lessee or bailor be a firm, joint-stock company, copartnership or corporation, no member of, or stockholder in, any such concern shall be permitted thereafter to trade in said reservation or to store any article of merchandise or commerce therein.

Meaning of designated words.

The words "lessee," "bailor," "bailee" and "person" used herein, shall, for the purposes of this Act, be construed to include any firm, copartnership, joint-stock company and corporation.

Conflicting laws repealed.

SEC. 9. That all laws and Acts, or parts of laws or Acts, to the extent that they are in conflict herewith are hereby repealed.

Approved, March 4, 1921.

March 4, 1921.
[H. R. 12161.]
[Public, No. 400.]

CHAP. 172.—An Act To amend an Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (Thirty-fifth Statutes at Large, page 1134).

Criminal Code. Explosives transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 232, 233, 234, 235, and 236 of the Act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, be amended to read, respectively, as follows:

High explosives carried on passenger vessels, etc., in United States prohibited.

"SEC. 232. It shall be unlawful to transport, carry, or convey, within the limits of the jurisdiction of the United States, any high explosive, such as, and including, dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, on any vessel, car, or vehicle of any description operated in the transportation of passengers by a common carrier engaged in interstate or foreign commerce, which vessel, car, or vehicle is carrying passengers for hire: *Provided*, That it shall be lawful to transport on any such vessel, car, or vehicle smokeless powder, primers, fuses, not including detonating fuzes, fireworks, or other similar explosives, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single vessel, car, or vehicle; but such explosives shall not be carried in that part of a vessel, car, or vehicle which is being used for the transportation of passengers for hire: *Provided further*, That it shall be lawful to transport on any such vessel, car, or vehicle small-arms ammunition in any quantity, and such fusees, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation: *And provided further*, That nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment vessels, cars, or vehicles.

Vol. 35, p. 1134, amended.

Provisos. Explosives permitted.

Restriction.

Small arms ammunition, signal devices, etc., allowed.

Military equipment.

Definitions. Detonating fuzes.

Fuzes.

Primers.

Fuses.

Fusees.

"The words 'detonating fuzes,' as used in this section shall be interpreted to mean fuzes used in naval or military service to detonate the high explosive bursting charges of projectiles, mines, bombs, or torpedoes. The word 'fuzes' as used herein shall be interpreted to mean devices used in igniting the bursting charges of projectiles. The word 'primers' as used herein shall be interpreted to mean devices used in igniting the propelling powder charges of ammunition. The word 'fuses' as used herein shall be interpreted to mean the slow-burning fuses used commercially and intended to convey fire to an explosive or combustible mass slowly or without danger to the person lighting. The word 'fusees' as used herein shall be interpreted to mean the fusees ordinarily used on steamboats and railroads as night signals.