

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Conflicting laws repealed.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 That all laws and Acts, or parts of laws or Acts, to the extent that they are in conflict herewith are hereby repealed.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.
Vol. 35, p. 1134, amended.

"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.

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.

"SEC. 233. The Interstate Commerce Commission shall formulate regulations for the safe transportation within the limits of the jurisdiction of the United States of explosives and other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land or water, and upon all shippers making shipments of explosives or other dangerous articles via any common carrier engaged in interstate or foreign commerce by land or water. Said commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions. Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is authorized by the commission, take effect ninety days after their formulation and publication by said commission and shall be in effect until reversed, set aside, or modified. In the execution of the provisions of this Act the Interstate Commerce Commission may utilize the services of the bureau for the safe transportation of explosives and other dangerous articles, and may avail itself of the advice and assistance of any department, commission, or board of the Government, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law.

Regulations for transporting explosives, etc., in United States to be made by Interstate Commerce Commission.

Vol. 35, p. 1135, amended.

Changes.

Safety transit devices, etc.

Effect.

Assistance of other departments, etc., directed.

"SEC. 234. It shall be unlawful to transport, carry, or convey within the limits of the jurisdiction of the United States, liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosive, on any vessel, car, or vehicle of any description operated in the transportation of passengers or property by land or water by a common carrier engaged in interstate or foreign commerce.

High explosives excluded from passenger, etc., carriers in the United States.

Vol. 35, p. 1135, amended.

"SEC. 235. Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof; and it shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier engaged in interstate or foreign commerce by land or water, or to carry upon any vessel, car, or vehicle operated by any common carrier engaged in interstate or foreign commerce by land or water any explosive, or other dangerous article, as specified in section 233 of this Act, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier in writing of the true character thereof, at or before the time such delivery or carriage is made. Whoever shall knowingly violate, or cause to be violated, any provision of this section, or of the three sections last preceding, or any regulation made by the Interstate Commerce Commission in pursuance thereof, shall be fined not more than \$2,000 or imprisoned not more than eighteen months, or both.

Marking packages of explosives.

Vol. 35, p. 1135, amended.

Delivery for shipment under false marking, etc., unlawful.

Punishment for violations.

SEC. 236. When the death or bodily injury of any person results from the violation of any of the four sections last preceding, or any regulation made by the Interstate Commerce Commission in pursuance thereof, the person or persons who shall have so knowingly violated, or caused to be violated, such provision or regulation, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

Punishment for violations resulting in death, etc.

Vol. 35, p. 1136, amended.

Approved, March 4. 1921.