

one week not more than five carcasses of cattle, twenty-five carcasses of calves, twenty carcasses of sheep, twenty-five carcasses of lambs, ten carcasses of swine, twenty carcasses of goats, or twenty-five carcasses of goat kids, or the equivalent of fresh meat therefrom, and to transport in interstate or foreign commerce to consumers only meat and meat food products which have been salted, cured, canned, or prepared as sausage, lard, or other meat food products which have not been inspected, examined, and marked as 'Inspected and Passed' in accordance with the terms of the Meat Inspection Act of March 4, 1907, and Acts supplemental thereto, and with the rules and regulations prescribed by the Secretary of Agriculture.

"That the provisions of the Meat Inspection Act of March 4, 1907, requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported in interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That all meat and meat food products derived from animals slaughtered by any farmer on the farm which are salted, cured, canned, or prepared into sausage, lard, or other meat food products at any place other than by the farmer on the farm upon which the animals were slaughtered shall not be transported in interstate or foreign commerce under the farmers' exemption herein provided, and all fresh meat and all farm-cured or prepared meat and meat food products derived from animals slaughtered by any farmer on the farm which are to be used in interstate or foreign commerce shall be clearly marked with the name and address of the farmer on whose farm the animals were slaughtered: *Provided further*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$1,000 or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: *And provided further*, That the Secretary of Agriculture is authorized to maintain the inspection in this Act provided for at any slaughtering, meat canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this Act shall apply notwithstanding this exception."

Approved, June 29, 1938.

[CHAPTER 811]

AN ACT

To amend the Interstate Commerce Act, as amended, by amending certain provisions of part II of said Act, otherwise known as the Motor Carrier Act, 1935.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Commerce Act, as amended, is hereby further amended in part II thereof by amending, as hereinafter indicated, certain provisions of the Act entitled "An Act to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by motor carriers operating in interstate or foreign commerce, and for other purposes, approved August 9, 1935, and known as the Motor Carrier Act, 1935.

Exemptions as to farmers, retail butchers and retail dealers.

Provisos.
Products prohibited interstate commerce transportation.

Marking requirements.

Penalty for sale of products unfit for human food.

Inspection.

June 29, 1938

[H. R. 9739]

[Public, No. 777]

Motor Carrier Act,
1935, amendments.
49 Stat. 543.
49 U. S. C., Supp.
III, ch. 8.

SEC. 2. Section 203 (a) (13) of said Motor Carrier Act, 1935, is hereby amended to read as follows:

"(13) The term 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails."

SEC. 3. Section 203 (b) (6) of said Act is hereby amended to read as follows: "(6) motor vehicles used in carrying property consisting of livestock, fish (including shell fish), or agricultural commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation;"

SEC. 4. Section 204 (a) (6) of said Act is hereby amended to read as follows:

"(6) To administer, execute, and enforce all provisions of this part, to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration; and"

SEC. 5. The first two sentences of section 205 (a) of said Act are hereby amended to read as follows:

"SEC. 205. (a) Excepting a matter which is referred to a joint board as hereinafter provided, any matter arising in the administration of this part as to which a hearing is required or in the judgment of the Commission is desirable shall be heard as the Commission may determine and be decided by the Commission, unless such matter shall, by order of the Commission, be referred to a member or examiner of the Commission for hearing and the recommendation of an appropriate order thereon. With respect to a matter so referred the member or examiner shall have all the rights, duties, powers, and jurisdiction conferred by this part upon the Commission, except that the order recommended by such member or examiner shall be subject to the following provisions of this paragraph."

SEC. 6. (a) So much of the first sentence of section 205 (b) of said Act as reads "any of the following matters arising in the administration of this part with respect to such operations" is hereby amended to read as follows: "any of the following matters arising in the administration of this part with respect to such operations as to which a hearing is required or in the judgment of the Commission is desirable:"

(b) The last two sentences of said section 205 (b) are hereby amended to read as follows:

"In acting upon matters so referred, joint boards shall be vested with the same rights, duties, powers, and jurisdiction as are hereinbefore vested in members or examiners of the Commission to whom a matter is referred for hearing and the recommendation of an appropriate order thereon: *Provided, however,* That a joint board may, in its discretion, report to the Commission its conclusions upon the evidence received, if any, without a recommended order. Orders recommended by joint boards shall be filed with the Commission, and shall become orders of the Commission and become effective in the same manner, and shall be subject to the same procedure, as provided in the case of orders recommended by members or examiners under this section. If a joint board to which any matter has been referred shall report its conclusions upon the evidence without a recommended order, such matter shall thereupon be decided by the Commission, giving such weight to such conclusions as in its judgment the evidence may justify."

49 Stat. 544.
49 U. S. C., Supp.
III, § 303 (a) (13).
"Motor vehicle"
defined.

49 Stat. 545.
49 U. S. C., Supp.
III, § 303 (b) (6).
Motor vehicles used
in conveying live-
stock, fish, etc.

49 Stat. 546.
49 U. S. C., Supp.
III, § 304 (a) (6).
Duties and powers
of Commission.

49 Stat. 548.
49 U. S. C., Supp.
III, § 305 (a).
Hearings.

Reference of matter
to a member or ex-
aminer.

Rights, duties,
jurisdiction, etc., of
member or examiner.

Joint boards.

49 Stat. 548.
49 U. S. C., Supp.
III, § 305 (b).

Rights, duties, jur-
isdiction, etc., of joint
boards.

Proviso.
Discretionary report
without recommenda-
tion.

Decision by Com-
mission.

49 Stat. 550.
49 U. S. C., Supp.
III, § 305 (f).
Notice of proceed-
ings and opportunity
for hearing.

SEC. 7. Section 205 (f) of said Act is hereby amended to read as follows:

“(f) In accordance with rules prescribed by the Commission, reasonable notice shall be afforded, in connection with any proceeding under this part, to interested parties and to the board of any State, or to the governor if there be no board, in which the motor carrier operations involved in the proceeding are or are proposed to be conducted, and opportunity for intervention in any such proceeding for the purpose of making representations to the Commission or for participating in a hearing, if a hearing is held, shall be afforded to all interested parties.”

Certificate of con-
venience and neces-
sity.

49 Stat. 551.
49 U. S. C., Supp.
III, § 306 (a).

Contract carriers by
motor vehicle, neces-
sity of permits.

49 Stat. 552.
49 U. S. C., Supp.
III, § 309 (a).

49 Stat. 554.
49 U. S. C., Supp.
III, § 310.

Temporary operat-
ing authority.

SEC. 8. Section 206 (a) of said Act is hereby amended by striking out “No common carrier” at the beginning and inserting in lieu thereof the following: “Except as otherwise provided in this section and in section 210a, no common carrier”.

SEC. 9. Section 209 (a) of said Act is hereby amended by striking out “No person” at the beginning of such section and inserting in lieu thereof the following: “Except as otherwise provided in this section and in section 210a, no person”.

SEC. 10. After section 210 of said Act, the following new section shall be inserted:

“SEC. 210a. (a) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier or a contract carrier by motor vehicle, as the case may be. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the Commission shall specify but for not more than an aggregate of one hundred and eighty days, and shall create no presumption that corresponding permanent authority will be granted thereafter.

Duration.

Consolidations,
mergers, etc.

Temporary approv-
al of operation of
properties sought to
be acquired.

49 Stat. 555.
49 U. S. C., Supp.
III, § 313 (a).

“(b) Pending the determination of an application filed with the Commission for approval of a consolidation or merger of the properties of two or more motor carriers, or of a purchase, lease, or contract to operate the properties of one or more motor carriers, as contemplated in section 213 (a) of this part, the Commission may, in its discretion, and without hearings or other proceedings, grant temporary approval, for a period not exceeding one hundred and eighty days, of the operation of the motor carrier properties sought to be acquired by the person proposing in such pending application to acquire such properties, if it shall appear that failure to grant such temporary approval may result in destruction of or injury to such motor carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

Applicable provi-
sions, rules, etc.

“(c) Transportation service rendered under such temporary authority shall be subject to all applicable provisions of this part and to the rules, regulations, and requirements of the Commission thereunder.”

49 Stat. 555.
49 U. S. C., Supp.
III, § 312 (a).

Certificates, per-
mits, and licenses.
Effective date; du-
ration.

Amendment or rev-
ocation.

SEC. 11. Section 212 (a) of said Act is hereby amended to read as follows:

“SEC. 212. (a) Certificates, permits, and licenses shall be effective from the date specified therein, and shall remain in effect until suspended or terminated as herein provided. Any such certificate, permit, or license may, upon application of the holder thereof, in the discretion of the Commission, be amended or revoked, in whole or in part, or may upon complaint, or on the Commission's own initiative, after notice and hearing, be suspended, changed, or revoked, in whole or in part, for willful failure to comply with any provision of this

part, or with any lawful order, rule, or regulation of the Commission promulgated thereunder, or with any term, condition, or limitation of such certificate, permit, or license: *Provided, however*, That no such certificate, permit, or license shall be revoked (except upon application of the holder) unless the holder thereof willfully fails to comply, within a reasonable time, not less than thirty days, to be fixed by the Commission, with a lawful order of the Commission, made as provided in section 204 (d), commanding obedience to the provision of this part, or to the rule or regulation of the Commission thereunder, or to the term, condition, or limitation of such certificate, permit, or license, found by the Commission to have been violated by such holder: *And provided further*, That the right to engage in transportation in interstate or foreign commerce by virtue of any certificate, permit, license, or any application filed pursuant to the provisions of section 206, 209, or 211, or by virtue of the second proviso of section 206 (a) or temporary authority under section 210a, may be suspended by the Commission, upon reasonable notice of not less than fifteen days to the carrier or broker, but without hearing or other proceedings, for failure to comply, and until compliance, with the provisions of section 211 (c), 217 (a), or 218 (a) or with any lawful order, rule, or regulation of the Commission promulgated thereunder."

SEC. 12. Section 213 (a) (1) of said Act is hereby amended to read as follows:

"(1) Whenever a consolidation, merger, purchase, lease, operating contract, or acquisition of control is proposed under this section, the carrier or carriers or the person seeking authority therefor shall present an application to the Commission, and thereupon the Commission shall, after such notice as is required by section 205 (f), and if deemed by it necessary in order to determine whether the findings specified below may properly be made, set said application down for a public hearing. If the Commission finds that the transaction proposed will be consistent with the public interest and that the conditions of this section have been or will be fulfilled, it may enter an order approving and authorizing such consolidation, merger, purchase, lease, operating contract, or acquisition of control, upon such terms and conditions as it shall find to be just and reasonable and with such modifications as it may prescribe: *Provided, however*, That if a carrier as defined in section 1 (3) of part I, or any person which is controlled by such a carrier or affiliated therewith within the meaning of section 5 (8) of part I, is an applicant, the Commission shall not enter such an order unless it finds that the transaction proposed will promote the public interest by enabling such carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition."

SEC. 13. Section 213 (b) (1) of said Act is hereby amended to read as follows:

"(b) (1) It shall be unlawful for any person, except as provided in paragraph (a), to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more motor carriers which are not also carriers by railroad, or of one or more such motor carriers and one or more carriers other than motor carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this part and in violation of this paragraph. As used in this paragraph, the words 'control or management' shall be construed to include the power to exercise control or management."

Provisos.
Revocation only on willful noncompliance with Commission's order.

49 Stat. 547.
49 U. S. C., Supp. III, § 304 (d).

Suspension of operating rights upon notice, for failure to comply with designated provisions.
49 Stat. 551, 552, 554.
Ante, p. 1238.

49 Stat. 554, 560, 561.

49 Stat. 555.
49 U. S. C., Supp. III, § 313 (a) (1).

Proposed consolidation, merger, etc.
Application, notice, public hearing.

49 Stat. 550.
49 U. S. C., Supp. III, § 305 (f).

Order by Commission.

Proviso.
Findings by Commission.
49 U. S. C. §§ 1 (3), 5 (8).

49 Stat. 558.
49 U. S. C., Supp. III, § 313 (b) (1).

Effectuating control in a common interest of two or more carriers.

Continuation of control after enactment of Act.

49 Stat. 556.
49 U. S. C., Supp.
III, § 313 (b) (2).

Investigation and
order of Commission.

SEC. 14. Section 213 (b) (2) of said Act is hereby amended to read as follows:

“(2) In addition to the enforcement procedure provided elsewhere in this part, the Commission is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating the provisions of paragraph (b) (1) of this section. If the Commission finds after such investigation that such person is violating the provisions of such paragraph, it shall by order require such person to take such action consistent with the provisions of this part as may be necessary, in the opinion of the Commission, to prevent further violation of such provisions.”

49 Stat. 557.
49 U. S. C., Supp.
III, § 314.

Issuance of securi-
ties.

SEC. 15. Section 214 of said Act is hereby amended to read as follows:

“SEC. 214. Common or contract carriers by motor vehicle, corporations organized for the purpose of engaging in transportation as such carriers, and corporations authorized by order entered under section 213 (a) (1) to acquire control of any such carrier, or of two or more such carriers, shall be subject to the provisions of paragraphs 2 to 11, inclusive, of section 20a of part I of this Act (including penalties applicable in cases of violations thereof): *Provided, however,* That said provisions shall not apply to such carriers or corporations where the par value of the securities to be issued, together with the par value of the securities then outstanding, does not exceed \$500,000, nor to the issuance of notes of a maturity of two years or less and aggregating not more than \$100,000, which notes aggregating such amount including all outstanding obligations maturing in two years or less may be issued without reference to the percentage which said amounts bear to the total amount of outstanding securities. In the case of securities having no par value, the par value for the purpose of this section shall be the fair market value as of the date of their issue: *Provided further,* That the exemption in section 3 (a) (6) of the ‘Securities Act, 1933’ is hereby amended to read as follows: ‘(6) Any security issued by a common or contract carrier, the issuance of which is subject to the provisions of section 20a of the Interstate Commerce Act, as amended.’”

41 Stat. 494.
49 U. S. C., § 20a.

Provisos.
Restriction on ap-
plication of provi-
sions.

Securities having no
par value.

Exempted securi-
ties.

48 Stat. 76.
15 U. S. C. § 77c;
Supp. III, § 77c.

49 U. S. C. § 20a.

SEC. 16. The proviso of section 216 (g) of said Act is hereby amended to read as follows:

“*Provided,* That this paragraph shall not apply to any initial schedule or schedules filed on or before July 31, 1938, by any such carrier in bona fide operation when this section takes effect. At any hearing involving a rate, fare, charge, or classification, increased or sought to be increased, or involving a rule, regulation, or practice, after the date of the approval of this Act, the burden of proof shall be upon the carrier to show that the increased rate, fare, charge, or classification, or the rule, regulation, or practice, or the proposed increased rate, fare, charge, or classification, or the proposed rule, regulation, or practice, is just and reasonable.”

49 Stat. 560.
49 U. S. C., Supp.
III, § 316 (g).

New rates, etc.; in-
itial schedules filed on
or before July 31, 1938.

SEC. 17. The proviso of section 218 (c) of said Act is hereby amended to read as follows:

“*Provided,* That this paragraph shall not apply to any initial schedule or schedules, or contract or contracts, filed on or before July 31, 1938, by any such carrier in bona fide operation when this section takes effect.”

49 Stat. 562.
49 U. S. C., Supp.
III, § 318 (c).

Reduced rates, etc.;
initial schedule filed
on or before July 31,
1938.

SEC. 18. Section 224 of said Act is hereby amended to read as follows:

“SEC. 224. The Commission is hereby authorized, under such rules and regulations as it shall prescribe, to require the display of suitable identification plate or plates, upon any motor vehicle used in trans-

49 Stat. 566.
49 U. S. C., Supp.
III, § 324.

Display of identi-
fication plates, regu-
lations.

portation subject to any of the provisions of this part, to provide for the issuance of such plates, and to receive the payment by such carriers of the reasonable cost thereof. All moneys so collected shall be paid into the Treasury of the United States. Any substitution, transfer, or use of any such identification plate or plates, except such as may be duly authorized by the Commission, is hereby prohibited and shall be unlawful."

Approved, June 29, 1938.

[CHAPTER 812]

AN ACT

To establish the Olympic National Park, in the State of Washington, and for other purposes.

June 29, 1938
[H. R. 10024]
[Public, No. 778]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mount Olympus National Monument established pursuant to proclamation of the President dated March 2, 1909, is hereby abolished, and the tracts of land in the State of Washington particularly described as follows, to wit: Township 25 north, range 4 west, sections 5 to 8, 17 to 20, and 29 to 32, inclusive (unsurveyed); township 26 north, range 4 west, sections 1 to 12, 17 to 20, and 29 to 32, inclusive (unsurveyed); township 27 north, range 4 west, sections 5 to 8, 17 to 20, and 29 to 36, inclusive (unsurveyed); township 28 north, range 4 west, sections 17 to 22, and 27 to 34, inclusive (unsurveyed); townships 25, 26, and 27 north, range 5 west (unsurveyed); township 28 north, range 5 west, sections 7 to 36, inclusive (unsurveyed); township 24 north, range 6 west, sections 3 to 10, 15 to 22, and 27 to 34, inclusive (unsurveyed); townships 25, 26, and 27 north, range 6 west (unsurveyed); township 28 north, range 6 west, sections 7 to 36, inclusive (unsurveyed); townships 24, 25, 26, and 27 north, range 7 west (unsurveyed); township 28 north, range 7 west, sections 5 to 36, inclusive (unsurveyed); township 24 north, range 8 west, sections 1 to 18, inclusive (partly surveyed); townships 25, 26, 27, and 28 north, range 8 west (unsurveyed); township 29 north, range 8 west, sections 6, 7, 18, 19 to 21, and 28 to 33, inclusive (unsurveyed); township 30 north, range 8 west, sections 18, 19, 30, and 31 (partly surveyed); township 24 north, range 9 west, sections 1, 2, 11, 12, 13, and 14 (partly surveyed); township 25 north, range 9 west (unsurveyed); township 26 north, range 9 west, sections 1 to 18, inclusive (unsurveyed), each half of section 19 (unsurveyed), sections 20 to 29, and 32 to 36, inclusive (surveyed); townships 27 and 28 north, range 9 west (unsurveyed); township 29 north, range 9 west (partly surveyed); township 30 north, range 9 west, sections 13, 14, and 23 to 36, inclusive (partly surveyed); township 26 north, range 10 west, sections 1, 12, and 13 (surveyed); township 27 north, range 10 west, sections 1 to 6, inclusive, 12, 13, 24, 25, and 36 (surveyed); township 28 north, range 10 west, south half section 7, south half section 8, south half section 9, south half section 10, south half section 11, south half section 12, sections 13 to 36, inclusive (unsurveyed) all west of the Willamette meridian, in Washington, are hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Olympic National Park, and all lands formerly included in the Mount Olympus National Monument and not included in the above description are hereby transferred to and made a part of the Olympic National Forest.

Olympic National Park, Wash., establishment.

Mount Olympus National Monument abolished.

35 Stat. 2247.
Lands transferred to Park.

Lands transferred to Olympic National Forest.