

court of record in the county, parish, or land district in which the lands are situated: *Provided*, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: *Provided further*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located, the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver shall be as follows:

“For each affidavit, 25 cents.

“For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

“For each deposition of claimant or witness prepared by the officer, \$1.

“Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding \$100.”

Approved, February 23, 1923.

Provisos. Affidavits outside of land district, etc.

Proof of taking before nearest, etc. officer to be shown.

Force and effect of affidavits.

Penalty for false swearing.

Fees for entries.

Penalty for excessive fees.

February 23, 1923. [S. 3220.] [Public, No. 436.]

**CHAP. 106.**—An Act To amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States Warehouse Act, approved August 11, 1916.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 2 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows:

“**SEC. 2.** That the term ‘warehouse’ as used in this Act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this Act, ‘person’ includes a corporation or partnership or two or more persons having a joint or common interest; ‘warehouseman’ means a person lawfully engaged in the business of storing agricultural products; and ‘receipt’ means a warehouse receipt.”

That section 5 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows:

“**SEC. 5.** That each license issued under sections four and nine of this Act shall terminate as therein provided, or in accordance with the terms of this Act and the regulations thereunder, and may from time to time be modified or extended by written instrument.”

Warehouse Act Amendments. Vol. 39, p. 486, amended.

Terms construed. “Warehouse.”

Limitation omitted. “Person.”

“Warehouseman.”

“Receipt.”

Vol. 39, p. 486, amended.

Termination of licenses, modified.

That section 6 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows:

Vol. 39, p.486, amended.

"SEC. 6 That each warehouseman applying for a license to conduct a warehouse in accordance with this Act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this Act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this Act, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire insurance. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked."

Bond to be filed by warehouseman. Requirements modified. Vol. 41, p. 266. Conditions.

Sureties, terms, etc.

Additional bond.

That section 11 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows:

Vol. 39, p.487, amended.

"SEC. 11. That the Secretary of Agriculture may upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this Act, according to condition, grade or otherwise and to certificate the condition, grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample or classify and weigh the same and to certificate the condition, grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this Act and of the rules and regulations prescribed hereunder so far as the same relate to him."

Licenses to inspectors, classifiers, and weighers.

Conditions.

That section 12 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows:

Vol. 39, p.487, amended.

"SEC. 12. That any license issued to any person to inspect, sample or classify or to weigh any agricultural product or products under this Act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this Act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing."

Suspension or revocation of licenses, after hearings.

Causes.

Temporarily, without hearing.

That section 15 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows:

Vol. 39, p.488, amended.

"SEC. 15. That any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under

Inspecting, etc., fungible products.

this Act shall be inspected and graded by a person duly licensed to grade the same under this Act."

That section 18 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows:

**SEC. 18.** That every receipt issued for agricultural products stored in a warehouse licensed under this Act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States Warehouse Act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this Act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued: *Provided, however*, The Secretary of Agriculture may in his discretion require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable."

That section 19 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows:

**SEC. 19.** That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority or any other act of Congress shall be, and are hereby, adopted for the purposes of this Act as the official standards of the United States for the agricultural products to which they relate."

Vol. 39, p. 488, amended.

Form of receipts.

Details required.

Full description.

Grade or class.

Proviso.  
Official standard to be given.

Temporary acceptance of recognized standards.

Statement of advances.

Amount to be given, etc.

Omission of grade permitted.

To be marked as not negotiable.  
Vol. 41, p. 266.

Vol. 39, p. 489, amended.

Standards to be established and promulgated.

Proviso.  
Established by Congress, adopted as official.

That section 29 of the United States Warehouse Act approved August 11, 1916, is amended to read as follows: Vol. 39, p. 490, amended.

SEC. 29. That nothing in this Act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this Act; nor shall this Act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States." State laws not impaired. Cooperation with State authorities directed. Operation of present Federal laws not affected.

That section 30 of the United States Warehouse Act, approved August 11, 1916, is amended to read as follows: Vol. 39, p. 490, amended.

SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this Act, or who shall violate or fail to comply with any provision of section eight of this Act, or who shall issue or utter a false or fraudulent receipt or certificate, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this Act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$10,000, or double the value of the products involved if such double value exceeds \$10,000, or imprisoned not more than one year, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this Act, or who shall classify, grade or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof fined not more than \$500 or imprisoned for not more than six months, or both, in the discretion of the court." Punishment for violations, etc. Conversion of stored products. Penalty increased. Reimbursement to owner. Exhibiting false samples, etc.

Approved, February 23, 1923.

CHAP. 109.—An Act To provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions.

February 24, 1923. [S. 3332.] [Public, No. 437.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to grant permission to the city of Boise, in the county of Ada, State of Idaho, to occupy and use a certain parcel of land constituting a part of the Boise Barracks Military Reservation, the property of the United States, situated in the said county of Ada, in the State of Idaho, described as follows: Beginning at the most westerly corner of the Boise Barracks Military Reservation, Idaho. Part of, granted Boise, for public park. Description.