nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and thirty-five), be, and the same hereby is, amended as follows:

No entries allowed until units, etc., fixed. *Ante*, p. 836, amended.

"SEC. 5. That no entry shall be hereafter made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage and fixed the water charges and the date when the water can be applied and make public announcement of the same: *Provided*, That where entries made prior to June twenty-fifth, nineteen hundred and ten, have been or may be relinquished in whole or in part, the lands so relinquished shall be subject to settlement and entry under the homestead law as amended by an Act entitled 'An Act appropriating the receipts from the sale and disposal of the public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' approved June seventeenth, nineteen hundred and two (Thirty-second Statutes at Large, page three hundred and eighty-eight)."

Proviso. Disposal of relinquished lands.

Vol. 32, p. 388.

Approved, February 18, 1911.

February 18, 1911. [H. R. 6776.]

[Public, No. 387.]

CHAP. 112.—An Act For the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy.

Julian G. Baker. Appropriation for widow and children of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury of the United States be, and he is hereby, directed and required to pay to the said Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy, the sum of one thousand and twenty-two dollars, and said sum of one thousand and twenty-two dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the widow shall receive one-half, and the children shall share and share alike in one-half: *And provided further*, That no agent, attorney, firm of attorneys, or other persons engaged heretofore, or hereafter, in preparing, presenting, or prosecuting any claim above referred to shall, directly or indirectly, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim, or for any service or act whatsoever in connection of such claim, a sum greater than five per centum of the amount of such claim, and any person who shall violate the above provisions shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed five hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court.

Provisos. Division.

Payment for services of agent.

Punishment for excess.

In effect.

SEC. 2. That this Act take effect from and after its passage.

Approved, February 18, 1911.

February 18, 1911. [H. R. 24749.]

[Public, No. 388.]

CHAP. 113.—An Act Revising and amending the statutes relative to trade-marks.

Trade-marks. Registration of names permitted. Vol. 33, p. 725. Vol. 34, p. 1251, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of the Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February twentieth, nineteen hundred and five, and amended by an Act approved March second, nineteen hundred and seven, be, and the same hereby is, further amended by adding at the end of the section the words: "*Provided further*, That nothing herein shall prevent the registration of a trade-mark otherwise registrable because of its being the name of the applicant or a portion thereof," so that the section as amended will read as follows:

Marks permitted entry.

"SEC. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be

refused registration as a trade-mark on account of the nature of such mark unless such mark—

Prohibitions.

"(a) Consists of or comprises immoral or scandalous matter.

Immoral, etc., matter.

"(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State or municipality, or of any foreign nation, or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem: *Provided*, That trade-marks which are identical with a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers, shall not be registered: *Provided*, That no mark which consists merely in the name of an individual, firm, corporation, or association not written, printed, impressed, or woven in some particular or distinctive manner or in association with a portrait of the individual, or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this Act: *Provided further*, That no portrait of a living individual may be registered as a trade-mark except by the consent of such individual, evidenced by an instrument in writing: *And provided further*, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States or with Indian tribes which was in actual and exclusive use as a trade-mark of the applicant, or his predecessors from whom he derived title, for ten years next preceding February twentieth, nineteen hundred and five: *Provided further*, That nothing herein shall prevent the registration of a trade-mark otherwise registrable because of its being the name of the applicant or a portion thereof."

Flags, insignia, etc.

Provisos.
Similar to known trade-marks.

Marks with only names of individuals, etc.

Unauthorized portraits.

Marks in use ten years permitted.

Permissible use of names.

Approved, February 18, 1911.

CHAP. 114.—An Act For the relief of the sufferers from famine in China.

February 18, 1911.
[H. R. 32473.]
[Public, No. 389.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to transport, under the supervision of the American National Red Cross Society, the supplies donated by the people of the United States for the relief of the sufferers from famine in China, and for this purpose may order one of the Army transports to make a trip from Seattle, Washington, to China: *Provided*, That the total expense thus incurred shall not exceed fifty thousand dollars. And the sum of fifty thousand dollars is hereby appropriated and authorized to be paid out of any moneys in the Treasury not otherwise appropriated, for the purpose specified in this Act.

Chinese famine.
Transport may carry relief supplies.

Proviso.
Limitation.
Appropriation.

Approved, February 18, 1911.

CHAP. 115.—An Act To reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest.

February 18, 1911.
[S. 9566.]
[Public, No. 390.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands, to wit, sections three, four, five, six, seven, eight, and nine, township nine south, range thirty-five; section twenty-two, township

Pocatello National Forest, Idaho.
Lands added to.