

[CHAPTER 602.]

AN ACT

To amend the Act known as the "Perishable Agricultural Commodities Act, 1930", approved June 10, 1930, as amended.

June 19, 1936.
[H. R. 8759.]
[Public, No. 702.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 4 of section 2 of the Perishable Agricultural Commodities Act of 1930, as amended, is hereby amended to read as follows:

"(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any transaction in any such commodity to the person with whom such transaction is had;"

SEC. 2. That paragraph (b) of section 4 of the Perishable Agricultural Commodities Act of 1930, as amended, is hereby amended to read as follows:

"(b) The Secretary shall refuse to issue a license to an applicant (1) if he finds that the applicant has previously been responsible in whole or in part for any violation of the provisions of section 2 for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office, or, in the case of a partnership, had any share or interest, was revoked; or (2) if he finds after notice and hearing that at any time within two years said applicant was responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2; or (3) if he finds, in case the applicant is a partnership, association, or corporation, that any individual holding office or, in the case of a partnership, having any interest or share in the applicant, has previously been responsible in whole or in part for any violation of the provisions of section 2 for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or, in the case of a partnership, had any share or interest, was revoked; or (4) if he finds, after notice and hearing in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, had previously, at any time within two years, been responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2; or (5) if he finds that the applicant, subject to his right of appeal under section 7 (b), has failed, except in case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office, or, in case the applicant is a partnership, association, or corporation, that any individual holding any office, or, in the case of a partnership, having any interest or share in the applicant, subject to his right of appeal under section 7 (b), has failed, except in the case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office. Notwithstanding the foregoing provisions, the Secretary, in the case of such applicant, may issue a license if the applicant furnishes a bond or other satisfactory assur-

Perishable Agricultural Commodities Act of 1930, amendments. Vol. 46, p. 532; U. S. C., p. 148.

Unfair conduct. False statements concerning commodity transactions.

Causes for refusing license. Vol. 46, p. 533.

Applicant previously responsible for unlawful act.

Applicant responsible for flagrant or repeated violation within two years.

Any member in a partnership, etc., responsible for unlawful act.

Applicant a partnership or corporation in which any officer thereof responsible for unlawful act.

Applicant has failed to pay outstanding reparation order; exception.

Waiver of provisions upon giving bond for future compliance.

Paying previously issued reparation orders, etc.

Time limitation.

Vol. 48, p. 587.
U. S. C., p. 150.

Appeal from reparation order; proceedings.

Protiso.
Cases handled without a hearing.
Vol. 46, p. 534; Vol. 48, p. 586.

Filing of notice and petition.

Copy to Secretary of Agriculture.

Trial de novo in District Court.

Costs and attorney's fee.

ance that his business will be conducted in accordance with the provisions of the Act and that he will pay all reparation orders which may previously have been issued against him for violations, or which may be issued against him within two years following the date of the license, subject to his right of appeal under section 7 (b), but such license shall not be issued before the expiration of one year from the date of revocation of license or from the date of the Secretary's finding that the applicant has been responsible, in whole or in part, for any flagrant or repeated violation of section 2;”.

SEC. 3. That paragraph (c) of section 7 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

“(c) Either party adversely affected by the entry of a reparation order by the Secretary may, within thirty days from and after the date of such order, appeal therefrom to the District Court of the United States for the district in which said hearing was held: *Provided*, That in cases handled without a hearing in accordance with paragraphs (c) and (d) of section 6 or in which a hearing has been waived by agreement of the parties, appeal shall be to the District Court of the United States for the district in which the party complained against is located. Such appeal shall be perfected by the filing of a notice thereof, together with a petition in duplicate, which shall recite prior proceedings before the Secretary, and shall state the grounds upon which petitioner relies to defeat the right of the adverse party to recover the damages claimed, with the clerk of said court with proof of service thereof upon the adverse party by registered mail. The clerk of court shall immediately forward a copy thereof to the Secretary of Agriculture, who shall forthwith prepare, certify, and file in said court a true copy of the Secretary's decision, findings of fact, conclusions, and order in said case, together with copies of the pleadings upon which the case was heard and submitted to the Secretary. Such suit in the District Court shall be a trial de novo and shall proceed in all respects like other civil suits for damages, except that the findings of fact and order or orders of the Secretary shall be prima facie evidence of the facts therein stated. Appellee shall not be liable for costs in said court and if appellee prevails he shall be allowed a reasonable attorney's fee to be taxed and collected as part of his costs. Such petition and pleadings certified by the Secretary upon which decision was made by him shall, upon filing in the District Court, constitute the pleadings upon which said trial de novo shall proceed subject to any amendment allowed in that court;”.

Approved, June 19, 1936.

[CHAPTER 603.]

AN ACT

To extend the provisions of the Forest Exchange Act, as amended, to certain lands, so that they may become part of the Umatilla and Whitman National Forests.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the following-described boundaries, any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended by the Act of February 28, 1925 (43 Stat. 1090; U. S. C., 1934 ed., title 16, secs. 485, 486), upon notice as therein provided,

June 19, 1936.

[H. R. 9463.]

[Public, No. 703.]

Forest Exchange Act. Exchange of privately owned lands within certain areas under provisions of, permitted.

Vol. 42, p. 465; Vol. 43, p. 1090.

U. S. C., p. 660.