

sixty days from the entry thereof: Provided that in any case where an appeal may have been taken from the final decree of a Circuit Court to the Circuit Court of Appeals before this Act takes effect, the case shall proceed to a final decree therein, and an appeal may be taken from such decree to the Supreme Court in the manner now provided by law.

Public, No. 82, approved, 11th February, 1903, second session, fifty-seventh Congress.

[Extract from Department of Commerce and Labour Act, Second Session, Fifty-seventh Congress.]

Sec. 6. That there shall be in the Department of Commerce and Labour a bureau to be called the Bureau of Corporations, and a Commissioner of Corporations, who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of five thousand dollars per annum. There shall also be in said bureau a Deputy Commissioner, who shall receive a salary of three thousand five hundred dollars per annum, and who shall, in the absence of the Commissioner, act as and perform the duties of the Commissioner of Corporations, and who shall perform such other duties as may be assigned to him by the Secretary of Commerce and Labour or by the said Commissioner. There shall also be in the said bureau a Chief Clerk and such special agents, clerks, and other employees as may be authorised by law.

The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labour, diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in the commerce among the several States and with foreign nations, excepting common carriers subject to "An Act to regulate Commerce," approved February fourth, eighteen hundred and eighty-seven, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained or as much thereof as the President may direct shall be made public.

In order to accomplish the purposes declared in the foregoing part of this section, the said Commissioner shall have and exercise the same power and authority in respect to corporations, joint-stock companies, and combinations subject to the provisions hereof as is conferred on the Inter-State Commerce Commission in said "Act to regulate Commerce," and the amendments thereto, in respect to common carriers, so far as the same may be applicable, including the right to subpoena and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said "Act to regulate Commerce," and by "An Act in Relation to Testimony before the Inter-State Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, supplemental to said "Act to regulate Commerce," shall also apply to all persons who may be subpoenaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

It shall also be the province and duty of said bureau, under the direction of the Secretary of Commerce and Labour, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in inter-State commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

Public, No. 87, approved 14th February, 1903, second session, fifty-seventh Congress.

An Act to Further Regulate Commerce with Foreign Nations and among the States.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,—

That anything done or omitted to be done by a corporation common carrier subject to the Act to regulate commerce and the Acts amendatory thereof which if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanour under said Acts or under this Act shall also be held to be a misdemeanour committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said Acts or by this Act with reference to such persons, except as such penalties are herein changed. The wilful failure upon the part of any carrier subject to said Acts to file and publish the tariffs or rates and charges as required by said Acts, or strictly to observe such tariffs until changed according to law, shall be a misdemeanour, and upon conviction thereof the corporation offending shall be subject to a fine of not less than one thousand dollars nor more than twenty thousand dollars for each offence; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive, any rebate, concession, or discrimination in respect of the transportation of any property in inter-State or foreign commerce by any common carrier subject to said Act to regulate commerce and the Acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier as is required by said Act to regulate commerce and the Acts amendatory thereto, or whereby any other advantage is given or discrimination is practised. Every person or corporation who shall offer, grant, or give, or solicit, accept, or receive, any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanour, and on conviction thereof shall be punished by a fine of not less than one thousand dollars, nor more than twenty thousand dollars. In all convictions occurring after the passage of this Act for offences under said Acts to regulate commerce, whether committed before or after the passage of this Act, or for offences under this section, no penalty shall be imposed on the convicted party other than the fine prescribed by law, imprisonment wherever now prescribed as part of the penalty being hereby abolished. Every violation of this section shall be prosecuted in any Court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offence is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offence had been actually and wholly committed therein.

In construing and enforcing the provisions of this section the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier acting within the scope of his employment shall in every case be also deemed to be the act, omission, or failure of such carrier as well as that of the person. Whenever any carrier files with the Inter-State Commerce Commission or publishes a particular rate under the provisions of the Act to regulate commerce or Acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under this Act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offence under this section of this Act.

Sec. 2. That in any proceeding for the enforcement of the provisions of the statutes relating to inter-State commerce, whether such proceedings be instituted before the Inter-State Commerce Commission or to be begun originally in any Circuit Court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration; and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorised by law with respect to carriers.

Sec. 3. That whenever the Inter-State Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, a petition may be presented alleging such facts to the Circuit Court of the United States sitting in equity having jurisdiction; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the Court summarily to inquire into the circumstances, upon such notice and in such manner as the Court