

Paying previously issued reparation orders, etc.

Time limitation.

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

Appeal from reparation order; proceedings.

Proviso.
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

June 19, 1936.
[H. R. 9483.]
[Public, No. 703.]

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.

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.

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,

and upon acceptance of title, shall become parts of the Umatilla or Whitman National Forests to wit:

Sections 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, and 36; the south half, the northeast quarter, the north half northwest quarter and the southwest quarter northwest quarter of section 27; the north half, the southeast quarter, the north half southwest quarter and the southeast quarter southwest quarter of section 35, township 2 south, range 37 east, Willamette meridian.

Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, and 30; the west half, the south half southeast quarter, the north half northeast quarter, and the southeast quarter northeast quarter section 7; the east half, the northwest quarter, the east half southwest quarter, and the southwest quarter southwest quarter section 8, township 3 south, range 37 east, Willamette meridian.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24; the north half, the southeast quarter, the north half southwest quarter, and the southwest quarter southwest quarter section 21; the south half, the northwest quarter, the north half northeast quarter, and the southwest quarter northeast quarter section 30, township 3 south, range 36 east, Willamette meridian.

Sections 22, 27, 28, 29, 32, 33, 34, 35, and 36; the west half, south half southeast quarter, north half northeast quarter, and southeast quarter northeast quarter section 23; the east half, the southwest quarter, the south half northwest quarter, and the northeast quarter northwest quarter section 24; the north half, the southeast quarter, the north half southwest quarter, and the southwest quarter southwest quarter section 25; the north half, the southwest quarter, the west half southeast quarter, and the southeast quarter southeast quarter section 26, township 3 south, range 35 east, Willamette meridian.

Sections 1, 2, 3, 5, 8, 9, 10, 11, 12, 14, 15, 16, 20, 21, and 22; the north half, the southeast quarter, the west half southwest quarter, and the southeast quarter southwest quarter section 4; the north half, the southwest quarter, the north half southeast quarter, and the southwest quarter southeast quarter section 17; the west half, the southeast quarter, the north half northeast quarter, and the southeast quarter northeast quarter section 23, township 4 south, range 35 east, Willamette meridian.

Approved, June 19, 1936.

[CHAPTER 604.]

AN ACT

To authorize the transfer of land from the War Department to the Territory of Hawaii.

June 19, 1936.

[H. R. 10712.]

[Public, No. 704.]

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 transfer to the Territory of Hawaii all right, title, and interest of the United States in such portion of the land at the base of the east breakwater at Kahului, county of Maui, Territory of Hawaii, as is not required for the maintenance of said breakwater, on such terms and conditions as the Secretary of War may determine: *Provided,* That the conveyance shall be upon the express condition and with a reservation reserving the right to resume and occupy said tract of land whenever in the judgment of the President an emergency exists that requires the use and appropriation of the same for public defense, and also with the further reservation as to that portion of said tract of land other than known

To become parts of Umatilla or Whitman National Forests.
Description.

Hawaii.
Conveyance of land to, authorized.

Proviso.
Emergency occupation reserved.

Use of portion for park purposes.