

The rank of such officers of the same date of commission among themselves at the end of said period shall be determined by boards of officers under such rules as may be prescribed by the Secretary of the Navy, and the recommendations of such boards shall be final when approved by him. (May 6, 1932, c. 176, § 2, 47 Stat. 149.)

RETIREMENT OF ENLISTED MEN AND PETTY OFFICERS

★ 435. Provision as to promotion construed.

The word "heretofore" in line 5 of this section should be omitted and "prior to July 11, 1919" read into the same line after "made."

RETIREMENT OF NURSES

CROSS REFERENCE

Retirement of Navy nurses, see §§ 1029 to 1032 of Title 10, ARMY.

Chapter 8.—DETAIL OF OFFICERS AND ENLISTED MEN.

CROSS-REFERENCE

As to rank, pay, and allowances of medical officer assigned to White House, see § 515 of Title 10.

Section 441a. Detail of officers and enlisted men to assist Latin-American Republics.—The President of the United States is authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, and Santo Domingo, in military and naval matters: *Provided*, That the officers and enlisted men so detailed are authorized to accept from the government to which detailed officers and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States. (May 19, 1923, c. 334, 44 Stat. 505.)

The Act cited to the text was entitled, "An Act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters."

Chapter 10.—NAVY YARDS AND NAVAL STATIONS.

CROSS REFERENCE

As to building of aircraft, spare parts, or equipment at navy yards, see par. 3 of section 749a of this title.

Chapter 11.—NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS.

CROSS REFERENCES

For purchase by members of lighthouse service of commissary and quartermaster supplies from Navy, see § 754a of Title 33, NAVIGATION AND NAVIGABLE WATERS.

Protection of uniform, see § 1303 of Title 10, ARMY.

GENERAL PROVISIONS AS TO ACQUISITION, USE, AND DISPOSITION

Section 520. Prerequisites to expenditure of public money on site purchased for navy yard or buildings.—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until

the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively: *Provided, however*, That in all cases of the acquisition of land or any interest therein by the United States for the purposes herein specified or for other purposes, wherein the written opinion of the Attorney General in favor of the validity of the title of such land is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of a title company. (As amended June 28, 1930, c. 710, 43 Stat. 828.)

522. Lease of property of United States not required for public use.—[Repealed in part.]

This section was repealed in part by Act May 29, 1928, c. 901, § 1, 45 Stat. 986, 990, entitled "An Act to discontinue certain reports now required by law to be made to Congress," which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * *

"50. Report of leases of naval lands. (Statutes at Large, volume 39, part 1, page 559; title 34, section 522, United States Code.)"

★524. Naval petroleum reserves; Secretary of Navy to take possession of, conserve, develop, use, operate, or lease; rights of claimants; royalties.—

"201, 203, 208, 211, 221, 241, 261-263, and", should be inserted after "sections" in lines 8 and 10 of this section.

It is the opinion of the Secretary of the Interior that this section as set out in the Code did not adequately translate the Act of February 25, 1920, (c. 85, 41 Stat. 437) [§§ 181-194, 201-208, 211-214, 221, 223-229, 241, 251, 261-263 of Title 30]; that "sections 223-229 of Title 30 do not fully comprehend all of the sections of such Act, under which claims and applications for permits and leases arise, and that all claims and applications under these sections which are not mentioned in this section, pending June 4, 1920, are protected by its exceptions."

524a. Naval petroleum reserves; jurisdiction over leases transferred to Secretary of Navy.—Jurisdiction over and the administration and enforcement of all oil and gas leases on lands in naval petroleum reserves issued pursuant to the provisions of section 227 of Title 30 and section 18 (a) of the Act approved February 25, 1920 (Forty-first Statutes at Large, page 437), entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are hereby transferred to the Secretary of the Navy. (Feb. 25, 1928, c. 104, 45 Stat. 148.)

The Act cited to the text was entitled "An Act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves."

Section 18 (a) mentioned above is not contained in the Code as it has been executed. It reads as follows: "That whenever the validity of any gas or petroleum placer claim under pre-existing law to land embraced in the executive order of withdrawal issued September 27, 1900, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within twelve months after the approval of this Act to direct the compromise and settlement of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation."

528a. Cost of transporting supplies; to what fund chargeable; addition to cost of supplies.—The cost of transporting material purchased free on board cars or on wharf or free alongside vessels at points specified in contracts to the activities to which initial delivery is to be made shall be charged to the naval supply account fund, and after June 30, 1920, the cost of such transportation shall be added to the cost of material. (May 21, 1928, c. 650, 45 Stat. 633.)

The Act cited to the text is the Navy Department Appropriation Act.

★ **535. Sale of naval supplies to personnel of Coast Guard and Public Health Service.**—

The word "may" in line 3 of this section should read "shall."

537. Sale of uniforms, accouterments, and equipment at cost.—

Sale of articles of uniform to former members of military or naval service, see § 1395 of Title 10, ARMY, in this Supplement.

544a. Use of money received by officers on disbursing duty for incidental expenses.—Without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Navy and Marine Corps on disbursing duty and charged in their official accounts may be used by them as required for current expenditures, all necessary book-keeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts. (June 30, 1932, c. 318, § 1, 47 Stat. 433.)

546. Loan or gift of condemned ordnance.—The Secretary of the Navy is hereby authorized, in his discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, posts of the American Legion, and other recognized war veteran associations, State museums, and municipal corporations condemned or obsolete ordnance, guns, projectiles, and other condemned or obsolete material which may not be needed in the service of the Navy Department.

Such loan or gift shall be made subject to rules and regulations covering the same in each department, and the Government shall be at no expense in connection with any such loan or gift. (As amended May 26, 1928, c. 785, 45 Stat. 773.)

546a. Disposal of obsolete aeronautical equipment to schools and colleges.—The Secretary of the Navy be, and he is hereby, authorized in his discretion to dispose of without charge, except for transportation and delivery, to properly accredited schools, colleges, and universities for use in aeronautical courses, any aircraft, aircraft parts, instruments, or engines which have been declared obsolete by the Navy Department; and provided that such aircraft, aircraft parts, and engines will not be used in actual flight. (Feb. 14, 1927, c. 133, 44 Stat. 1090.)

The Act cited to the text was entitled "An Act authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities."

546b. Disposal of material to sea scouts department of Boy Scouts of America.—The Secretary of the Navy is hereby authorized, in his discretion, to dispose of without charge, except for transportation and delivery, to the sea scouts department of the Boy Scouts of America, such obsolete material as may not be needed for the Navy, and such other material as may be spared at prices representing its fair value to the Navy. (Mar. 1, 1920, c. 420, 45 Stat. 1430.)

The Act cited to the text was entitled "An Act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America."

546c. Disposal of obsolete machinery, mechanical equipment, and tools to schools and colleges.—The Secretary of the Navy is authorized in his discretion to dispose of, without charge, except for transportation and delivery, to properly accredited schools, colleges, and universities, for use in courses of

vocational training and instruction, such machinery, mechanical equipment, and tools as may be obsolete or no longer needed by the Navy. (May 23, 1930, c. 310, 46 Stat. 378.)

The Act cited to the text was entitled "An Act to authorize the Secretary of the Navy to dispose of material no longer needed by the Navy."

★ **545. Issue of articles required for instruction and practice by organizations formed by Red Cross.**—

"or" in next to last line of this section should read "of."

551a. Transfer of surplus books to Interior Department.—The Secretary of the Navy is hereby authorized to transfer such books as may not be required for the uses of the Navy Department to the Interior Department as the Secretary of the Interior may consider useful for educational purposes at the Indian school at Santa Fe, New Mexico, and other Indian schools throughout the United States. (July 3, 1926, c. 703, 44 Stat. 836.)

The Act cited to the text was entitled "An Act to authorize the transfer of surplus books from the Navy Department to the Interior Department."

CONTRACTS FOR NAVAL SUPPLIES

★ **560. Authority to make purchases, and so forth; settlement with contractors and purchasing agents.**—All purchases and contracts for supplies or services for the military and naval service shall be made by or under the direction of the chief officers of the Departments of War and of the Navy, respectively. And all agents or contractors for supplies or service as aforesaid shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject, nevertheless, to the inspection and revision of the officers of the Treasury in the manner before prescribed. (R. S. § 3714; Feb. 27, 1877, c. 60, § 1, 19 Stat. 249.)

"officers of the Treasury in the manner before prescribed" in last two lines of this section should probably read "General Accounting Office" by virtue of § 44 of Title 31, MONEY AND FINANCE.

Chapter 12.—MISCELLANEOUS PROVISIONS RELATING TO THE NAVY.

Section 600. Claims for damages not occasioned by vessels.— [Repealed in part.]

This section was repealed in part by Act May 20, 1928, c. 901, § 1, 45 Stat. 980, 990, which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * *

"60. Report of adjustment of claims for damages to and loss of privately owned property occurring subsequent to April 6, 1917, for which damage or loss men in the naval service or Marine Corps are found to be responsible. (Statutes at Large, volume 41, part 1, page 132; title 34, section 600, United States Code.)"

For title of Act see note to § 522.

Chapter 13.—THE MARINE CORPS.

ORGANIZATION GENERALLY

Section 640. Warrant grades of marine gunner and quartermaster clerk.—

This section is affected by § 642 of this title

641. Pay clerks.—

This section is affected by § 642 of this title.

642. Pay clerk; chief marine gunner; chief quartermaster clerk; chief pay clerk.—The warrant grade of pay clerk in the United States Marine Corps is established as of June 10, 1926, appointments thereto to be made in accordance with regulations prescribed by the Secretary of the Navy. Officers in said grade shall have the same rank, pay, allowances, and other benefits as were on that date or may thereafter be allowed other warrant officers in the Marine Corps. All pay clerks appointed after