

this title, exclusive of officers who have failed professionally on examination for advancement to the next higher rank, would otherwise exceed the figures in the following tabulation, the selection board concerned shall designate by name such excess of officers for retention on the active list until the end of the next fiscal year, and officers so designated shall retain their eligibility for selection and advancement during said year: Medical Corps, seven commanders and twelve lieutenant commanders; Supply Corps, four commanders and seven lieutenant commanders; Chaplain Corps, one commander and one lieutenant commander; Construction Corps, two commanders and three lieutenant commanders; Civil Engineer Corps, one commander and one lieutenant commander; Dental Corps, one commander and two lieutenant commanders. If the officers so designated are not recommended for advancement or again designated for retention on the active list, they shall be transferred to the retired list in accordance with the provisions of section 349d of this title. (Aug. 5, 1935, c. 439, § 6, 49 Stat. 531.)

§ 349f. **Special board for designation to active list of excess officers involuntarily transferred.** If at the end of any fiscal year the number of involuntary transfers to the retired list from the ranks of commander or lieutenant commander of the Staff Corps would exceed the limits set forth in section 349e of this title, and there has been no selection board convened during the fiscal year to recommend officers of those ranks for advancement in the Staff Corps concerned, special boards shall be convened by the Secretary of the Navy on or about June 1 preceding the end of the fiscal year to designate by name such excess of officers to be retained on the active list as provided in section 349e of this title. Each such board shall be constituted as provided by law for selection boards for the Staff Corps concerned. (Aug. 5, 1935, c. 439, § 7, 49 Stat. 531.)

§ 349g. **Time of making transfers to retired list; retired pay of transferred officers.** All transfers to the retired list pursuant to section 349d of this title shall be made as of June 30 of the current fiscal year. Officers retired pursuant to said section shall receive pay at the rate of 2½ per centum of their active-duty pay, multiplied by the number of years of service for which they were entitled to credit in computation of their longevity pay on the active list, not to exceed a total of 75 per centum of said active-duty pay: *Provided*, That a fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ per centum is multiplied. (Aug. 5, 1935, c. 439, § 8, 49 Stat. 531.)

§ 349h. **Selection boards; appointment; recommendations for advancement.** As soon as practicable after Aug. 5, 1935, boards for the selection of staff officers for advancement to the ranks of captain and commander shall be appointed by the Secretary of the Navy in accordance with existing law. Each such board shall recommend for advancement to the ranks hereinafter listed in the corps for which it was appointed, from those staff officers of the next lower rank in said corps who are eligible for consideration, such officers, not to exceed the number furnished it by the Secretary of the Navy. The number furnished the boards appointed in execution of this section, in addition to such numbers if any, as would otherwise be furnished such boards as the result of computations required by law for the corps and ranks concerned, shall be: For the Medical Corps, eleven for advancement to the rank of captain and eighteen for advancement to the rank of commander; for the Supply Corps, one for advancement to the rank of captain and ten for advancement to the rank of commander; for the Civil Engineer Corps, one for advancement to the rank of commander; for the Construction Corps, [sic] four for advancement to the rank of captain. If a selection board does not recommend a number of officers for advancement to any rank equal to the number furnished to that board for that rank by

the Secretary of the Navy, the difference between the number actually recommended by the board and the number furnished the board by the Secretary of the Navy may be added by the Secretary of the Navy to the number furnished by him to the next succeeding board. (Aug. 5, 1935, c. 439, § 9, 49 Stat. 531.)

§ 349i. **New running mate on promotion of old.** If the running mate of a staff officer be promoted to a higher rank and such staff officer be considered by a selection board for such rank but fails to be selected for advancement thereto, by the report of such board as approved by the President, such staff officer shall have assigned as his new running mate the line officer not promoted who was next senior to his former running mate in the rank in which the staff officer remains; if there remain in that rank no line officer who was senior therein to such former running mate, such staff officer shall not have assigned a new running mate, but shall retain his former running mate who has been promoted: *Provided*, That if subsequently selected such staff officer when advanced to the higher rank, shall have assigned as his running mate that line officer who would have been his running mate had said staff officer been recommended by the selection board which first considered him for the higher rank; except that if the running mate who would be so assigned him be senior to the running mate of an officer in his own staff corps made next senior to him in the higher rank, as determined by the order of their selection for advancement thereto, the running mate assigned him shall be that officer who had been assigned as the running mate of said next senior staff officer on the latter's advancement, and officers of the same staff corps thereby having the same running mate shall have precedence in said higher rank as determined by the order of their selection for advancement thereto: *Provided further*, That those officers of the staff corps with the rank of captain, who when eligible for consideration by a selection board for the rank of rear admiral, are not selected, shall retain their running mates; and if subsequently advanced to the rank of rear admiral shall have running mates assigned as required by the proviso next preceding. The provisions of this section shall be applicable to the cases of all staff officers now on the active list who have been advanced or have been eligible for consideration by a selection board for advancement to the rank of commander and above since June 10, 1926: *And provided further*, That no officer shall, by virtue of this section, receive any increased pay or allowance for any period prior to Aug. 5, 1935. (Aug. 5, 1935, c. 439, § 10, 49 Stat. 532.)

§ 349j. **Increasing number furnished selection board to fill vacancies because of removal from active list.** If any staff officer who has been recommended for advancement to the rank of captain or commander by the report of a selection board as approved by the President fails to receive such advancement by reason of failure to qualify upon examination therefor or because of his removal from the active list for any cause, the number to be furnished the next ensuing selection board for the corps and rank concerned shall be increased accordingly. (Aug. 5, 1935, c. 439, § 12, 49 Stat. 533.)

§ 349k. **Laws repealed.** All laws or parts of laws, so far as they are inconsistent with or in conflict with the provisions of sections 349 to 349j of this title, are hereby repealed. (Aug. 5, 1935, c. 439, § 13, 49 Stat. 533.)

## Chapter 6.—GRATUITIES, MEDALS, AND OTHER INSIGNIA OF HONOR; MEDAL OF HONOR ROLL; BADGES

### GRATUITIES, MEDALS, ETC.

§ 358a. **Facsimiles and ribbons; wearing in lieu of medals.** Authority is granted to personnel of the Navy and Marine Corps to wear in lieu of commemorative or special medals awarded to them a minia-

ture facsimile of such medal and a ribbon symbolic of the award thereof under such regulations as the Secretary of the Navy may prescribe. (Apr. 25, 1935, c. 82, 49 Stat. 162.)

#### Chapter 7.—RETIREMENT

##### GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

§ 396a. Acting assistant surgeons. The acting assistant surgeons of the United States Navy who, on July 17, 1935, have reached the age of seventy years shall be placed on the retired list of the Navy with pay at the rate of three-fourths of their active-duty pay. (July 17, 1935, c. 384, 49 Stat. 482.)

#### Chapter 8.—DETAIL OF OFFICERS AND ENLISTED MEN

##### § 441a. Detail of officers and enlisted men to assist Latin-American Republics.

This section was amended by Act May 14, 1935, c. 109, 49 Stat. 218, by striking out the word "and" preceding the words "Santo Domingo" and inserting after the words "Santo Domingo" the words "and the Commonwealth of the Philippine Islands."

§ 448a. Detail of officers for foreign service of Department of State. The President, in his discretion, may assign officers of the Army and the Navy for duty in the courier service of the Department of State and for the inspection of buildings owned or occupied by the United States in foreign countries under the jurisdiction of that Department, and when so assigned they may receive the same traveling expenses as are authorized for officers of the Foreign Service, payable from the applicable appropriations of the Department of State. (Mar. 22, 1935, c. 39, § 1, 49 Stat. 70.)

§ 448b. Detail of enlisted men to Department of State as custodians of foreign buildings. The Secretary of the Navy is authorized, upon request by the Secretary of State, to assign enlisted men of the Navy and Marine Corps to serve as custodians, under the immediate supervision of the Secretary of State or the chief of mission, whichever the Secretary of State shall direct, at embassies, legations, or consulates of the United States located in foreign countries. (Mar. 22, 1935, c. 39, § 1, 49 Stat. 72.)

#### Chapter 13.—THE MARINE CORPS

##### DUTIES, POWERS, AND GOVERNMENT OF MARINES; FORMATION INTO COMPANIES AND DETACHMENTS

§ 718. Administration of oaths; notarial and consular powers. In places beyond the continental limits of the United States where the Navy or Marine Corps is serving, such officers of the Navy or Marine Corps as are authorized to administer oaths for the purposes of the administration of naval justice and for other purposes of naval administration shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and the performance of all other notarial acts. (Apr. 25, 1935, c. 81, 49 Stat. 161.)

#### Chapter 14.—NAVAL AVIATION

Aviation cadets in Naval and Marine Corps Reserves, see sections 861 et seq. of this title.

##### GENERAL PROVISIONS

§ 732a. Number of tactical and gunnery observers detailed to duty in aircraft. That exclusive of student aviators and qualified aircraft pilots of the Navy and Marine Corps, the number of tactical and gunnery observers of the Navy and Marine Corps detailed to duty in aircraft and involving actual flying shall hereafter be in accordance with the requirements of naval aviation as determined by the Secretary of the Navy. (July 22, 1935, c. 402, § 8, 49 Stat. 490.)

The second sentence of section 8 of the Act cited to the text provided that so much of section 29 of Title 37 which is inconsistent with or in conflict with this section, in so far as it relates to the Navy and Marine Corps, is repealed.

#### Chapter 15.—RESERVE FORCES AND NAVAL MILITIA

##### AVIATION CADETS IN NAVAL AND MARINE CORPS RESERVE

§ 861. Grade of cadet created; appointment; term of enlistment; commissions on completion of term. The grade of aviation cadet is hereby created in the Naval Reserve and Marine Corps Reserve. Aviation cadets shall be appointed by the Secretary of the Navy from male citizens of the United States under such regulations as he may prescribe: *Provided*, That each aviation cadet shall sign an agreement, with the consent of his parent or guardian, if he be a minor, to serve for a continuous period of four years on active duty, unless sooner released: *Provided further*, That the Secretary of the Navy is authorized to discharge at any time any aviation cadet, or to release him from active duty. Aviation cadets shall, if qualified, be eligible after completion of their period of active duty, for commission in the Naval Reserve or in the Marine Corps Reserve, with date of precedence as of date of appointment as aviation cadet. (Apr. 15, 1935, c. 71, § 1, 49 Stat. 156.)

§ 861a. Pay and allowances. The pay of aviation cadets while on active duty undergoing training shall be at the rate of \$75 per month, which pay shall include extra pay for flying risk, as provided by law. The pay of aviation cadets while on active duty not undergoing training, shall be at the rate of \$125 per month, which pay shall include extra pay for flying risk, as provided by law. The determination of the Secretary of the Navy as to the period during which aviation cadets are undergoing training shall be conclusive for all purposes. Aviation cadets shall be paid, in addition, a money allowance for subsistence of \$1 per day. While traveling under orders to or from active duty, or while in the performance of such duty, they shall, under such regulations of [sic] the Secretary of the Navy may prescribe, receive transportation, and other necessary expenses incident to such travel, or cash in lieu thereof: *Provided*, That when traveling by air under competent orders, they shall receive the same allowances for traveling expenses as are now or may hereafter be authorized by law for officers of the Navy. (Apr. 15, 1935, c. 71, § 2, 49 Stat. 157.)

§ 861b. Uniforms and equipment. Aviation cadets shall, while undergoing training, be issued necessary uniforms and equipment at Government expense. Upon first assignment to duty after the completion of training, aviation cadets shall, in addition, be paid a uniform allowance of \$150. (Apr. 15, 1935, c. 71, § 3, 49 Stat. 157.)

§ 861c. Laws governing Naval and Marine Reserves applicable to cadets; rank. Aviation cadets shall, except as otherwise provided in this Act, be subject to all the laws and regulations prescribed for other members of the Naval Reserve or the Marine Corps Reserve. They shall take precedence next before warrant officers of the Naval Reserve or Marine Corps Reserve: *Provided*, That when aviation cadets contract sickness or disease or suffer injury in line of duty while performing active duty, they may, in the discretion of the Secretary of the Navy, be retained on such active-duty status beyond the specified date of termination thereof. (Apr. 15, 1935, c. 71, § 4, 49 Stat. 157.)

§ 861d. Government life insurance. During their period of active duty aviation cadets will be issued Government life insurance in the amount of \$10,000, the premiums on which shall be paid out of current appropriations as provided in section 861f of this title. Upon discharge or upon completion of active duty, aviation cadets will have the option of continuing such policies at their own expense. (Apr. 15, 1935, c. 71, § 5, 49 Stat. 157.)

§ 861e. Additional payment on release from active duty. Aviation cadets of the Naval Reserve and Marine Corps Reserve shall, upon release from a pe-