

[CHAPTER 364.]

AN ACT

To authorize the Secretary of the Interior to issue patents for lots to Indians within the Indian village of Taholah, on the Quinaielt Indian Reservation, Washington.

May 28, 1934.
[S. 1882.]
[Public, No. 262.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, upon application by any qualified Indian living within the Indian village of Taholah, on the Quinaielt Indian Reservation in the State of Washington, to to¹ issue to such Indian a patent for not to exceed two contiguous lots within said village, one of which lots must be occupied by said applicant: *Provided*, That where pursuant to section 10 of the Act of June 25, 1910 (36 Stat.L. 858), one lot within said Indian village has heretofore been patented to any Indian living thereon said Secretary of the Interior is hereby authorized to patent to such Indian, or to his or her heirs in case of death, one additional contiguous lot wherever available. All patents issued hereunder shall be of the legal effect prescribed by said section 10 of the Act of June 25, 1910, and all lots so patented to said Indians shall be disposed of as provided for in section 1 of that Act.

Quinaielt Indian Reservation, Wash.
Patents to Indians of Taholah village.

Proviso.
Additional lot to prior patentee.
Vol. 36, p. 858, amended.

Legal effect of patents.

Approved, May 28, 1934.

[CHAPTER 365.]

JOINT RESOLUTION

To prohibit the sale of arms or munitions of war in the United States under certain conditions.

May 28, 1934.
[H.J. Res. 347.]
[Pub. Res., No. 28.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if the President finds that the prohibition of the sale of arms and munitions of war in the United States to those countries now engaged in armed conflict in the Chaco may contribute to the reestablishment of peace between those countries, and if after consultation with the governments of other American Republics and with their cooperation, as well as that of such other governments as he may deem necessary, he makes proclamation to that effect, it shall be unlawful to sell, except under such limitations and exceptions as the President prescribes, any arms or munitions of war in any place in the United States to the countries now engaged in that armed conflict, or to any person, company, or association acting in the interest of either country, until otherwise ordered by the President or by Congress.

Sale of war material in United States. President by proclamation may prohibit. Consultation and cooperation with other American Republics.

SEC. 2. Whoever sells any arms or munitions of war in violation of section 1 shall, on conviction, be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding two years, or both.

Punishment for violation.

Approved, May 28, 1934.

[CHAPTER 367.]

AN ACT

To regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes.

May 29, 1934.
[H. R. 6803.]
[Public, No. 263.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter commissioned officers of the Marine Corps shall be distributed in grades, promoted, retired, and discharged in like manner and with

Marine Corps, commissioned officers. Distribution, promotion, etc.

¹ So in original.

- the same relative conditions in all respects as are provided for commissioned officers of the line of the Navy, by existing law, or by laws hereafter enacted, except as may be necessary to adapt the said provisions to the Marine Corps, or as herein otherwise provided.
- SEC. 2.** That of the authorized number of commissioned officers above the grade of colonel, one shall be the Major General Commandant, two thirds shall be brigadier generals, and the remainder shall be major generals.
- SEC. 3.** That the heads of staff departments shall be general officers while so serving, in addition to the number of general officers otherwise herein provided, with the rank, pay, and allowances of brigadier generals. They shall be carried in the grades or ranks from which appointed.
- SEC. 4.** That promotion to major general of the line shall be from brigadier generals of the line.
- SEC. 5.** That in computing the number of colonels to be recommended for promotion or to be designated for retention on the active list the general officers of the line shall be considered as constituting the grade next above that of colonel.
- SEC. 6.** That commissioned service of officers for the purpose of this Act shall consist of all commissioned service on the active list of the Marine Corps, whether under a temporary or permanent appointment, and all commissioned service on active duty in the Marine Corps Reserve and the National Naval Volunteers.
- SEC. 7.** That selection boards shall consist of not less than six officers on the active list of the Marine Corps, the composition and procedure of the boards to be determined by the Secretary of the Navy: *Provided*, That no officer shall be recommended for advancement unless he shall have received the recommendation of not less than two thirds of the members of the board.
- SEC. 8.** That administrative staff duty performed by any officer under appointment or detail, and duty in aviation, or in any technical specialty, shall be given weight by the selection board in determining his fitness for promotion equal to that given to line duty equally well performed.
- SEC. 9.** That section 1493, Revised Statutes (U.S.C., title 34, sec. 665), is so far amended in its application to the Marine Corps as to require that no officer shall be promoted to a higher grade, excepting in the case provided in section 1494, Revised Statutes (U.S.C., title 34, sec. 666), until he has been examined by a board of Naval medical officers and pronounced physically fit to perform all his duties at sea and in the field.
- SEC. 10.** That the requirement of sea service in grade shall not apply to promotion of officers of the Marine Corps; and officers in the upper four sevenths of the grades below brigadier general, subject to selection as established by the first section of this Act, shall be eligible for consideration by selection boards and for promotion without regard to length of service in grade: *Provided*, That no officer of the Marine Corps shall be ineligible for consideration for promotion by reason of completion of length of commissioned service until he shall have been once considered by a selection board.
- SEC. 11.** That an officer whose name is placed on an eligible list for appointment as head of a staff department shall not be again considered for that office by any subsequent selection board, except as otherwise provided in this section, and shall, in respect to involuntary retirement, be in the same status as if on a promotion list: *Provided*, That the Secretary of the Navy may, in his discretion, with the approval of the President, remove his name from such list
- Navy system to apply.
- Distribution of general officers.
- Heads of staff departments to be brigadier generals, while so serving.
- Major general.
Vol. 40, p. 715.
- General officers of the line computed as grade above colonel.
- Computation of commissioned service.
- Selection boards; composition and procedure.
- Proviso.*
Recommendation for advancement.
- Selection not jeopardized by staff, etc., duty.
- Physical fitness.
R. S., sec. 1493, p. 258;
U. S. C., p. 1129.
Disqualification by wounds.
R. S., sec. 1494, p. 258;
U. S. C., p. 1129.
- Sea service requirement not applicable.
Promotion regardless of length of service in grade.
- Proviso.*
No officer completing sufficient service ineligible until once considered by board.
- Staff eligible list.
Consideration of names on, by subsequent board forbidden.
- Proviso.*
Removal of name.

and submit it to the next ensuing selection board for consideration and recommendation. If recommended for appointment by said board and approved by the President, the name of such officer shall be replaced on the eligible list from which removed without prejudice by reason of its having been temporarily removed therefrom. If not recommended by said board, such officer shall be subject to involuntary retirement under the same conditions as provided for in the case of an officer whose name is not on a promotion list.

SEC. 12. That for the purposes of distribution and promotion in the Marine Corps grade and rank shall be considered as meaning the same.

SEC. 13. That the Major General Commandant shall be appointed as now provided by law.

SEC. 14. That the selection board recommending colonels for promotion shall recommend the number of officers of the rank of colonel directed by the Secretary of the Navy for appointment as head of each staff department, and the names of officers so recommended, approved by the President, shall be placed on an eligible list for such appointment, one list for each department. As vacancies occur hereafter, heads of staff departments shall be appointed for four years from officers whose names appear on the eligible lists for the respective departments.

SEC. 15. That section 7 of the Act of March 4, 1925 (43 Stat.L. 1272; U.S.C., title 34, secs. 624, 630, 663, 669, and 684), and all other laws and parts of laws, insofar as the same are inconsistent with, or in conflict with the provisions of this Act, are, except as they apply to officers heretofore, retired thereunder, hereby repealed.

SEC. 16. That officers of the Marine Corps in the ranks or grades of lieutenant colonel and major shall not be retired because of not being on a promotion list or on an eligible list for appointment as head of a staff department, and shall be eligible for consideration for promotion by selection boards without regard to completion of twenty-eight and twenty-one years' commissioned service, respectively. Upon promotion or advancement after the approval of this Act, with the exception of the Major General Commandant, heads of staff departments with the rank of brigadier general, an officer of the Marine Corps who may be appointed as Judge Advocate General of the Navy, and commissioned warrant officers, which officers shall receive the pay and allowances provided by law for their rank, commissioned officers of the Marine Corps shall receive the pay and allowances of the grade or rank from which promoted or advanced: *Provided*, That officers in the grades or ranks stated shall receive the pay and allowances of the grades or ranks in which serving upon attaining the number on the lineal lists of such grades or ranks, as follows: Major general, two (excluding the Major General Commandant); brigadier general, six; colonel, thirty-five (common list); lieutenant colonel, thirty-eight (common list); major, eighty; captain, two hundred and fifty-six; first lieutenant, two hundred and twenty-four.

SEC. 17. Section 4 of the Act approved February 28, 1925 (43 Stat.L. 1081; U.S.C., title 34, sec. 753), as amended, is hereby amended to the extent that, hereafter, the minimum age limit for enlistment in the Naval Reserve or the Marine Corps Reserve shall be the same as that for enlistment in the Regular Navy.

Approved, May 29, 1934.

Replaced, if recommended for appointment.

Involuntary retirement.

"Grade" and "rank" synonymous.

Major General Commandant, appointment.

Heads of staff departments. Preparing eligible lists for appointments.

Filling vacancies.

Repeal provisions.
Vol. 43, p. 1272.
U.S.C., p. 1128.
Exception.

Nonselection not to subject lieutenant colonel and major to involuntary retirement.
Eligibility for consideration.

Pay and allowances upon promotions after effective date.

Proviso.
Pay, etc., on attaining line number.

Naval Reserve or Marine Corps Reserve. Minimum age for enlistment.
Vol. 43, p. 1081.
U.S.C., p. 1133.