

Murder, second degree.

"SEC. 800. MURDER IN THE SECOND DEGREE.—Whoever with malice aforethought, except as provided in the last two sections, kills another, is guilty of murder in the second degree."

Approved, June 12, 1940.

[CHAPTER 340]

AN ACT

Relating to the hours of service of persons employed upon the Government-owned Wiota-Fort Peck Railroad in the State of Montana.

June 12, 1940  
[S. 2639]  
[Public, No. 608]

Wiota-Fort Peck  
Railroad, Mont.  
Hours of service of  
employees.  
27 Stat. 340.  
40 U. S. C. §§ 321-  
323.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the Act entitled "An Act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia", approved August 1, 1892, as amended, shall not be applicable with respect to the service and employment of persons employed in connection with the operation or maintenance of the Government-owned Wiota-Fort Peck Railroad in the State of Montana; but the hours of labor or service of such persons shall be limited to the same extent that such hours of labor or service would be limited, if the United States in the operation of such railroad were a common carrier subject to the provisions of the Act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon", approved March 4, 1907, as amended.

34 Stat. 1415.  
45 U. S. C. §§ 61-64.

Violation by U. S.  
officers or agents.

SEC. 2. Any officer or agent of the United States whose duty it shall be to employ, direct, or control any person employed in connection with the operation or maintenance of such railroad who shall intentionally require or permit such person to be employed for hours of labor or service in violation of this Act shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine of not to exceed \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Penalty.

Approved, June 12, 1940.

[CHAPTER 341]

AN ACT

To amend section 107 of the Judicial Code, as amended, to eliminate the requirement that suitable accommodations for holding the court at Winchester, Tennessee, be provided by the local authorities.

June 12, 1940  
[S. 3828]  
[Public, No. 609]

Judicial Code,  
amendment.  
Tennessee judicial  
districts.  
36 Stat. 1124.  
28 U. S. C., Supp.  
V, § 188.  
Post, pp. 1216, 1217.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 107 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 188), is amended by striking out "Provided, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States until, subject to the recommendation of the Attorney General of the United States with respect to providing such rooms and accommodations for holding court at Columbia, a public building shall have been erected or other Federal space provided for court purposes in said city", and inserting in lieu thereof the following: "Provided, That suitable accommodations for holding the court at Cookeville shall be provided by the local authorities

Provisos.  
Court accommodations  
at Cookeville.

without expense to the United States: *Provided further*, That suitable accommodations for holding the courts at Winchester and Columbia shall be provided by the local authorities, but only until such time as, in the case of each of such cities, such accommodations shall have been provided, upon recommendation of the Director of the Administrative Office of the United States Courts, in a public building or in other quarters provided by the Federal Government for such purpose”.

Approved, June 12, 1940.

At Winchester and Columbia.

[CHAPTER 342]

AN ACT

To provide educational employees of the public schools of the District of Columbia with leave of absence, with part pay, for purposes of educational improvement, and for other purposes.

June 12, 1940  
[H. R. 9326]  
[Public, No. 610]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Board of Education, on recommendation of the superintendent of schools, may grant leave of absence with part pay to any employee of said Board of Education whose salary is fixed in the Salary Act approved June 4, 1924, who has served in the public schools of the District of Columbia not less than six years continuously prior to filing application for leave, for purposes of educational improvement for a period not exceeding one year at a time, under conditions not herein otherwise specified as the Board of Education may determine, and the place of said person to be filled by the appointment of a qualified temporary employee for the period of said leave: *Provided*, That not more than 2 per centum of the total number of the above-mentioned employees may be on leave with part pay at the same time.

District of Columbia.  
Board of Education employees.  
Leave for educational improvement.  
43 Stat. 367.  
7 D. C. Code, ch. 2; Supp. V, ch. 2.

*Proviso.*  
Limitation.

SEC. 2. Any employee to whom such leave of absence may be granted shall report in writing to the Superintendent, in such form as the Board of Education may determine, the manner in which said leave of absence is being employed, and for failure to comply with any requirement of the rules of the Board of Education or to pursue in a satisfactory manner the purpose for which said leave of absence was granted, the Board of Education, on recommendation of the Superintendent, may terminate such leave of absence at any time.

Written report to Superintendent.

Termination of leave by Board.

SEC. 3. Any teacher whose salary is fixed in article I of the Act approved June 4, 1924, who is granted leave of absence for educational purposes under the provisions of this Act, shall receive compensation during the period of said leave, paid in the same manner as though on active duty, equal to the difference between the salary which the teacher would have received during the year he is on said leave of absence and the basic annual salary of group A or group C of his salary class, less the amount of his contribution to the retirement fund, in accordance with the provisions of the Retirement Act, as amended and approved June 11, 1926.

Compensation of teacher while on leave.

44 Stat. 727.  
7 D. C. Code §§ 61-79; Supp. V, §§ 70, 70a.

SEC. 4. Any administrative or supervisory officer mentioned in section 1 of this Act whose salary is fixed in article II of the Act approved June 4, 1924, who is granted leave of absence for educational purposes under the provisions of this Act, shall receive compensation during the period of said leave, paid in the manner as though on active duty, equal to the largest amount to which any teacher in the group B or group D salary class under his supervision would be entitled if given such education leave, less the amount of his contribution to the retirement fund in accordance with the provisions of the Retirement Act, as amended and approved June 11,

Compensation of administrative, etc., officer while on leave.