

described lands to the same extent that such provisions would apply were said lands within the exterior boundaries of a national forest:

Township 26 north, range 10 east, sections 1, 2, 3, 10, 11, 12, and 13; township 26 north, range 11 east, sections 17 to 29 inclusive, and sections 34, 35, and 36; township 26 north, range 12 east, sections 13, 19 to 35, inclusive; township 27 north, range 9 east, sections 10 to 15, inclusive, section 22, and north half of sections 23 and 24; township 27 north, range 10 east, section 15, east half of section 16, west half of section 18, south half and northwest quarter of section 19, south half of section 20, south half and northeast quarter of section 21, section 22, and sections 26, 27, 28, 29, 30, 34, and 35, all Willamette base and meridian.

SEC. 2: That all public lands within the foregoing areas are hereby added to and made parts of the Snoqualmie National Forest subject to all valid adverse rights established prior to the passage of this Act.

Added to Snoqualmie National Forest.

Approved, February 28, 1925.

**CHAP. 370.**—An Act Providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake in the State of Wisconsin.

February 23, 1925.

[S. 3379.]

[Public, No. 503.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That on the survey of any public lands found to exist within the area heretofore surveyed as Boulder Lake, in section 18, township 42 north of range 7 east, fourth principal meridian, in the State of Wisconsin, the State Young Men's Christian Association of Wisconsin, owner of lots 6 and 8, said section 18, shall have a preference right to purchase such lands so surveyed adjacent to and lying between said lots 6 and 8 and the shore line of the lake as now established for a period of sixty days after the filing of the official plats of such survey, at \$1.25 per acre: *Provided,* That such privilege shall not extend to any land so surveyed inuring to the State of Wisconsin under the Act of September 28, 1850 (Ninth Statutes, page 519): *Provided further,* That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to such lands or any part thereof.

Public lands.  
Boulder Lake, Wis.

Young Men's Christian Association given preference to purchase adjacent lands.

*Proviso.*  
Wisconsin swamp lands excepted.  
Vol. 9, p. 520.  
Prior rights not affected.

SEC. 2. That the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this Act into effect.

Rules, etc., to be made.

Approved, February 28, 1925.

**CHAP. 371.**—An Act To amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes.

February 23, 1925.

[S. 3760.]

[Public, No. 509.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 58 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

National Defense Act, 1912.  
National Guard.

“SEC. 58. COMPOSITION OF THE NATIONAL GUARD.—The National Guard shall consist of regularly enlisted men who upon original enlistment shall be not less than eighteen nor more than forty-five years of age, or who in subsequent enlistments shall not be more than sixty-four years of age, organized, armed, and equipped as herein-after provided, and of commissioned officers and warrant officers between the ages of twenty-one and sixty-four years: *Provided,* That in cases of appointments of warrant officers or enlistments made in accordance with National Guard regulations, no payments heretofore made to such warrant officers and enlisted men for participating in

Composition of.  
Eligible ages.  
Vol. 39, p. 197, amended.

*Proviso.*  
Payments for training validated.  
Vol. 39, p. 206; Vol. 42, p. 1035.

exercises or performing the duties described in sections 92, 94, 97, and 99 of the National Defense Act of June 3, 1916, as amended, or any bona fide claim therefor, shall be held or considered invalid because such warrant officer or enlisted man was of an age greater than forty-five years at the time of his appointment or enlistment or at the time of the performance of such duties."

SEC. 2. That section 78 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 78. Men duly qualified for enlistment in the active National Guard may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: 'I do hereby acknowledge to have voluntarily enlisted this \_\_\_\_\_ day of \_\_\_\_\_, 19—, as a soldier in the National Guard of the United States and of the State of \_\_\_\_\_, to serve in the Reserve thereof, or in the active National Guard of the United States and said State if transferred thereto, for a period of one (or three) year—, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of \_\_\_\_\_, and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the Governor of the State of \_\_\_\_\_, and of the officers appointed over me according to law and the rules and Articles of War.' Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the National Guard Reserve; likewise, enlisted men hereafter enlisted in or transferred to the National Guard Reserve may be transferred to the active National Guard: *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active National Guard or National Guard Reserve as the case may be. Members of said Reserve, officers and enlisted men, when engaged in field or coast defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged: *Provided further*, That except as otherwise specifically provided in this Act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes."

SEC. 3. That section 81 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 81. MILITIA BUREAU OF THE WAR DEPARTMENT.—The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department. The Chief of the Militia Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of active Federally recognized National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment, who have had ten or more years' commissioned service in the active National Guard, at least five of which have been in the line, and who have attained at least the grade of major. The Chief of the Militia Bureau shall hold office for four years unless sooner removed for cause, shall be eligible to succeed himself and when he is sixty-four years of age he shall cease to hold such office. Upon accepting his office the Chief of the Militia Bureau shall also be appointed a major general in the Officers' Reserve Corps and shall be commissioned in the Army of the United States, which appoint-

National Guard Reserve.  
Vol. 41, p. 782,  
amended.

Enlistment contract  
and oath.

Transfers from and  
to National Guard.

Provisos.  
Service not extended.

Pay while training.

No other pay, etc.

Militia Bureau, War  
Department.  
Vol. 42, p. 1034,  
amended.

Established.  
Chief of, to be ap-  
pointed from recog-  
nized National Guard  
officers.  
Selection, qualifica-  
tion, etc.

Term, rank, etc.

ment and commission shall terminate when he ceases to hold such office. The Chief of the Militia Bureau shall have the rank, pay, and allowances of a major general provided in section 8 of the Pay Readjustment Act of June 10, 1922, during his tenure of office, but shall not be entitled to retirement or retired pay. For duty in the Militia Bureau and for instruction of the National Guard, the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. The President may also assign, with their consent, to duty in the Militia Bureau three officers who, at the time of their initial assignment, are active Federally recognized National Guard officers and who are reserve officers, and any such officer while so assigned shall receive the pay and allowances provided in the Pay Readjustment Act of June 10, 1922, as amended, for officers of the National Guard when authorized by law to receive Federal pay. The President may also assign, with their consent and within the limits of the appropriations previously made for this specific purpose, not exceeding five hundred officers of the active Federally recognized National Guard, and who are reserve officers, to duty with the Regular Army, in addition to those attending service schools, and while so assigned they shall receive the pay and allowances authorized in the preceding sentence. In case the office of Chief of the Militia Bureau becomes vacant or the incumbent, because of disability, is unable to discharge the powers and duties of the office, the reserve officer, senior in rank on duty in the Militia Bureau, appointed from the National Guard, shall act as chief of said bureau until the incumbent is able to resume his duties, or the vacancy in the office is regularly filled. The pay and allowances provided in this section for the Chief of the Militia Bureau and for the reserve officers assigned to duty from the National Guard shall be paid out of the whole fund appropriated for the support of the National Guard. The age limitations herein prescribed shall not apply to the existing Chief of the Militia Bureau during his present term of office."

SEC. 4. That section 87 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 87. DISPOSITION AND REPLACEMENT OF DAMAGED PROPERTY, AND SO FORTH.—All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what

Pay and allowances. Vol. 42, p. 629.

Assignments from Regular Army for duty in, etc.

Details of recognized National Guard officers who are reserve officers.

Pay and allowances. Vol. 42, p. 627.

Assignments to duty with Army.

Temporary Chief in case of vacancy, etc.

Pay, etc., from National Guard fund.

Present Chief exempt from age limitation.

Damaged property, etc. Vol. 39, p. 204, amended.

Disposition and replacement thereof.

Survey and report by Army officer.

State relieved if loss without fault.

Payment for loss, if due to carelessness, etc.

Disposal of unserviceable articles.

disposition by sale or otherwise shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and shall remain available throughout the then current fiscal year and throughout the fiscal year following that in which the sales, stoppages, and collections were effected, for the purposes provided for in that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided*, That if any State, Territory, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made: *Provided further*, That property issued to the National Guard and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Regular Army designated by the Secretary of War, be sold or otherwise disposed of, and the State, Territory, or District of Columbia accountable shall be relieved from further accountability therefor; such inspection, and sale or other disposition, to be made under regulations prescribed by the Secretary of War, and to constitute as to such property a discretionary substitute for the examination, report, and disposition provided for elsewhere in this section."

Precedence of rank.  
Vol. 41, p. 785.

SEC. 5. That the eighth paragraph of section 127a of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

Determination of.  
Regular Army.

"Unless special assignment is made by the President under the provisions of the one hundred and nineteenth article of war, all officers in the active service of the United States in any grade shall take rank according to date, which, in the case of an officer of the Regular Army, is that stated in his commission or letter of appointment, and, in the case of a reserve officer or an officer of the National Guard called into the service of the United States, shall precede that on which he is placed on active duty by a period equal to the total length of active Federal service and service under the provisions of sections 94, 97, and 99 of this Act which he may have performed in the grade in which called or any higher grade. When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army. When length of such service is the same, officers of the Regular Army shall take rank among themselves according to their places on the promotion list, preceding reserve and National Guard officers of the same date of rank and length of service, who shall take rank among themselves according to age."

Concurrent Resolutions, p. 9.  
Reserve officer or of National Guard in service.

Vol. 39, pp. 206, 207;  
Vol. 42, p. 1035.

Monroe Water Supply Company.  
Lands in Pennsylvania conveyed to.

SEC. 6. That the Secretary of War be, and he hereby is, authorized, in his discretion, to reconvey to the Monroe Water Supply Company that portion of the lands in the State of Pennsylvania conveyed by the said company to the United States under its deed of June 12, 1915, and described in said deed as follows:

Description.

"Number 38. All that part of the warrantee tract in the name of William Sproat, situate in said township of Coolbaugh, Monroe

Allowance for.

*Provisos.*  
Refusal of State to pay for loss, etc., a bar to future allotments.

Disposition of property unserviceable by wear and tear in service.

Inspection, etc., by Army officer.

County, bounded and described as follows: Beginning at a point in the north line of the William Sproat warrantee tract, said point being south forty-five degrees thirty minutes west, fifty-six perches from a stone mound which marks the southeast corner of tract of land in the warrantee name of James Hollingshead, now owned by the Pocono Mountain Ice Company; thence by land in the warrantee names of James Hollingshead and Jacob Postens north forty-five degrees thirty minutes east, one hundred and twenty-one perches, more or less, to the northwest corner of the William Sproat tract; thence south forty-four degrees thirty minutes east, along the south line of the Nathan Levering warrantee tract thirty perches to a point; thence south forty-five degrees thirty minutes west, one hundred and thirty-three perches to a point; thence north forty-four degrees thirty minutes west, thirty perches to the point, the place of beginning, containing twenty-two acres, more or less. Courses as of meridian May 12, 1902."

It being the intent to convey that portion of the tract north of the public road leading from Tobyhanna to Sterling, adjacent to the tract of land in the warrantee name of Jacob Postens, upon the conveyance by the said Monroe Water Supply Company to the United States of a tract of land of approximately equal area to that named in the above description and lying within the adjoining Nathan Levering warrantee tract, at such location within the said tract as may be agreed upon by the Secretary of War with said company.

Tract to be received  
in exchange.

Approved, February 28, 1925.

**CHAP. 372.**—An Act To authorize the addition of certain lands to the Mount Hood National Forest.

February 28, 1925.  
[H. R. 5612.]  
[Public, No. 510.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any of the following-described lands 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 (Public 173), and upon acceptance of title shall become parts of the Mount Hood National Forest:

National forests.  
Lands offered for  
exchange in.  
Vol. 42, p. 465.

Township 2 north, range 9 east: Sections 22, 27, 28, 29, 30, 31, 32, 33, 34, southwest quarter northwest quarter, southwest quarter southeast quarter, and southwest quarter of section 35.

Description.

Township 1 north, range 9 east: Sections 8, 9, 10, 11; north half northeast quarter, southwest quarter northeast quarter, northwest quarter, north half southwest quarter, section 14; all of sections 15, 16, 17, 18, 19, 20; north half southwest quarter, and northwest quarter southeast quarter of section 21; north half northwest quarter, southeast quarter northeast quarter, south half southwest quarter, southeast quarter of section 22; south half north half and the south half of section 23; all of sections 26 and 27; northeast quarter northeast quarter, south half northeast quarter, southeast quarter northwest quarter, south half of section 28; southeast quarter and southeast quarter southwest quarter of section 29; northeast quarter and lots 1 to 11, inclusive, of section 30; southeast quarter northeast quarter, southeast quarter of section 31; all of sections 32, 33, 34, and 35.

SEC. 2. All public lands within the areas described in section 1 hereof are hereby added to the Mount Hood National Forest and shall hereafter become subject to all laws and regulations applicable to National Forests. But the addition of said lands shall not affect any entry or vested right under the public land laws initiated prior to the passage of this Act.

All public lands with-  
in the areas added to  
Mount Hood Forest.

No vested right, etc.,  
affected.

Approved, February 28, 1925.