

the United States of America and the property affected thereby: *Provided further*, That all or any part of such easement for right-of-way may be annulled and forfeited by the Secretary of War for failure to comply with the terms and conditions of any grant hereunder, or for nonuse or for abandonment of rights granted under authority hereof.

Approved, June 13, 1940.

Annulment and forfeiture.

[CHAPTER 357]

AN ACT

Authorizing the Secretary of the Treasury to grant to the city of Fort Lauderdale, Florida, an easement or easements authorizing such city to construct and maintain a highway and utility facilities over the United States Coast Guard Reservation known as base six at Fort Lauderdale, Florida.

June 13, 1940  
[S. 3869]

[Public, No. 626]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to grant to the city of Fort Lauderdale, Florida, a permanent easement or easements authorizing such city to construct and maintain across such of the lands constituting a part of the United States Coast Guard Reservation known as Base Six at Fort Lauderdale, Florida, as the Secretary may designate, a highway, sewer lines, water mains, electric distribution lines, and other utility facilities.

Base Six, U. S. Coast  
Guard Reservation,  
Fort Lauderdale, Fla.  
Easement.

SEC. 2. Such easement or easements shall be granted subject to the condition that the Secretary may at any time require the removal of the highway and the utility facilities, or either of them, to any other location or locations on said property, without expense to the United States, and shall be subject to such other reasonable conditions as the Secretary may deem desirable to include in the grant to protect the interests of the United States and to enable the Government to use such lands in such manner as the public interests may require. In addition, the city of Fort Lauderdale shall furnish bond with good and adequate sureties, or such other security in lieu of such bond, in such reasonable amount and in such form, as the Secretary may require, to assure the fulfillment of any or all the conditions and stipulations of such easement or easements.

Conditions.

Bond.

SEC. 3. In the event the United States disposes of its interests in the Coast Guard Reservation known as Base Six, such easement or easements shall cease to be subject to such conditions, unless the Secretary shall find that the discontinuance of any or all of such conditions would adversely affect the sales value of such lands, in which case the conditions with respect to which the Secretary shall have made such a finding shall run with the land.

Cessation of conditions;  
exception.

Approved, June 13, 1940.

[CHAPTER 358]

AN ACT

To amend the Canal Zone Code.

June 13, 1940  
[H. R. 5584]

[Public, No. 626]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 10 of title 2 of the Canal Zone Code, approved June 19, 1934, is amended so as to read as follows:

Canal Zone Code,  
amendments.  
37 Stat. 562.  
48 U. S. C. § 1319.

"10. INJURIES TO VESSELS, CARGO, CREW, OR PASSENGERS, OCCASIONED BY OPERATION OF CANAL.—The regulations of the President, authorized under section 9 of this title, shall provide for the prompt adjustment and payment by the Governor of the Panama Canal, subject to

Payment for dam-  
ages to vessels, etc.

the limitations hereinafter contained in this section, of damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise:

From passage through Canal locks.

*Provisos.*  
Negligence of vessel, etc.

Contributory negligence of vessel, etc.

From presence in Canal Zone waters.

*Provisos.*  
Contributory negligence of vessel, etc.

Panama Canal pilot.

Adjustment of damages.

Acceptance of award.

*Proviso.*  
Submission of certain claims to Congress.

Action by aggrieved claimant allowable in District Court.

Payment of judgments.

“(a) By reason of the passage of such vessels through the locks of the canal under the control of officers or employees of the Panama Canal: *Provided, however,* That no such damages shall be paid in any case wherein the Governor shall find that the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers: *And provided further,* That in any case wherein the Governor shall find that the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, he shall diminish the award of damages in proportion to the negligence or fault, as determined by him, attributable to the said vessel, master, crew, or passengers.

“(b) By reason of the presence of such vessels in the waters of the Canal Zone, other than the locks, when the Governor shall find that the injury was proximately caused by negligence or fault on the part of any officer or employee of the Panama Canal acting within the scope of his employment and in the line of his duties in connection with the operation of the canal: *Provided, however,* That when the Governor shall further find that the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, he shall diminish the award of damages in proportion to the negligence or fault, as determined by him, attributable to the said vessel, master, crew, or passengers: *And provided further,* That, in the case of any vessel which is required by or pursuant to regulations heretofore or hereafter prescribed under section 9 of this title to have a Panama Canal pilot on duty aboard, no damages shall be adjusted and paid for injuries to any such vessel, or to the cargo or passengers of any such vessel, incurred while the vessel is under way and in motion, unless at the time such injuries are incurred the navigation or movement of the vessel is under the control of a Panama Canal pilot.

“The amounts of the respective awards of damages, under this section and the regulations authorized herein, may be adjusted, fixed, and determined by the Governor by mutual agreement, compromise, or otherwise, and such amounts shall be payable promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal, and acceptance by any claimant of the amount awarded to him shall be deemed to be in full settlement of such claim against the Government of the United States: *Provided, however,* That the Governor shall not adjust and pay any claim for damages for injuries arising by reason of the presence of a vessel in the waters of the Canal Zone, other than the locks, where the amount of the claim exceeds \$60,000, but shall submit the same to the Congress by a special report containing the material facts and his recommendations thereon.

“With respect to any claim for damages for injuries arising by reason of the passage of any vessel through the locks of the canal, as hereinbefore provided, any claimant for damages who considers himself aggrieved by the findings, determination, or award of the Governor, in reference to his claim, may bring an action on such claim against the Panama Canal in the United States District Court for the District of the Canal Zone; and in any such action the provisions of this section, and of the regulations of the President authorized under section 9 of this title, applicable to the determination, adjustment, and payment of such claims for damages, by the Governor, shall be applicable, and any judgment obtained against the Panama Canal shall be paid promptly out of any moneys appropriated or

allotted for the maintenance and operation of the Panama Canal.

“Except as otherwise provided in the next preceding paragraph of this section, no action for damages for injuries arising in connection with the operation of the Canal and by reason of the presence of a vessel in the waters of the Canal Zone shall lie in any court against the United States or the Panama Canal, or against any officer or employee of the Panama Canal: *Provided, however,* That nothing in this section shall be construed to prevent or prohibit actions against officers or employees of the Panama Canal for damages for injuries resulting from acts of such officers or employees outside the scope of their employment and not in line with their duties, or from acts of such officers or employees committed or performed with intent to injure the person or property of another.”

Prohibition on certain damage actions.

*Proviso.*  
Liability of employees for acts outside scope of employment.

SEC. 2. That chapter 14 of title 2 of the Canal Zone Code, which chapter now consists of sections 271 to 275 of said title 2, is hereby amended so as to read as follows:

47 Stat. 812.  
49 U. S. C. §§ 1323a-1325.

“271. MAINTENANCE AND OPERATION OF THE CANAL ZONE POSTAL SERVICE.—The Postal Service of the Canal Zone shall be governed, except as otherwise provided in the Canal Zone Code, by such of the laws, rules, regulations, and conventions of the Postal Service of the United States as by their terms apply in the Canal Zone and by such additional laws, rules, and regulations of the Postal Service of the United States as the Governor of the Panama Canal shall by regulation determine to be applicable to conditions existing in the Canal Zone. The Governor may prescribe such additional rules and regulations as are necessary for the maintenance and operation of the Canal Zone Postal Service.

Canal Zone Postal Service.  
Laws, rules, regulations, etc.

“The Governor of the Panama Canal is authorized—

“a. To maintain and operate a postal service in the Canal Zone, including a money-order system, a parcel-post system, a postal-savings system, and such other services as may be necessary or convenient in connection with the postal service;

Maintenance of postal service.

“b. To establish and discontinue post offices;

Post offices.

“c. To prescribe the postage rates: *Provided, however,* That the United States domestic postage rates shall be applicable to regular mail exchanged with the United States; and

Postage rates.  
*Proviso.*  
Mail exchanged with U. S.

“d. To prescribe the postage stamps and other stamped paper which shall be used in such service.

Postage stamps, etc.

CROSS REFERENCES

Extension to Canal Zone of United States laws and regulations defining crimes against the postal service, see title 5, section 111.

For the laws of the Postal Service of the United States, see U. S. Code, title 39.

“272. DEFRAIVING EXPENSES FROM REVENUE SO FAR AS POSSIBLE.—The expenses of operating the Canal Zone postal service shall be defrayed, so far as possible, from the revenue derived therefrom, the use of which for that purpose is authorized.

Defraying expenses from postal revenue.

“273. ACCEPTANCE OF POSTAL-SAVINGS DEPOSITS.—Such of the post offices of the Canal Zone as may be designated by the Governor are hereby authorized, under such regulations as the Governor may prescribe, to receive postal-savings deposits, and to issue therefor postal-savings certificates in the form to be prescribed by the Governor.

Acceptance of postal-savings deposits.

Issuance of postal-savings certificates.

“274. RATE OF INTEREST ON POSTAL-SAVINGS CERTIFICATES.—Postal-savings certificates issued as provided in this chapter shall bear interest at such rate, not exceeding 3 per centum per annum, as shall be established by the President.

Rate of interest.

United States pledged to payment of deposits.

"275. FAITH OF UNITED STATES PLEDGED TO PAYMENT OF DEPOSITS.—The faith of the United States is pledged to the payment of postal-savings certificates issued as provided in this chapter, with accrued interest thereon, in the same manner as such faith is pledged by law with respect to deposits made in postal-savings depository offices in the United States.

Control of money-order and postal-savings funds.

"276. CONTROL OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS.—The funds received from the issuance of money orders and postal-savings certificates by the Canal Zone postal service shall be under the control of the Governor.

Deposit of funds in U. S. Treasury.

"277. DEPOSIT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN UNITED STATES TREASURY.—The Governor is authorized to cause to be deposited in the United States Treasury for safekeeping but subject to his control all or any part of the funds, including interest thereon, received from the issuance of money orders and postal-savings certificates, and such funds or any part thereof may be withdrawn from time to time under such regulations as may be prescribed by the Governor.

Withdrawal.

Deposit of funds in banks.

"278. DEPOSIT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN BANKS; SECURITY.—The Secretary of the Treasury is hereby authorized to designate one or more national-banking associations to be depositories, under such regulations as may be prescribed by him, of funds received from the issuance of money orders and postal-savings certificates, including interest therefrom, and is hereby directed to require the associations thus designated to give satisfactory security, by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of the funds deposited with them, and such associations are authorized to give such security as may be required. All pledges of securities heretofore made for the safekeeping and prompt payment of any such funds are hereby ratified, approved, and validated.

Security for safekeeping, etc., of funds deposited.

Investment of funds in U. S. securities.

"279. INVESTMENT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN SECURITIES OF THE UNITED STATES.—The Governor is hereby authorized to invest all or any part of the funds referred to in the two preceding sections in bonds or other securities of the United States and to deposit such securities with the Treasurer of the United States for safekeeping, and to sell such securities, or any part of them, when such sale is necessary or desirable in the interest of the postal service. Before making such purchases or sales of securities, the Governor shall request the advice of the Secretary of the Treasury.

Prior advice of Secretary of the Treasury.

Use of interest and profits.

"280. USE OF INTEREST AND PROFITS ON MONEY-ORDER AND POSTAL-SAVINGS FUNDS.—The interest and profits received from the deposit in banks or the investment, as provided in this chapter, of money-order and postal-savings funds shall form a part of the Canal Zone postal revenues and shall be available to pay the interest on postal-savings certificates, the expenses of operating the Canal Zone postal service, and the losses which are chargeable to the said service.

Application of foregoing provisions to deposit money orders.

"281. APPLICATION OF FOREGOING PROVISIONS TO DEPOSIT MONEY ORDERS.—All the provisions of this chapter relating to postal-savings certificates and the funds received therefrom, including interest, shall apply equally to money orders issued in lieu of postal-savings certificates prior to the effective date of this Act, and to the funds received therefrom, including interest."

SEC. 3. That section 843 of title 5 of the Canal Zone Code is amended so as to read as follows:

Placing signs on lands or structures.

"843. PLACING SIGNS ON LANDS OR STRUCTURES IN CANAL ZONE.—The Governor of the Panama Canal is hereby authorized to make rules and regulations in respect to the construction or placing of signs, bills, posters, or other advertising devices on any lands, build-

ings, or other structures in the Canal Zone. Any person who shall violate any provision of such rules and regulations shall be punished by a fine of not more than \$25, or by imprisonment in jail for not more than ten days, or by both; and every day that any such advertising device shall remain upon such lands or structures, in violation of such rules and regulations, shall constitute a separate offense."

SEC. 4. That section 125 of title 6 of the Canal Zone Code is amended so as to read as follows:

"125. PROCEEDINGS ON PLEA OF GUILTY.—If the defendant pleads guilty, the magistrate may hear testimony to determine the gravity of the offense and, within twenty-four hours after such plea or hearing of testimony, shall render judgment as to the punishment to be imposed."

SEC. 5. That section 521 of title 6 of the Canal Zone Code is amended so as to read as follows:

"521. WARRANT FOR EXECUTION OF JUDGMENT OF DEATH; TIME OF EXECUTION.—When judgment of death is rendered, a warrant signed by the judge and attested by the clerk, under the seal of the court, must be drawn and delivered to the marshal. It must state the conviction and judgment, and appoint a day on which judgment is to be executed, which must be not less than ninety nor more than one hundred and twenty days from the time of judgment, and must direct the marshal to deliver the defendant, within ten days from the time of judgment, to the warden of the penitentiary, for execution."

SEC. 6. That this Act shall take effect sixty days after the date of its enactment.

Approved, June 13, 1940.

Punishment.

47 Stat. 882.

Proceedings on plea of guilty.

Warrant for execution of judgment of death; time of execution.

Effective date.

[CHAPTER 359]

AN ACT

To amend section 1 of the Act providing punishment for the killing or assaulting of Federal officers.

June 13, 1940  
[H. R. 7019]

[Public, No. 627]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act of May 18, 1934 (ch. 299, 48 Stat. 780), as amended (U. S. C., title 18, sec. 253), be, and it is hereby, amended to read as follows:

"That whoever shall kill, as defined in sections 273 and 274 of the Criminal Code, any United States marshal or deputy United States marshal or person employed to assist a United States marshal or deputy United States marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer, employee, agent, or other person in the service of the customs or of the internal revenue, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code."

Approved, June 13, 1940.

18 U. S. C., Supp. V, § 253.

Punishment for killing Federal officers.  
18 U. S. C. §§ 452, 453.

18 U. S. C. § 454.