

“SEC. 14. If any provision of this title, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

SEC. 4. This Act shall become effective upon its approval by the President.

Approved, October 14, 1941.

Separability.

Effective date.

[CHAPTER 443]

AN ACT

Relating to the traveling and subsistence expenses of judges and retired judges of the Court of Claims.

October 16, 1941  
[S. 1052]  
[Public Law 272]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act of February 24, 1925, entitled “An Act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation” (43 Stat. 965), as amended (46 Stat. 799; U. S. C., title 28, secs. 270, 275a), is hereby reenacted and amended to read as follows:

Court of Claims.

“SEC. 2. Each of the said commissioners shall devote all of his time to the duties of his office and shall receive a salary of \$7,500 per annum, payable monthly out of the Treasury. The chief justice, or any judge of the Court of Claims, may sit at any place within the United States to take evidence in any case instituted in said court. The chief justice, and any judge of the court, the commissioners, and stenographers authorized by the court, shall also receive their necessary traveling expenses and their actual expenses incurred for subsistence while traveling on duty and away from Washington in an amount not to exceed \$10 per day in the case of the chief justice or any judge of the court, \$7 per day in the case of commissioners, and \$5 per day in the case of stenographers. Retired judges recalled to active duty in Washington or elsewhere shall be entitled to receive the same travel and subsistence expenses as provided for other judges in this Act while absent from their actual places of residence. The expenses of travel and subsistence herein authorized shall be paid upon order of the court.”

Salaries of commissioners.

Traveling and subsistence expenses.

Retired judges recalled to active duty.

Approved, October 16, 1941.

[CHAPTER 444]

AN ACT

To authorize the sale of certain Government-owned lands in the Territory of Hawaii to the Honolulu Plantation Company.

October 16, 1941  
[S. 1345]  
[Public Law 273]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized to sell and convey to the Honolulu Plantation Company, a corporation organized and existing under the laws of the State of California, upon such terms and conditions as he deems advisable, but at not less than the appraised value, the remaining portion of the Makalapa Military Reservation, consisting of five lots, designated as lots “A”, “B”, “C”, “D”, and “E”, having an aggregate area of seven and fifty-two one-hundredths acres, situated near the city of Honolulu, in Halawa, Ewa District, on the island of Oahu, Territory of Hawaii, the net proceeds of such sale to be deposited in the Treasury to the credit of miscellaneous receipts.

Hawaii.  
Conveyance of certain lands.

Approved, October 16, 1941.

## [CHAPTER 445]

## AN ACT

To authorize the President of the United States to requisition property required for the defense of the United States.

October 16, 1941  
[S. 1579]  
[Public Law 274]

Requisitioning of property for national defense.  
6 F. R. 2617.  
Conditions.

Determination of amount of compensation.

Settlement of differences.

28 U. S. C. §§ 41 (20), 250.

Limitations.

Repurchase of property.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the President, during the national emergency declared by the President on May 27, 1941, but not later than June 30, 1943, determines that (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States. The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act and the fair value of any property returned under section 2 of this Act, but each such determination shall be made on the basis of the fair market value of the property at the time it is requisitioned or returned, as the case may be. If, upon any such requisition of property, the person entitled to receive the amount so determined by the President as the fair and just compensation for the property is unwilling to accept the same as full and complete compensation for such property he shall be paid 50 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (U. S. C., 1934 ed., title 28, secs. 41 (20) and 250) for an additional amount which, when added to the amount so paid to him, he considers to be fair and just compensation for such property. Such courts shall also have power to determine in an appropriate proceeding any questions that may arise with respect to the amount of the fair value to be paid upon the return of any property under section 2 of this Act, regardless of the amount in controversy in any such proceeding.

Nothing contained in this Act shall be construed—

(1) to authorize the requisitioning or require the registration of any firearms possessed by any individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

(2) to impair or infringe in any manner the right of any individual to keep and bear arms, or

(3) to authorize the requisitioning of any machinery or equipment which is in actual use in connection with any operating factory or business and which is necessary to the operation of such factory or business.

SEC. 2. Wherever the President determines that property acquired under this Act and retained is no longer needed for the defense of the United States, he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner; but, in any event, property so acquired and retained shall, if the owner desires the property and pays the fair value thereof, be returned to the owner not later than December 31, 1943.