

Sec.	
100.	Nitrate plants.
100a.	Omitted.

SUBCHAPTER I—ARSENALS, ARMORIES,
ARMS, AND WAR MATERIALS

§§ 51 to 57. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 51, act Aug. 5, 1882, ch. 395, 22 Stat. 299, related to pay of master armorer at Springfield Armory.

Section 52, act June 23, 1874, ch. 486, 18 Stat. 282, related to pay of clerks at Springfield Armory.

Section 53, R.S. §1665, required an annual account of expenses of national armories, together with an account of arms made and repaired thereon.

Section 54, acts Aug. 18, 1890, ch. 797, §2, 26 Stat. 320; Aug. 7, 1946, ch. 770, §1(52), 60 Stat. 870, related to accounts of cost of type and experimental manufacture of guns and other articles.

Section 55, R.S. §1666, authorized Secretary of War to abolish useless or unnecessary arsenals.

Section 56, R.S. §1669, provided for forfeitures by reason of misconduct of workmen in armories.

Section 57, R.S. §1671, exempted from jury duty all artificers and workmen employed in armories and arsenals, of the United States.

§ 58. Repealed. Sept. 1, 1954, ch. 1208, title III, § 305(d), 68 Stat. 1114

Section, act July 17, 1912, ch. 236, 37 Stat. 193, related to awards. See section 4501 et seq. of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Sept. 1, 1954, see section 307 of act Sept. 1, 1954.

§§ 59 to 66. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 59, act July 26, 1886, ch. 781, §1, 24 Stat. 151, related to testing of rifled cannon for Navy.

Section 60, act July 8, 1918, ch. 137, 40 Stat. 817, authorized transfer of naval ordnance and ordnance material from Navy Department to Department of War.

Section 61, acts Mar. 3, 1879, ch. 183, 20 Stat. 412; Apr. 14, 1937, ch. 79, 50 Stat. 63, authorized issuance of arms and ammunition to protect public property, provided for reimbursement. See section 4655 of Title 10, Armed Forces.

Section 62, acts Feb. 10, 1920, ch. 64, 41 Stat. 403; June 5, 1920, ch. 240, 41 Stat. 976; May 26, 1952, ch. 334, 66 Stat. 94, authorized loan of rifles to organizations of honorably discharged soldiers. See section 4683 of Title 10.

Section 62a, act June 30, 1906, ch. 3938, 34 Stat. 817, authorized loan of ordnance to schools and State homes for veterans' orphans. See sections 4685 and 9685 of Title 10.

Section 62b, act Dec. 15, 1926, ch. 10, 44 Stat. 922, authorized Secretary of War to relieve posts or camps or organizations composed of honorably discharged soldiers, sailors, or marines, and sureties on bonds, from liability on account of loss or destruction of rifles, slings, and cartridge belts loaned to such organizations. See section 4683 of Title 10.

Section 62c, acts May 29, 1934, ch. 369, 48 Stat. 815; Aug. 30, 1935, ch. 826, 49 Stat. 1013, authorized Secretary of War to donate Army equipment loaned under authority of section 62 of this title.

Section 63, act May 11, 1908, ch. 163, 35 Stat. 125, authorized sales of ordnance property to schools and State homes for veterans' orphans. See sections 4625 and 9625 of Title 10, Armed Forces.

Section 64, acts May 28, 1908, ch. 215, §14, 35 Stat. 443; June 28, 1950, ch. 383, title IV, §402(g), 64 Stat. 273; Oct. 31, 1951, ch. 654, §2(26), 65 Stat. 707, authorized sale of obsolete small arms to patriotic organizations. See sections 4684 and 9684 of Title 10.

Section 64a, act Mar. 3, 1875, ch. 130, 18 Stat. 388, provided for sale of useless ordnance materials, appropriated an amount equal to net proceeds of sale for purpose of procuring a supply of material, and limited expenditures to not more than \$75,000 in any one year.

Section 65, acts Apr. 23, 1904, ch. 1485, 33 Stat. 276; Aug. 1, 1953, ch. 305, title VI, §645, 67 Stat. 357, authorized sale of serviceable ordnance and ordnance stores to American designers.

Section 66, acts Feb. 8, 1889, ch. 116, 25 Stat. 657; Mar. 3, 1899, ch. 423, 30 Stat. 1073; May 26, 1900, ch. 586, 31 Stat. 216; June 28, 1950, ch. 383, title IV, §402(e), 64 Stat. 273; Oct. 31, 1951, ch. 654, §2(27), 65 Stat. 707, authorized issuance of condemned ordnance to State homes for soldiers and sailors. See sections 4686 and 9686 of Title 10.

§ 67. Transferred

CODIFICATION

Section, acts May 22, 1896, ch. 231, 29 Stat. 133; May 26, 1928, ch. 785, 45 Stat. 773; Feb. 28, 1933, ch. 137, 47 Stat. 1369; June 19, 1940, ch. 398, §1, 54 Stat. 491; July 31, 1947, ch. 421, 61 Stat. 707; Feb. 27, 1948, ch. 76, §1, 62 Stat. 37; Oct. 31, 1951, ch. 654, §2(2), 65 Stat. 706, which authorized loans or gifts of condemned or obsolete equipment, was transferred to section 150p of former Title 5, Executive Departments and Government Officers and Employees, and subsequently repealed and reenacted as section 2572 of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, §1, 53, 70A Stat. 143, 641.

§§ 68 to 71. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 68, acts Mar. 4, 1909, ch. 319, §47, 35 Stat. 1075; June 28, 1950, ch. 383, title IV, §402(i), 64 Stat. 273; Oct. 31, 1951, ch. 654, §2(28), 65 Stat. 708, authorized sale of obsolete ordnance for public parks, public buildings and soldiers' monuments purposes. See sections 4684 and 9684 of Title 10, Armed Forces.

Section 69, act Mar. 2, 1905, ch. 1307, 33 Stat. 841, authorized sale of individual pieces of armament. See section 2574 of Title 10.

Section 70, acts Mar. 3, 1909, ch. 252, 35 Stat. 751; June 28, 1950, ch. 383, title IV, §402(h), 64 Stat. 273, authorized sale of ordnance property to officers of the Navy and Marine Corps. See section 4625 and 9625 of Title 10.

Section 71, act Mar. 3, 1909, ch. 252, 35 Stat. 750, authorized sale of ordnance stores to civilian employees of Army and to American National Red Cross. See sections 4625 and 9625 of Title 10.

§ 72. Repealed. May 1, 1937, ch. 146, § 5(i), 50 Stat. 126

Section, act Aug. 29, 1916, ch. 418, §1, 39 Stat. 643, related to sale of ordnance and stores to Cuba.

§ 73. Repealed. Aug. 1, 1953, ch. 305, title VI, § 645, 67 Stat. 357

Section, act Apr. 23, 1904, ch. 1485, 33 Stat. 276, related to disposition of proceeds from sales of serviceable ordnance and stores. See sections 2208 and 2210 of Title 10, Armed Forces.

§§ 74 to 81. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 74, act Jan. 22, 1923, ch. 28, 42 Stat. 1142, provided that net proceeds of sales of useless ordnance material by Navy Department should be covered into Treasury as "Miscellaneous receipts". See section 7543 of Title 10, Armed Forces.

Section 75, act Aug. 24, 1912, ch. 391, §1, 37 Stat. 589, related to payment for transfers of ordnance or stores to bureaus or departments.

Section 76, act June 20, 1878, ch. 359, §1, 20 Stat. 223, authorized private use of a machine for testing iron and steel.

Section 77, acts Mar. 3, 1885, ch. 360, 23 Stat. 502; May 29, 1928, ch. 901, par. 27, 45 Stat. 988, regulated tests of iron and steel and other materials for industrial purposes.

Section 78, act June 3, 1916, ch. 134, §123, 39 Stat. 215, related to gauges, dies, and tools for manufacture of arms.

Section 79, act June 3, 1916, ch. 134, §124, 39 Stat. 215, related to nitrate plants.

Section 80, act June 3, 1916, ch. 134, §120, 39 Stat. 213, 214, related to procurement of war material and mobilization of industries. See sections 2538 to 2540 of Title 10.

Section 81, act May 14, 1928, ch. 544, 45 Stat. 509, authorized Secretary of War to secure assistance, whenever practicable, of Geological Survey, Coast and Geodetic Survey, or other mapping agencies of the Government in execution of military surveys and maps. Provisions similar to former section 81 were contained in the following appropriation acts:

Mar. 23, 1928, ch. 232, title I, 45 Stat. 342.

Feb. 23, 1927, ch. 167, title I, 44 Stat. 1123.

Apr. 15, 1926, ch. 146, title I, 44 Stat. 273.

Feb. 12, 1925, ch. 225, title I, 43 Stat. 911.

June 7, 1924, ch. 291, title I, 43, Stat. 496.

Mar. 2, 1923, ch. 178, title I, 42 Stat. 1402.

June 30, 1922, ch. 253, title I, 42 Stat. 741.

§ 82. Procurement of ships and material during war

(a) Definitions

The word "person" as used in subsections (b) and (c) shall include any individual, trustee, firm, association, company, or corporation. The word "ship" shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words "war material" shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word "factory" shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

(b) Presidential powers

In time of war the President is authorized and empowered, in addition to all other existing provisions of law:

First. Within the limits of the amounts appropriated therefor, to place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President, may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person,

or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Second. Within the limit of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and, within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof without taking possession of the entire factory, whether the United States has or has not any contract or agreement with the owner or occupier of such factory.

(d)¹ Compensation for commandeered material

Whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of subsection (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid fifty per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said fifty per centum shall make up such amount as will be just compensation therefor, in the manner provided for by section 1346 or section 1491 of title 28.

(Mar. 4, 1917, ch. 180, 39 Stat. 1192.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (a), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

CODIFICATION

In subsec. (d), "section 1346 or section 1491 of title 28" substituted for "section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code" (those sections classified to sections 41(20) and 250 of former Title 28, Judicial Code and Judiciary) on authority of act June 25, 1948, ch. 646, 62 Stat. 869, section 1 of which enacted Title 28, Judiciary and Judicial Procedure. Section 1346 of Title 28 sets forth the basic jurisdiction of the district courts in cases in which the United States is defendant. Section 1491 of Title 28 sets forth the basic jurisdiction of the United States Court of Claims. Sections 24(20) and 145 of the

¹ So in original. No subsec. (c) has been enacted.