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(site of deposits of gigantic fossilized oysters five inches wide by twenty-four inches long); and

Whereas not only is the area traversed rich in historic and prehistoric sites but it contains tremendous scenic value, passing through deep, junglelike river swamps which abound in game; over small blackwater creeks well stocked with bass, perch, and bream; across flat pine barren lands and rolling hills, and along commanding bluffs on the banks of the Savannah River; and in the springtime when dogwood, laurel, and magnolias are in bloom the area becomes a veritable garden; and

Whereas the entire Indian trail and the original thoroughfare from Savannah to Augusta lends itself particularly well to treatment as a national historic parkway (aside from its own significance it appears entirely feasible and desirable to link this proposed parkway to other national parkways, now under construction, by developing the Cherokee Indian trail from Augusta over the mountains to Tennessee); and

Whereas the cities and counties located in the area through which this roadway passes are interested in the building of this national parkway—numerous organizations, associations, and private citizens having already sponsored many projects to mark various of the historic sites along the roadway; and

Whereas the Government has recently adopted a policy and set up a division in the Department of the Interior known as the "National Park Service" to engage in a national way in laying out parks, reservations, and building parkways: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to use a sum not in excess of $10,000 of the regular roads and trails or parkway appropriations available to the National Park Service, with which to make a survey of the old Indian and Oglethorpe Trail throughout its entire length leading from the city of Savannah to the city of Augusta, Georgia, the same to be known as "The Oglethorpe National Trail and Parkway." The said survey shall locate the parkway as nearly as practicable in its original route. An estimate of cost of construction of an appropriate national parkway on this route, and such other data as would be valuable, shall be obtained by said survey, with the objective of determining matters concerning the construction of the parkway.

Use of funds authorized for survey of old Indian and Oglethorpe Trail.

Location of parkway.

Approved, June 16, 1938.

[CHAPTER 467]

AN ACT

To except yachts, tugs, towboats, and unrigged vessels from certain provisions of the Act of June 25, 1936, as amended.

June 16, 1938
[H. R. 7158]
[Public, No. 647]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 1 of the Act of Congress approved June 25, 1936, as amended (U. S. C., 1934 edition, Supp. II, title 46, sec. 643), requiring the manning of certain merchant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation shall not apply as to unrigged vessels, except seagoing barges, and that, insofar as said provisions apply to tugs and towboats, the said provisions are hereby modified as follows:

Yachts, tugs, unrigged vessels, etc.
Manning of certain merchant vessels by certificated personnel; exceptions.
49 Stat. 1930.
46 U. S. C., Supp. III, § 672.

(a) Able seamen shall not be required in the deck crew of tugs and towboats on the bays and sounds connected directly with the seas, and every person may be rated an able seaman for the purpose

Tugs and towboats.
Able seamen in deck crew.

of serving on tugs and towboats on the seas who is nineteen years of age and upwards and who has had at least eighteen months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas; and

Service and rating; requirements.

(b) Service and rating at least equal to that of coal passer or wiper in the engine department of tugs and towboats operating on the seas or Great Lakes or on the bays and sounds connected directly with the seas shall be considered as meeting the requirement of subsection (e) of section 1 of said Act which requires that an applicant for rating under that subsection shall produce to the inspector of the Bureau of Marine Inspection and Navigation definite proof of at least six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by said Act to have such certificated men.

Other provisions operative.

Nothing in this section shall restrict or modify any of the other provisions of section 1 of said Act which must be complied with before the certificates therein authorized can be granted.

Crew quarters, unrigged vessels, etc.

SEC. 2. That the provisions of section 4 of the Act aforesaid shall not apply to unrigged vessels except seagoing barges.

Continuous discharge book requirements; exception.
50 Stat. 49.
46 U. S. C., Supp. III, § 643.

SEC. 3. Provisions of section 4551 of the Revised Statutes of the United States, as amended, approved March 24, 1937 (Public, Numbered 25, Seventy-fifth Congress), shall not apply to unrigged vessels except seagoing barges.

Definitions.

SEC. 4. That when used in this Act—

"Unrigged vessel."

(1) The term "unrigged vessel" means any vessel that is not self-propelled;

"Seagoing barge."

(2) The term "seagoing barge" means any barge which from its design and construction may be reasonably expected to encounter and ride out the ordinary perils of the seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 2 of the Act of February 19, 1895, as amended (U. S. C., 1934 edition, title 33, sec. 151).

28 Stat. 672.
33 U. S. C. § 151.

Approved, June 16, 1938.

[CHAPTER 468]

AN ACT

June 16, 1938
[H. R. 7880]
[Public, No. 648]

To amend the Veterans' Regulation Numbered 10 pertaining to "line of duty" for peacetime veterans, their widows, and dependents, and for other purposes.

Veterans.
Injury or disease incurred in line of duty.
Veterans' Regulation No. 10, amendment.
38 U. S. C., ch. 12, Appendix.
"In line of duty" construed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs VIII and IX of Executive Order Numbered 6098, dated March 31, 1933 (Veterans' Regulation Numbered 10 (39 U. S. C., ch. 12, Appendix)), be amended to read as follows:

"PAR. VIII. An injury or disease will be deemed to have been incurred 'in line of duty' when the person on whose account benefits are claimed was, at the time the injury was suffered or disease contracted, in the active service in the military or naval forces, whether on active duty or on authorized leave, unless it appears that the injury or disease has been caused by misconduct on his part: *Provided, however*, That the requirement will not be met if it appears that at the time the injury was suffered or disease contracted, the person on whose account benefits are claimed (1) was avoiding duty by deserting the service or by absenting himself without leave; (2) was confined under sentence of court martial or civil court or was resisting lawful arrest; (3) was relieved from all active performance of duty by command of his superior officer as a result of the intemperate use of drugs or alcoholic liquor or because of injury

Proviso.
Requirement not considered met in specified cases.