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or disease contracted or suffered as a result of his own misconduct; (4) was acting in disobedience of the lawful orders of his superior officer or in violation of the rules and regulations of his organization; or (5) whether at his post or lawfully absent, if the injury or disease was in fact, caused by something not involving misconduct but done in pursuing some private business or avocation.

Where injury or disease occurs while on leave.

"Where the injury or disease occurs while on leave, the burden of proof shall be on the claimant to show that it was incurred in the line of duty, but where the injury or disease occurs while at camp or post of duty, the burden shall be upon the Government to show that the disability was not in line of duty.

Disability due to venereal disease.

"PAR. IX. A disability will be held to have resulted from misconduct when it is due to venereal disease, unless it is affirmatively shown that the disease was, in fact, innocently acquired, or when caused by an act of commission or omission, wrong in itself; or by an act contrary to the principles of good morals; or as a result of gross negligence, gross carelessness, alcoholism, drug addiction, or self-infliction of wounds."

Approved, June 16, 1938.

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[CHAPTER 469]

AN ACT

June 16, 1938
[H. R. 9258]
[Public, No. 649]

To authorize the Secretary of the Navy to accept on behalf of the United States certain land in the city of Los Angeles, California, with improvements thereon.

Los Angeles, Calif.
Acceptance of certain land and improvements in, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy is hereby authorized on behalf of the United States to accept from the city and county of Los Angeles, California, a site free from all encumbrances, the title in fee simple, together with the improvements, rights, privileges, and appurtenances belonging thereto, including an armory building constructed or to be constructed thereon, for use of the United States Naval and Marine Corps Reserve: *Provided*, That the acquisition of said land shall be without cost to the United States, and that the grading and landscaping of said land and the construction and completion of said armory building thereon shall not entail any obligation against appropriations of the Navy Department or relief funds apportioned to it: *Provided further*, That the acceptance by the Secretary of the Navy shall not be made until the grading and landscaping of said land and the construction of said armory building are satisfactorily completed.

Use by Naval and Marine Corps Reserve.
*Provisos.*
No Federal cost.

Conditions of acceptance.

Approved, June 16, 1938.

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[CHAPTER 470]

AN ACT

June 16, 1938
[H. R. 9475]
[Public, No. 650]

To create a commission to procure a design for a flag for the District of Columbia, and for other purposes.

District of Columbia, flag.
Commission created to procure design for.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War, the Secretary of the Navy, and the president of the Board of Commissioners of the District of Columbia be, and they are hereby, created a commission to procure a design for a distinctive flag for the District of Columbia, the seat of the Capital of the Nation: *Provided*, That in the selection of such design the commission hereby created shall have the advice of the Commission of Fine Arts.

*Proviso.*
Advice of Commission of Fine Arts.

Approved, June 16, 1938.