

fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the Senate or House, as the case may be, to the appropriate United States attorney, whose duty it shall be to bring the matter before the grand jury for its action."

"SEC. 859. No testimony given by a witness before either House, or before any committee of either House, or before any joint committee established by a joint or concurrent resolution of the two Houses of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege."

Any member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof.

Approved, June 22, 1938.

Immunity from
criminal proceedings.

Exceptions.

Authority of any
Member of either
House to administer
oaths.

[CHAPTER 595]

JOINT RESOLUTION

To authorize the acceptance of title to the dwelling house and property, the former residence of the late Justice Oliver Wendell Holmes, located at 1720 Eye Street Northwest, in the District of Columbia, and for other purposes.

June 22, 1938
[H. J. Res. 703]
[Pub. Res., No. 124]

Oliver Wendell
Holmes.
Acceptance of title
to former residence of,
in District of Colum-
bia, authorized.

Conveyance of title.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General, on behalf of the United States of America named as residuary legatee in the will of Oliver Wendell Holmes, is hereby authorized and directed to accept a deed conveying to the United States of America title to the dwelling house and property, the former residence of the late Justice Holmes, situated at 1720 Eye Street Northwest, in the District of Columbia.

SEC. 2. John G. Palfrey, the executor of the estate of Oliver Wendell Holmes, is hereby authorized to convey title to the United States of America rather than to dispose of the dwelling house and property otherwise and deposit the proceeds with the Secretary of the Treasury.

SEC. 3. Pursuant to the suggestion made in a message of the President of the United States to the Congress dated April 25, 1935, a committee of nine members shall be constituted, three to be selected from the House of Representatives by the Speaker of the House, three to be selected from the Senate by the Vice President, and three to be selected from the Supreme Court of the United States by the Chief Justice, which committee shall make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Mr. Justice Holmes.

Approved, June 22, 1938.

Recommendations
by joint committee
concerning use.

[CHAPTER 596]

AN ACT

To amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended.

June 23, 1938
[S. 3548]
[Public, No. 701]

Civil Service Re-
tirement Act, amend-
ment.
46 Stat. 475.
5 U. S. C. § 736b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Civil Service Retirement Act, approved May 29, 1930, is amended by striking out that portion of the section following the phrase "as provided in section 12 (a) hereof", and inserting in lieu thereof the

Service credit without deposit.

Annuity in event no deposit is made.

following: "*Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled: *And provided further*, That, notwithstanding the failure of an employee to make such deposit, credit shall be allowed for the service rendered, but the annuity of such employee shall be reduced by the amount such deposit would purchase if made, unless the employee shall elect to eliminate such service entirely from credit under this Act".

Approved, June 23, 1938.

[CHAPTER 597]

AN ACT

Limiting the hours of labor of certain officers and seamen on certain vessels navigating the Great Lakes and adjacent waters.

June 23, 1938
[S. 4132]
[Public, No. 702]

Great Lakes, etc.
Hours of labor
on certain vessels
limited.
49 Stat. 1933.
46 U. S. C., Supp.
III, § 673.

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 March 4, 1915, as amended (U. S. C., 1934 edition, Supp. III, title 46, sec. 673), is amended by adding after the first sentence thereof the following: "No licensed officer or seaman in the deck or engine department of any tug documented under the laws of the United States (except boats or vessels used exclusively for fishing purposes) navigating the Great Lakes, harbors of the Great Lakes, and connecting and tributary waters between Gary, Indiana; Duluth, Minnesota; Niagara Falls, New York; and Ogdensburg, New York, shall be required or permitted to work more than eight hours in one day except in case of extraordinary emergency affecting the safety of the vessel and/or life or property.

Approved, June 23, 1938.

[CHAPTER 598]

AN ACT

To regulate the distribution, promotion, and retirement of officers of the line of the Navy, and for other purposes.

June 23, 1938
[H. R. 9997]
[Public, No. 703]

Navy.
Merit system for
promotion by selec-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a merit system for promotion by selection in the line of the Navy.

AUTHORIZED NUMBER OF OFFICERS OF THE LINE

Authorized number
of officers of the line.

SEC. 2. The total authorized number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be equal to 5½ per centum of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps.

DISTRIBUTION OF OFFICERS OF THE LINE

Distribution in
grades.

SEC. 3. (a) The total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of one in the grade of rear admiral to four in the grade of captain, to eight in the grade of commander, to fifteen in the grade of lieutenant commander, to thirty in the grade of lieutenant, to forty-two in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided*, That except in time of war there shall be not more than seventy rear admirals on the active list of the line of the Navy, exclusive of additional numbers in grade.

Proviso.
Limitation.