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Thomas DeWitt Milling Collection - Military Data and Memoranda, 1920-1930

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airplanes, while in the Army Act it fixed the number so authorized as 1600 serviceable airplanes. According to the accepted definitions, the words "serviceable" and "useful", in their common use, are synonymous. As the Congress in the use of the word "serviceable" in the Army Act here being considered, apparently did not employ it in a technical sense, but rather in its common or popular meaning, and seemingly had a like intent with respect to the use of the word "useful" in the Navy Act above referred to, I am of the view that we may apply the definition of the term "useful airplanes" as contained in the Navy Act as a proper and equivalent definition of the term "serviceable airplanes" as used in the Army Act.

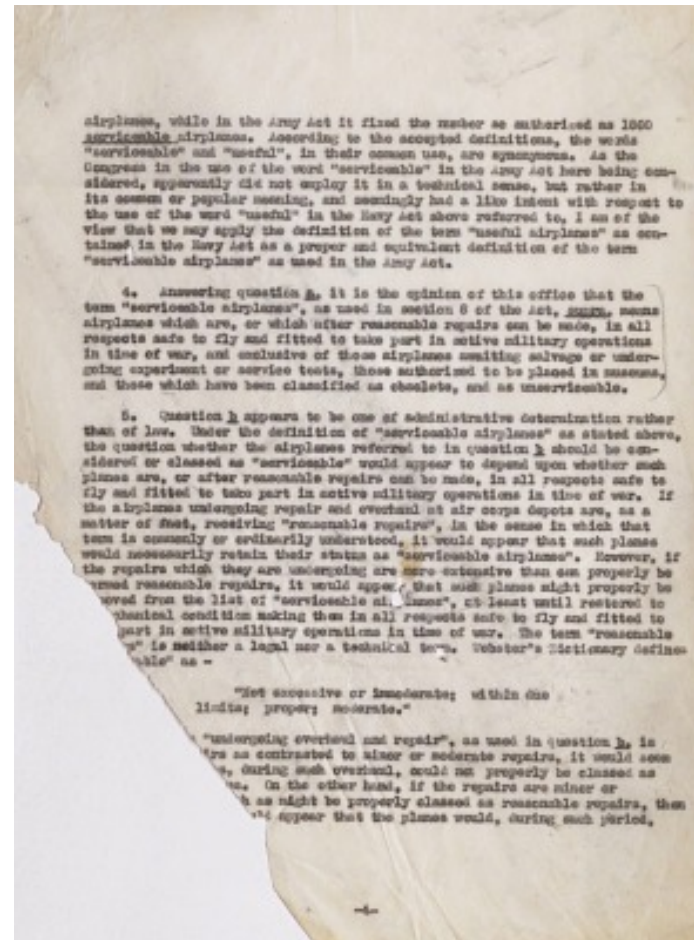
4. Answering question 5, it is the opinion of this office that the term "serviceable airplanes", as used in section 8 of the Act, supra, means airplanes which are, or which after reasonable repairs can be made, in all respects safe to fly and fitted to take part in active military operations in time of war, and exclusive of those airplanes awaiting salvage or undergoing experiment or service tests, those authorized to be placed in museums, and those which have been classified as obsolete, and as unserviceable.

5. Question b appears to be one of administrative determination than of law. Under the definition of "serviceable airplanes" as stated above, the question whether the airplanes referred to in question b should be considered or classed as "serviceable" would appear to depend upon whether such planes are, or after reasonable repairs can be made, in all respects safe to fly and fitted to take part in active military operations in time of war. If the airplanes undergoing repair and overhaul at air corps depots are, as a matter of fact, receiving "reasonable repairs", in the sense in which that term is commonly or ordinarily understood, it would appear that such planes would necessarily retain their status as "serviceable airplanes". However, if the repairs which they are undergoing are more extensive than can properly be termed reasonable repairs, it would appear that such planes might properly be removed from the list of "serviceable airplanes", at least until restored to mechanical conditions making them in all respects safe to fly and fitted to part in active military operations in time of war. The term "reasonable" is neither a legal nor technical term. Webster's Dictionary defines "able" as -

"Not excessive or immoderate; within due limits; proper; moderate."

"undergoing overhaul and repair", as used in question b, is as contrasted to minor or moderate repairs, it would seem that, during such overhaul, could not properly be classed as reasonable repairs. On the other hand, if the repairs are minor or moderate, as might be properly classed as reasonable repairs, then it would appear that the planes would, during such period,

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