

of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Air Corps of the Army of the United States, including the National Guard and the Organized Reserves, or with the United States Navy, since the 6th day of April, 1917, has distinguished, or who, after July 2, 1920, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight: *Provided*, That no person shall be eligible for the award of the distinguished flying cross for any act performed prior to November 11, 1918, except officers or enlisted men who have prior to July 2, 1920, been recommended for but have not received the congressional medal of honor, the distinguished service cross, or the distinguished service medal and except those officers or enlisted men who displayed heroism while serving as instructors or students at flying schools. No more than one distinguished flying cross shall be issued to any one person, but for each succeeding act or achievement sufficient to justify the award of a distinguished flying cross the President may award a suitable bar or other suitable device to be worn as he shall direct. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross or the bar or other device presented to such representative of the deceased as the President may designate, but no cross, bar, or other device hereinbefore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable. (July 2, 1920, c. 721, § 12, 44 Stat. 780.)

For title of Act see note to § 1428.

1430. Additional pay for holder of soldier's medal or distinguished flying cross.—Each enlisted or enrolled man to whom there shall be awarded the distinguished flying cross or the soldier's medal shall be entitled to additional pay at the rate of \$2 per month from the date of the act of heroism or extraordinary achievement on which the award is based, and each bar, or other suitable device, in lieu of the distinguished flying cross or the soldier's medal, as provided for in sections 1428 and 1429 of this title, shall entitle him to further additional pay at the rate of \$2 per month from the date of the act of heroism or extraordinary achievement for which the bar or other device is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous. (July 2, 1920, c. 721, § 13, 44 Stat. 780.)

For title of Act see note to § 1428.

Chapter 34.—DESERTION.

★ Section 1431. Compensation for arresting deserters.—

The War Department recommends the omission of this section from the Code as it is temporary legislation repeated from year to year in Appropriation Acts.

★ 1432. Forfeiture of right to pension.—

"April 28, 1898, c. 101, § 8, 30 Stat. 365" should precede the citation at the end of this section.

★ 1441. Restoration of status by removal of charge.—

"1438" in lines 8 and 12 of this section should read "1485."

Chapter 35.—UNITED STATES DISCIPLINARY BARRACKS.

Section 1453. Government and control of Disciplinary Barracks.—[Repealed in part.]

This section was repealed in part by Act May 29, 1928, c. 901, § 1, 45 Stat. 980, 988, which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * * 33. Statement of the financial and other affairs of the United States disciplinary barracks for the preceding year. (Statutes at Large, volume 38, part 1, page 1086; title 10, section 1453, United States Code.)"

For title of Act see note to § 1287.

★ 1460. Donation to dishonorably discharged prisoners.—

The War Department recommends the omission of this section from the Code as it is temporary legislation repeated from year to year in Appropriation Acts.

★ 1461. Compensation for arrest of escaped prisoners.—

The War Department recommends the omission of this section from the Code as it is temporary legislation repeated from year to year in Appropriation Acts.

Chapter 36.—ARTICLES OF WAR.

I. PRELIMINARY PROVISIONS

Section 1473. Persons subject to military law (article 2).—

Inmates of National Home for Disabled Volunteer Soldiers are subject to Articles of War, see § 137 of Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

V. MISCELLANEOUS PROVISIONS

The word "Provisions" should be substituted for "Proceedings" appearing in the heading as set out in the Code.

★ 1581. Oath of enlistment (article 109).—

"ever" in line 2 of this section should read "every."

Chapter 37.—SURPLUS WAR DEPARTMENT REAL PROPERTY; SALE; DISPOSITION OF PROCEEDS.

Section 1594. Sale of military reservations; land occupied by American Legion.—The Secretary of War is hereby authorized to sell or cause to be sold, either in whole or in two or more parts as he may deem best for the interest of the United States, the several tracts or parcels of real property hereinafter designated, or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance: *Provided*, That no part of any such tracts or parcels as are now actually occupied under lease or license by a post of the American Legion shall be sold without the consent of such post:

NAME OF RESERVATION

Anastasia Islands, Florida.

Andrew, Fort, Massachusetts.

Barrancas, Fort, Military Reservation, Florida (that portion purchased in April, 1832, and reserved by Executive order of January 10, 1838, and subsequently transferred to the War Department).

Battery Bienvenue, Louisiana.

Boca Grande Military Reservation, Florida (all except that portion reserved for and used as a Marine hospital reservation).

Casey, Fort, Washington (that portion known as "Shields Spring" tract, about sixty-six acres).

Chickamauga and Chattanooga National Military Park, Tennessee (lot numbered 36 and one-half of lot numbered 32 on Caroline Street).

Clinch, Fort, Florida (remainder).

Crockett, Fort, Texas (lots numbered 45 and 55, section 1, Galveston, Texas).

Dade, Fort, Florida.

De Soto, Fort, Florida.

Flag Island, Florida.

Howard, Fort, Maryland.

Jackson, Fort, Louisiana.

Jackson Barracks, Louisiana.

Key West Barracks, Florida.

Macomb, Fort, Louisiana.

Madison Barracks, New York (water lot).

Martello Tower, West, Florida (north portion, ten and six-tenths acres).

Martello Tower, East, Florida (north portion, ten acres).

Mobile Bay (islands in), Alabama.