

their own right, upon all public occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization. (Sept. 25, 1890, No. 50, 26 Stat. 681; May 11, 1894, No. 26, 28 Stat. 583; Feb. 2, 1901, c. 192, § 41, 31 Stat. 758; Jan. 12, 1903, No. 2, 32 Stat. 1229; Mar. 2, 1907, No. 18, 34 Stat. 1423.)

This section has been restated to express existing law.

1428. Soldier's medal authorized.—Under such rules and regulations as he may prescribe the President is hereby authorized to present, but not in the name of Congress, a medal to be known as the soldier's medal, of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Army of the United States, including the National Guard and the Organized Reserves, shall hereafter distinguish himself, or herself, by heroism not involving actual conflict with an enemy.

No more than one soldier's medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of the soldier's medal the President may award a suitable bar, or other suitable device, to be worn as he shall direct. (July 2, 1926, c. 721, § 11, 44 Stat. 789.)

The Act cited to the text was entitled "An Act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes."

1429. Distinguished flying cross authorized.—Under such rules and regulations as he may prescribe, and notwithstanding the provisions of section 14 of this Act [see note under section 291 of this title] the President is hereby authorized to present, but not in the name of Congress, a distinguished flying cross 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, 1926, 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, 1926, 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, 1926, c. 721, § 12, 44 Stat. 789.)

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, 1926, c. 721, § 13, 44 Stat. 789.)

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 26, 1898, c. 191, § 6, 30 Stat. 365" should precede the citation at the end of this section.

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

"1436" in lines 3 and 12 of this section should read "1435."

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. 986, 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 1085; title 10, section 1453, United States Code.)"

For title of Act see note to § 1287.

★ 1454. Officers, guards, etc.—The officers of the United States Disciplinary Barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army at large. In addition to detailing for duty at said Disciplinary Barracks such number of enlisted men of the Staff Corps and departments as he may deem necessary, the Secretary of War shall assign a sufficient number of enlisted men of the line of the Army for duty as guards at said Disciplinary Barracks and as noncommissioned officers of the disciplinary organizations hereinafter authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be detached from the line of the Army, or enlisted for the purpose. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1085.)

This section has been restated to express existing law. So much of this section as commences with the words "and said guards shall be organized as infantry" has been omitted as statutory grades of enlisted men were abolished by § 604 of this title, and the statutory organization of the infantry company was abolished by § 281 of this title.

★ 1457a. Remission of unexecuted portions of sentences; restoration to duty; prisoners confined elsewhere than in United States Disciplinary Barracks and branches.—The authority vested in the Secretary of War by section 1457 of this title to give honorable restoration to duty, in case the same is merited, to general prisoners confined in the United States Disciplinary Barracks and its branches, shall be extended so that such restoration may be given to general prisoners confined elsewhere. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1074.)

This section omitted from the Code appears to be still in force.

★ 1457h. Parole for prisoners confined in United States Disciplinary Barracks.—The Secretary of War is authorized to establish a system of parole for prisoners confined in the United States Disciplinary Barracks and its branches, the terms and conditions of such parole to be such as the Secretary of War may prescribe. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1075.)

This section omitted from the Code appears to be still in force.

★ **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.

CROSS REFERENCE

Other persons subject to the Articles of War, see section 20 of Title 24, and section 716 of Title 34.

I. PRELIMINARY PROVISIONS

E. LIMITATIONS UPON PROSECUTIONS

★ **Section 1510. As to time (article 39).—**

"articles 93 and 94 of this Code," in line 7 of this section, should read "sections 1565 and 1566 of this title."

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."

1584. Effects of deceased persons; disposition of (article 112).—

This section is affected by sections 1584a to 1584c of this title. See also § 44 of Title 24.

1584a. Effects of deceased persons; temporary custodian; wills and papers involving property rights; delivery to representatives.—The effects in the possession of the General Accounting Office of persons dying while subject to military law, including papers of value, sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, including those of deceased inmates of the Soldiers' Home dying in any United States military hospital, where sent from said home for treatment, and similar effects hereafter received by the War Department under the provisions of section 1584 of this title, shall be delivered to the Soldiers' Home; wills or other papers involving property rights shall be promptly delivered to proper courts of record; the remaining effects, if the heirs or legal representatives can not be ascertained, shall be retained by the home intact until three years from the date of the death of the person on whose behalf they were received shall have expired (in the event said period shall not have already elapsed), for the purpose of delivery to the widow or legal representative of the deceased, or to the son, daughter, father (provided the father had not abandoned the support of his family), mother, brother, sister, or the next of kin in the order named, or beneficiary named in the will of the deceased, upon the establishment to the satisfaction of the home of a right thereto. (Feb. 21, 1931, c. 268, § 1, 46 Stat. 1203.)

The Act cited to the text was entitled "An Act to authorize the disposition of effects of persons dying while subject to military law."

Sections 4 and 5 of the Act cited to the text (46 Stat. 1204) provided as follows:

"SEC. 4. That the containers now in the possession of the General Accounting Office, in which are stored the effects enumerated in section 1 hereof [section 1584a of this title] shall be transferred therefrom to the Soldiers' Home to provide for the protection and safekeeping of such effects.

"SEC. 5. All laws and parts of laws, in so far as in conflict herewith, are repealed."

1584b. Same; disposition of unclaimed assets; net proceeds.—(a) After the expiration of three years from date of death of said deceased, the Soldiers' Home may sell, either at public or private sale, as deemed most advantageous, all or any

of such effects to which a right thereto shall not have been established on behalf of said deceased, his heirs, or legal representatives: *Provided*, That decorations, medals, and citations shall not be sold, but shall be disposed of as in section (b) following.

(b) Such of said effects as at the expiration of five years from date of death of deceased have neither been sold nor a right thereto established on behalf of the deceased shall be finally disposed of by said home in such manner as in the interest of the public it deems most fitting, helpful, and appropriate, either by permanent retention thereof, distribution to the Veterans' Administration, State or other military homes, museums, or other appropriate institutions, or by their destruction, if, in the opinion of the board of commissioners thereof, they no longer possess any value.

(c) The net proceeds received by the home from the sale of such effects shall be covered into the Treasury to the benefit of the fund "Soldiers' Home permanent fund (trust fund)," and such principal fund as thus augmented shall draw interest at 3 per centum per annum, payable quarterly to the treasurer of the home. (Feb. 21, 1931, c. 268, § 2, 46 Stat. 1203.)

See note to § 1584a.

1584c. Same; claims for net proceeds of effects; filing; allowance; payment.—(a) Claims for the net proceeds of effects may be filed with the General Accounting Office at any time prior to the expiration of six years from date of death of such deceased for action as authorized by section 868 of this title in the settlement of the accounts of deceased officers and enlisted men of the Army, and, if not so filed, are barred from being acted on either by the courts or the accounting officers.

(b) All claims for the net proceeds of such effects which are allowed by the General Accounting Office shall be certified to the treasurer of the home for payment by check, in the amount thus found due and accrued interest thereon, from the fund "Soldiers' Home permanent fund (trust fund)," hereby appropriated therefor in such amount as necessary. No claim thus allowed or paid shall exceed the net proceeds and accrued interest derived from the particular estate and covered into the Treasury as aforesaid. (Feb. 21, 1931, c. 268, § 3, 46 Stat. 1204.)

See note to § 1584a.

★ **1589. Removal of civil suits (article 117).—**

"section 36" in line 11 of this section should read "section 76."

★ **1593a. Offenses committed and penalties incurred prior to taking effect of chapter.**—All offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of this chapter, under any law relating to any offense or offenses cognizable by Army courts-martial or commanding officers in effect at the time of the taking effect of this chapter, may be prosecuted, punished, and enforced in the same manner and with the same effect as if this chapter had not been enacted, and as if the law relating to such offense or offenses had not been repealed. (June 4, 1920, c. 227, § 3, 41 Stat. 812.)

This section omitted from the Code appears to be still in force.

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

Sale of real estate generally as requiring authority of Congress, see § 1353 of this title.

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