

### § 222. Insane persons not to be confined in jail.

#### CODIFICATION

Section, R. S. § 4857, provided that no insane person not charged with any breach of the peace should ever be confined in the United States jail in the District of Columbia.

### Chapter 5.—THE COLUMBIA INSTITUTION FOR THE DEAF

This chapter related only to the District of Columbia. It consisted of sections 231–250 which are set out in Title 31 of the District of Columbia Code.

### Chapter 6.—THE FREEDMEN'S HOSPITAL

This chapter related only to the District of Columbia. It consisted of sections 261–264 which are set out in Title 32 of the District of Columbia Code.

### Chapter 7.—NATIONAL CEMETERIES

- Sec.
271. Manner of acquisition of lands.
- 271a. State donations of land.
272. Appraisalment of real estate.
273. Payment of appraised value.
274. Superintendents of cemeteries.
275. Selection of superintendents.
276. Fuel and quarters for superintendents.
277. Superintendent of Antietam Battlefield.
278. Care and maintenance of cemeteries.
279. Inclosure, headstones, and registers.
280. Headstones in private cemeteries; records.
- 280a. Confederate soldiers; headstones for graves; preservation of records.
- 280b. Standard headstone or marker in cemeteries where stone markers are unacceptable.
281. Persons to be buried in national cemeteries; evidence of right.
282. Burial of Confederate veterans.
283. Cemetery near City of Mexico.
284. Regulations for cemetery in Mexico.
285. Burial ground of Zachary Taylor as national cemetery.
286. Penalty for defacing cemeteries.
287. Jurisdiction of United States.
288. Single approach to cemeteries authorized.
289. Conveyance to State or municipality of approach road to national cemetery.
290. Encroachment by railroad on rights-of-way.
291. Arlington Memorial Amphitheater; commission to make recommendations for inscriptions, entombments, etc.
292. Same; chairman and executive and disbursing officer of commission.
293. Same; specific authorization from Congress for inscriptions, entombments, etc.
294. Same; restrictions on inscriptions, entombments, etc.
295. Same; character of inscriptions, etc.

#### TRANSFER OF FUNCTIONS

Section 2 of Ex. Ord. No. 6166, June 10, 1933, as amended by Ex. Ord. No. 6229, July 27, 1934; Ex. Ord. No. 6614, Feb. 26, 1934; Ex. Ord. No. 6690, Apr. 25, 1934, set out in note to section 132 of Title 5, Executive Departments and Government Officers and Employees, transferred all functions of administration of national cemeteries located within the continental limits of the United States, including national cemeteries of the War Department to the Director of National Parks, Buildings, and Reservations in the Department of the Interior.

By Ex. Ord., No. 6228, July 28, 1933, also set out in note to section 182 of Title 5, Executive Departments and Government Officers and Employees, the operation of Executive Order No. 6166 as to the transfer of national cemeteries was postponed until further order, except with regard to the following cemeteries located within the continental limits of the United States:

#### CHANGE OF NAME

The Director of National Parks, Buildings and Reservations was renamed the Director of National Park Service by act Mar. 2, 1934, ch. 38, 48 Stat. 362.

#### NATIONAL MILITARY PARKS

Chickamauga and Chattanooga National Military Park, Georgia and Tennessee.  
 Fort Donelson National Military Park, Tennessee.  
 Fredericksburg and Spotsylvania County Battle Fields Memorial, Virginia.  
 Gettysburg National Military Park, Pennsylvania.  
 Guilford Courthouse National Military Park, North Carolina.  
 Kings Mountain National Military Park, South Carolina.  
 Moores Creek National Military Park, North Carolina.  
 Petersburg National Military Park, Virginia.  
 Shiloh National Military Park, Tennessee.  
 Stones River National Military Park, Tennessee.  
 Vicksburg National Military Park, Mississippi.

#### NATIONAL PARKS

Abraham Lincoln National Park, Kentucky.  
 Fort McHenry National Park, Maryland.

#### BATTLEFIELD SITES

Antietam Battlefield, Maryland.  
 Appomattox, Virginia.  
 Brices Cross Roads, Mississippi.  
 Chalmette Monument and Grounds, Louisiana.  
 Cowpens, South Carolina.  
 Fort Necessity, Wharton County, Pennsylvania.  
 Kennesaw Mountain, Georgia.  
 Monocacy, Maryland.  
 Tupelo, Mississippi.  
 White Plains, New York.

#### NATIONAL MONUMENTS

Big Hole Battlefield, Beaverhead County, Montana.  
 Cabrillo Monument, Ft. Rosecrans, California.  
 Castle Pinckney, Charleston, South Carolina.  
 Father Millet Cross, Fort Niagara, New York.  
 Fort Marion, St. Augustine, Florida.  
 Fort Matanzas, Florida.  
 Fort Pulaski, Georgia.  
 Meriwether Lewis, Hardin County, Tennessee.  
 Mound City Group, Chillicothe, Ohio.  
 Statue of Liberty, Fort Wood, New York.

#### MISCELLANEOUS MEMORIALS

Camp Blount Tablets, Lincoln County, Tennessee.  
 Kill Devil Hill Monument, Kitty Hawk, North Carolina.  
 New Echota Marker, Georgia.  
 Lee Mansion, Arlington National Cemetery, Virginia.

#### NATIONAL CEMETERIES

Battleground, District of Columbia.  
 Antietam, (Sharpsburg) Maryland.  
 Vicksburg, Mississippi.  
 Gettysburg, Pennsylvania.  
 Chattanooga, Tennessee.  
 Fort Donelson, (Dover) Tennessee.  
 Shiloh, (Pittsburg Landing) Tennessee.  
 Stones River, (Murfreesboro) Tennessee.  
 Fredericksburg, Virginia.  
 Poplar Grove, (Petersburg) Virginia.  
 Yorktown, Virginia.

#### NATIONAL CEMETERIES IN FOREIGN COUNTRIES

The functions of administration pertaining to national cemeteries located in foreign countries, which were transferred to the Department of State, were revoked and the functions of administration pertaining to national cemeteries and memorials located in Europe, together with personnel, records, etc. were transferred to the American Battle Monuments Commission by Ex. Ord. No. 6614, April 25, 1934, set out in note under section 132 of Title 5, Executive Departments and Government Officers and Employees.

### § 271. Manner of acquisition of lands.

The Director of National Park Service shall purchase from the owners thereof, at such price as may be mutually agreed upon between the Director and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions for national ceme-

teries, and obtain from such owners the title in fee simple for the same. And in case the Director of National Park Service is not able to agree with any owner upon the price to be paid for any real estate needed for such purpose, or to obtain from such owner title in fee simple for the same, Director is authorized to enter upon and appropriate any real estate which, in his judgment, is suitable and necessary for such purposes. (R. S. § 4870; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## DERIVATION

Act Feb. 22, 1867, ch. 61, § 4, 14 Stat. 400.

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding this section.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

## § 271a. State donations of land.

The Director of National Park Service is authorized to accept (on behalf of, and without cost to, the United States) from any State title to such land as he deems suitable for national cemetery purposes. Upon the acquisition of such land by the United States, the Director of National Park Service is authorized to establish thereon a national cemetery and to provide for the care and maintenance of such national cemetery. (Ex. Ord. No. 6166, § 2, June 10, 1933; June 29, 1938, ch. 808, 52 Stat. 1233; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

## § 272. Appraisalment of real estate.

The Director of National Park Service or the owners of any real estate thus entered upon and appropriated are authorized to make application for an appraisalment of real estate thus entered upon and appropriated, to any district court within any State or district where such real estate is situated; and such court shall, upon such application, and in such mode and under such rules and regulations as it may adopt, make a just and equitable appraisalment of the cash value of the several interests of each and every owner of such real estate and improvements thereon. (R. S. § 4871; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## DERIVATION

Act Feb. 22, 1867, ch. 61, § 5, 14 Stat. 400.

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secre-

tary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

## § 273. Payment of appraised value.

When appraisalment of the real estate thus entered upon and appropriated has been made under the order and direction of the court, the fee simple thereof shall, upon payment to the owner of the appraised value, or in case such owner refuses or neglects for thirty days after the appraisalment of the cash value of the real estate or improvements as aforesaid, to demand the same from the Director of National Park Service, upon depositing the appraised value in the court making such appraisalment, to the credit of such owner, be vested in the United States, and its jurisdiction over such real estate shall be exclusive and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purposes of navy yards, forts, and arsenals. The Director of National Park Service is authorized and required to pay to the several owner or owners, respectively, the appraised value of the several pieces or parcels of real estate, as specified in the appraisalment of any of such courts, or to pay into any of such courts by deposit, as provided in this section, the appraised value; and the sum necessary for such purpose may be taken from any moneys appropriated for the purposes of national cemeteries. (R. S. § 4872; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## DERIVATION

Act Feb. 22, 1867, ch. 61, § 6, 14 Stat. 400.

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

## § 274. Superintendents of cemeteries.

The Director of National Park Service shall cause to be erected at the principal entrance of each national cemetery a suitable building to be occupied as a porter's lodge; and shall appoint a meritorious and trustworthy superintendent to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same. (R. S. § 4873; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## DERIVATION

Act Feb. 22, 1867, ch. 61, § 2, 14 Stat. 400.

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

## § 275. Selection of superintendents.

The superintendents of the national cemeteries shall be selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the Volunteer or Regular Army, who have been honorably mustered out or discharged from the service of the United States, and who may have been disabled for active field service in the line of duty. (R. S. § 4874.)

## DERIVATION

Act May 18, 1872, ch. 173, § 1, 17 Stat. 135.

## § 276. Fuel and quarters for superintendents.

The superintendents of the national cemeteries shall be furnished with quarters and fuel at the several cemeteries. (R. S. § 4875; July 30, 1912, ch. 258, 37 Stat. 240.)

## DERIVATION

Act May 18, 1872, ch. 173, § 2, 17 Stat. 135.

## § 277. Superintendent of Antietam Battlefield.

## CODIFICATION

Section, act Feb. 13, 1925, ch. 225, title II, 43 Stat. 926; act Apr. 15, 1926, ch. 146, title II, 44 Stat. 288, expired with the appropriation acts of which it was a part.

## § 278. Care and maintenance of cemeteries.

The Director of National Park Service shall provide for the care and maintenance of the national military cemeteries and for this purpose shall submit an estimate with his annual estimates to the Bureau of the Budget. (July 24, 1876, ch. 226, § 1, 19 Stat. 99; June 10, 1921, ch. 18, §§ 206, 215, 42 Stat. 21, 23; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

Bureau of the Budget was transferred to the Executive Office of the President by Reorg. Plan No. I, § 1, 4 Fed. Reg. 2727, 53 Stat. 1423.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

## § 279. Inclosure, headstones, and registers.

In the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Director of National Park Service is directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone or block which shall be of durable stone, and of such design and weight as shall keep it in place when set, and shall bear the name of the soldier and the name of his State inscribed thereon, when the same are known, and also with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the Na-

tional Park Service, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or if these are unknown, it shall be so recorded. (R. S. § 4877; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## DERIVATION

Acts Feb. 22, 1867, ch. 61, § 1, 14 Stat. 399; June 8, 1872, ch. 368, 17 Stat. 345; Mar. 3, 1873, ch. 229, 17 Stat. 545.

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

## § 280. Headstones in private cemeteries; records.

The Director of National Park Service is authorized to erect headstones over the graves of soldiers who served in the Regular or Volunteer Army of the United States during the war for the Union, and who have been buried in private village or city cemeteries, in the same manner as provided by section 279 of this title for those interred in national military cemeteries.

The Director of National Park Service shall cause to be preserved in the records of his office the names and places of burial of all soldiers for whom such headstones shall have been erected by authority of this section or any statutory provisions prior to February 3, 1879. (Feb. 3, 1879, ch. 44, 20 Stat. 281; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

## § 280a. Confederate soldiers; headstones for graves; preservation of records.

The Director of National Park Service is authorized to erect headstones over the graves of soldiers who served in the Confederate Army and who have been buried in national, city, town, or village cemeteries, or in any other places, each grave to be marked with a small headstone or block which shall be of durable stone and of such design and weight as shall keep it in place when set, and shall bear the name of the soldier and the name of his State inscribed thereon when the same are known. The Director of National Park Service shall cause to be preserved in the records of his office the name, rank, company, regiment, and date of death of the soldier, and his State; if these are unknown it shall be so recorded. (Feb. 26, 1929, ch. 324, 45 Stat. 1307; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

**§ 280b. Standard headstone or marker in cemeteries where stone markers are unacceptable.**

Notwithstanding any provision of existing law the Director of National Park Service is authorized to furnish, upon application, for use on graves in cemeteries where stone markers are not acceptable, a headstone or marker of such standard design and material as may be approved by him, within the limit of prevailing costs of the standard World War type headstone, for the grave of any deceased person for which the Secretary of War is authorized to furnish a marker or headstone: *Provided*, That the Secretary of War shall furnish the upright stone marker, authorized by section 279 of this title, for cemeteries under the jurisdiction of Director of National Park Service. (Ex. Ord. No. 6166, § 2, June 10, 1933; Apr. 18, 1940, ch. 109, 54 Stat. 142; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

**§ 281. Persons to be buried in national cemeteries; evidence of right.**

All soldiers, sailors, or marines and all officers or men of the Coast Guard dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, and all soldiers, sailors, or marines who served, or may serve, during any war in which the United States has been, or may be, engaged, and, with the consent of the Director of National Park Service, any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man in the first or second case, and a duly executed permit of the Director of National Park Service in the last case, shall be sufficient authority for the superintendent of any cemetery to permit the interment. Army nurses honorably discharged from their service as such may be buried in any national cemetery, and, if in a destitute condition, free of cost. The Director of National Park Service is authorized to issue certificates to those Army nurses entitled to such burial. Persons who were members of the Cabinet of the President of the United States at any time during

the period between April 6, 1917, and November 11, 1918, may be buried in any national cemetery: *Provided*, That the interment is without cost to the United States. (R. S. § 4878; Mar. 3, 1897, ch. 378, 29 Stat. 625; Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1389; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Apr. 15, 1920, ch. 140, 41 Stat. 552; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362; June 13, 1935, ch. 223, 49 Stat. 339.)

## DERIVATION

Acts July 17, 1862, ch. 200, § 18, 12 Stat. 596; June 1, 1872, ch. 257, 17 Stat. 202; Mar. 3, 1873, ch. 276, 17 Stat. 605.

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

**§ 282. Burial of Confederate veterans.**

Persons dying in the District of Columbia or in the immediate vicinity thereof who have served in the Confederate armies during the Civil War may be buried in the Confederate section of the Arlington National Cemetery without additional expense to the United States upon the certificate of Camp Numbered 171, United Confederate Veterans of the District of Columbia, that such persons are entitled to burial under the authority given in this section: *Provided*, That all such interments shall be under the supervision and subject to the approval of the Director of National Park Service. (Aug. 24, 1912, ch. 355, § 1, 37 Stat. 440; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 362.)

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## CHANGE OF NAME

Act Mar. 2, 1934, cited to text, changed name of Director of National Parks, Buildings, and Reservations to Director of National Park Service.

**§ 283. Cemetery near City of Mexico.**

The President is authorized to provide, out of the ordinary annual appropriations for establishing and maintaining United States military cemeteries, for the proper care and preservation and maintenance of the cemetery or burial ground near the City of Mexico, in which are interred the remains of officers and soldiers of the United States, and of citizens of the United States, who fell in battle or died in and around said city. (R. S. § 4879.)

## DERIVATION

Act Mar. 3, 1873, ch. 267, 17 Stat. 602.

**§ 284. Regulations for cemetery in Mexico.**

The cemetery in Mexico shall be subject to the rules and regulations affecting United States national military cemeteries within the limits of the

United States, so far as they may, in the opinion of the President, be applicable thereto. (R. S. § 4880.)

## DERIVATION

Act Mar. 3, 1873, ch. 267, 17 Stat. 602.

**§ 285. Burial ground of Zachary Taylor as national cemetery.**

## CODIFICATION

Section, act Feb. 24, 1925, ch. 306, § 2, 43 Stat. 970; act May 10, 1928, ch. 515, 45 Stat. 494, authorized the Secretary of War to accept the land comprising the burial place of President Zachary Taylor, and to establish a national cemetery thereon.

**§ 286. Penalty for defacing cemeteries.**

Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, gravestone, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national cemetery shall be deemed guilty of a misdemeanor, punishable by a fine of not less than \$25, and not more than \$100, or by imprisonment for not less than fifteen days, and not more than sixty. The superintendent in charge of any national cemetery is authorized to arrest forthwith any person engaged in committing any misdemeanor prohibited in this section, and to bring such person before any United States commissioner or judge of any district court of the United States within any State or district where any of the cemeteries are situated, for the purpose of holding such person to answer for such misdemeanor, and then and there shall make complaint in due form. (R. S. § 4881; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

## DERIVATION

Act Feb. 22, 1867, ch. 61, § 3, 14 Stat. 400.

**§ 287. Jurisdiction of United States.**

From the time any State legislature shall give the consent of such State to the purchase by the United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section 8, Article I, of the Constitution of the United States; and all provisions relating to national cemeteries shall be applicable to the same. (R. S. § 4882.)

## DERIVATION

Act July 1, 1870, ch. 200, § 1, 16 Stat. 188.

**§ 288. Single approach to cemeteries authorized.**

No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery. (Feb. 12, 1925, ch. 225, title II, 43 Stat. 926; Apr. 15, 1926, ch. 146, title II, 44 Stat. 287; Feb. 23, 1927, ch. 167, title II, 44 Stat. 1138; Mar. 23, 1928, ch. 232, title II, 45 Stat. 354; Feb. 28, 1929, ch. 366, title II, 45 Stat. 1375.)

**§ 289. Conveyance to State or municipality of approach road to national cemetery.**

The Secretary of War is authorized to convey to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any

Government owned or controlled approach road to any national cemetery: *Provided*, That prior to the delivery of any instrument of conveyance hereunder, the State, county, municipality, or agency to which the conveyance herein authorized is to be made, shall notify the Secretary of War in writing of its willingness to accept and maintain the road included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized the jurisdiction of the United States of America over the road conveyed shall cease and determine and shall thereafter vest in the State in which said road is located. (Ex. Ord. No. 6166, § 2, June 10, 1933; May 23, 1941, ch. 130, § 1, 55 Stat. 191.)

## REPEALS

Act Mar. 3, 1925, ch. 418, 43 Stat. 1104, formerly cited to text of this section, was repealed by act Feb. 20, 1931, ch. 235, 46 Stat. 1191. See section 1354 of Title 10, Army.

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, cited to text. See note preceding section 271 of this title.

## SIMILAR PROVISIONS

The text of this section was taken from the War Department Civil Appropriation Act, 1942, cited to text. Similar provisions were contained in the following acts:  
1940—June 24, 1940, ch. 415, § 1, 54 Stat. 506.  
1939—June 28, 1939, ch. 246, § 1, 53 Stat. 857.  
1938—June 11, 1938, ch. 348, § 1, 52 Stat. 668.

**§ 290. Encroachment by railroad on rights-of-way.**

No railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States. (May 2, 1946, ch. 247, § 1, 60 Stat. 161.)

## SIMILAR PROVISIONS

The text of this section was taken from the War Department Civil Appropriation Act, 1947, cited to text. Similar provisions were contained in the following acts:  
1945—Mar. 31, 1945, ch. 45, § 1, 59 Stat. 39.  
1944—June 26, 1944, ch. 275, § 1, 58 Stat. 327.  
1943—June 2, 1943, ch. 115, § 1, 57 Stat. 94.  
1942—Apr. 28, 1942, ch. 246, § 1, 56 Stat. 220.  
1941—May 23, 1941, ch. 130, § 1, 55 Stat. 191.  
1940—June 24, 1940, ch. 415, § 1, 54 Stat. 506.  
1939—June 28, 1939, ch. 246, § 1, 53 Stat. 857.  
1938—June 11, 1938, ch. 348, § 1, 52 Stat. 668.  
1937—July 19, 1937, ch. 511, § 1, 50 Stat. 515.  
1936—May 15, 1936, ch. 404, § 1, 49 Stat. 1305.  
1935—Apr. 9, 1935, ch. 54, title II, 49 Stat. 145.  
1934—Apr. 26, 1934, ch. 165, title II, 48 Stat. 639.  
1933—Mar. 4, 1933, ch. 281, title II, 47 Stat. 1595.  
1932—July 14, 1932, ch. 482, title II, 47 Stat. 689.  
1931—Feb. 23, 1931, ch. 279, title II, 46 Stat. 1302.  
1930—May 28, 1930, ch. 348, title II, 46 Stat. 458.  
1929—Feb. 28, 1929, ch. 366, title II, 45 Stat. 1375.  
1928—Mar. 23, 1928, ch. 232, title II, 45 Stat. 354.  
1927—Feb. 23, 1927, ch. 167, title II, 44 Stat. 1138.  
1926—Apr. 15, 1926, ch. 146, title II, 44 Stat. 287.  
1925—Feb. 12, 1925, ch. 54, title II, 49 Stat. 145.

**§ 291. Arlington Memorial Amphitheater; commission to make recommendations for inscriptions, emblems, etc.**

A commission is created, to be composed of the Secretary of War and the Secretary of the Navy, which shall submit annually to the President, who shall transmit the same to Congress by the first

Monday in December, recommendations as to what, if any, inscriptions, tablets, busts, or other memorials shall be erected, and what, if any, bodies of deceased members of the Army, Navy, and Marine Corps shall be entombed during the next ensuing year within the Arlington Memorial Amphitheater, in the Arlington National Cemetery, Virginia: *Provided*, That no memorial shall be placed and no body shall be interred in the grounds about the Arlington Memorial Amphitheater within a distance of two hundred and fifty feet from the said memorial. (Mar. 4, 1921, ch. 169, § 1, 41 Stat. 1440.)

## REFERENCES IN TEXT

The words "first Monday in December" refer to the time when Congress assembled each year pursuant to the Constitution, Art. 1, § 4. This was changed to the 3rd day of January each year by Amendment XX, § 2.

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, § 2, June 10, 1933. See note preceding section 271 of this title.

## CHANGE OF NAME

The Director of National Parks, Buildings and Reservations was renamed the Director of National Park Service by act Mar. 2, 1934, ch. 38, 48 Stat. 362.

§ 292. Same; chairman and executive and disbursing officer of commission.

The Secretary of War shall be the chairman of the commission created in section 291 of this title and the depot quartermaster of the Army in Washington shall be its executive and disbursing officer. (Mar. 4, 1921, ch. 169, § 2, 41 Stat. 1440.)

## TRANSFER OF FUNCTIONS

Effective 61 days from June 10, 1933, the administration of National Cemeteries was transferred from the Secretary of War to the Director of National Parks, Buildings, and Reservations, by Ex. Ord. No. 6166, § 2, June 10, 1933. See note preceding section 271 of this title.

## CHANGE OF NAME

The Director of National Parks, Buildings and Reservations was renamed the Director of National Park Service by act Mar. 2, 1934, ch. 38, 48 Stat. 362.

§ 293. Same; specific authorization from Congress for inscriptions, entombments, etc.

No inscription, tablet, bust, or other memorial shall be erected nor shall any body be entombed within the Arlington Memorial Amphitheater unless specifically authorized in each case by Act of the Congress. (Mar. 4, 1921, ch. 169, § 3, 41 Stat. 1440.)

§ 294. Same; restrictions on inscriptions, entombments, etc.

No inscription, tablet, bust, or other memorial as provided for in sections 291–295 of this title shall be erected to commemorate any person who shall not have rendered conspicuously distinguished service in the United States Army, Navy, or Marine Corps, nor shall the body of any such person be entombed in the Arlington Memorial Amphitheater; nor shall any such memorial be erected or any body be entombed therein within ten years after the date of the death of the person so to be commemorated, except as authorized by Congress. (Mar. 4, 1921, ch. 169, § 4, 41 Stat. 1440.)

§ 295. Same; character of inscriptions, etc.

The character, design, and location of any such inscriptions, tablets, busts, or other memorials when authorized as provided for in sections 293 and 294 of this title shall be subject to the approval of the commission created in section 291 of this title, which shall in each case obtain the advice of the Commission of Fine Arts. (Mar. 4, 1921, ch. 169, § 5, 41 Stat. 1440.)

## Chapter 7A.—PRIVATE AND COMMERCIAL CEMETERIES

## Sec.

298. Disposal of Government lots in commercial cemeteries.

§ 298. Disposal of Government lots in commercial cemeteries.

The Secretary of War is authorized to dispose of by sale or exchange for other lots, in the manner and upon such terms as he shall deem expedient, all the right, title, and interest of the United States of America in and to burial lots located in commercial cemeteries, and to execute and deliver in the name of the United States of America and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale or exchange, and that the expense of any sale shall be paid from the proceeds thereof and the net proceeds deposited in the Treasury to the credit of miscellaneous receipts. (June 20, 1939, ch. 220, 53 Stat. 843.)

## CROSS REFERENCES

Sale of real estate by War Department as prohibited by authority of Congress, see section 1354 of Title 10, Army.

## Chapter 8.—GORGAS HOSPITAL

## Sec.

301. Ancon Hospital to be known as Gorgas Hospital.  
302. Change of name as affecting various rights; records, maps, and public documents.

## CROSS REFERENCES

Gorgas Memorial Laboratory, see section 278 et seq. of Title 22, Foreign Relations and Intercourse.

§ 301. Ancon Hospital to be known as Gorgas Hospital.

In recognition of his distinguished services to humanity and as a fitting perpetuation of the name and memory of Major General William Crawford Gorgas, the Government hospital within the Canal Zone, near the City of Panama, known prior to March 24, 1928, as the Ancon Hospital, shall after such date be known and designated on the public records as the Gorgas Hospital. (Mar. 24, 1928, ch. 240, § 1, 45 Stat. 365.)

§ 302. Change of name as affecting various rights; records, maps, and public documents.

The change in the name of said hospital shall in no wise affect the rights of the Federal Government, or any municipality, corporation, association, or person; and all records, maps, and public documents of the United States in which said hospital is mentioned or referred to under the name of the Ancon Hospital or otherwise shall be held to refer to the said hospital under and by the name of the Gorgas Hospital. (Mar. 24, 1928, ch. 240, § 2, 45 Stat. 366.)