FORFEITURES OF THE VICTORIA CROSS

ANTHONY STAUNTON

The warrant authorizing the institution of the Victoria Cross contained a clause concerning forfeitures under certain circumstances. Clause 18 stated that any holder of the award "Convicted of Treason, Cowardice, Felony or any other infamous crime..." or who does not surrender himself to be tried for the said crimes will have his name erased from the Victoria Cross Register.

When the warrant for the Victoria Cross was being drafted, it was considered originally that the new award would be in the form of an Order. Statutes for Orders commonly contain provision for expulsion of members in cases of reprehensible conduct. When the form of the award was changed, the provision for expulsion remained, despite it now being less appropriate.

The first awards of the Victoria Cross were gazetted in 1857 and were backdated for the Crimean War. The first forfeiture occurred in 1861 when Queen Victoria signed a warrant deleting the name of Royal Navy Midshipman Edward St. John Daniel. However, the warrant was not published and neither were the warrants in seven other cases of forfeiture, the last in 1908.

In the years following the introduction of the Victoria Cross, amendments to the original warrant were made and on a number of occasions the warrant was completely reissued. The clause concerning forfeitures remained unchanged with the words of the 1920 warrant almost identical to the original warrant. However, in that year King George V expressed strong views on the subject, that have carried to this day. In a letter written by his private secretary it is stated that "The King feels so strongly that, no matter the crime committed by anyone on whom the Victoria Cross has been conferred, the decoration should not be forfeited. Even were a VC to be sentenced to be hanged for murder, he should be allowed to wear his Victoria Cross on the scaffold."

As a result of these views the warrant was amended, and in the most recent issue of the warrant in 1961 the relevant clause merely states that it is competent to "cancel and annul the award of The Victoria Cross."

Of the eight men who had the awards forfeited, time has had the effect of annulling their expulsion. All lists of the Victoria Cross that have been published include their names. Even the official War Office list of VC winners published in 1953 lists these men, although an appendix notes that the awards were forfeited.

There was in the original warrant and is still contained in the current warrant the provision that a forfeited VC may be restored. On at least two occasions attempts have been made to restore awards. One of the eight recipients, Sergeant James McGuire, who won the VC during the Indian Mutiny and had his award forfeited in 1862, applied for it to be restored. The case had local support and the sympathy of the stipendiary magistrate who had committed McGuire for trial. The petition failed when the Judge
misunderstood the petition which he had been invited to comment upon, since it did not relate to the pardoning of the crime, only to the mitigation of one of the consequences.  

In 1981, The Queen was petitioned from New Zealand for the restoration of the VC of the first man who had it forfeited. Edward St. John Daniel had deserted in September 1861 from the Royal Navy when summoned to appear before a court martial. The charges related to his severe drinking problem. In 1863 he was living in Melbourne, Australia, when the New Zealand Government was recruiting for an infantry battalion to serve in the Maori Wars. He saw some action before the regiment was disbanded. He reenlisted in the New Zealand Constabulary and, after a short illness, died in Hokitika Hospital on 20 May 1868. He was buried in the municipal cemetery. In the late 1960's the grave was found to be overgrown and was subsequently restored and a plaque erected by the local branch of the Returned Servicemen League. The petition to restore the Victoria Cross was not successful because, according to the Private Secretary to The Queen, an application needs to be made by the recipient, himself. The warrant does not, and has never stated that fact.


A RIFLE INSTEAD OF A MEDAL
Ed Pickens

A rifle awarded for gallantry in battle? Seems so.

As a collector of military weapons I came across a most unusual award for gallantry in battle. The model 1819 Hall U.S. breech-loading flintlock rifle was awarded by Act of Congress to the Americans who participated in the siege of Plattsburgh, New York, during the War of 1812. The rifles were awarded around 1824 to 15 Americans, who ten years earlier had volunteered and were accepted for service with the U.S. forces. The Americans had mostly been schoolboys about 15 years of age.

The contingent performed heroically in the defense of a bridge. The action was in connection with defense against a British naval-land invasion of Lake Champlain.
Regulars from the Duke of Wellington's Army, 28,000 strong, were in Canada. The plan was to slice down the Lake Champlain-Hudson River valley and split the Americans in two.

The American Fleet, under Thomas MacDonough, decisively defeated the British in a pitched battle on Lake Champlain, near Plattsburgh, compelling the land invasion force, under Sir George Prevost, to return to Canada. The battle took place on Sunday, September 11, 1814. In December peace was signed.

The unique "medal" was made by Harper's Ferry Armory from 1817 to 1840. It was a .52 caliber, single shot, breechloader. It was the first firearm successfully made with total interchangeability of parts. The presentation rifles were appropriately inscribed with a large silver plaque inset in the right butt commemorating the event and the recipient's name. A small shield-shaped plaque bearing the recipient's initials and the date of the battle is inset at the wrist. Four specimens are known to still exist.

If anyone has additional knowledge of the event or the location of the existing specimens, maybe that knowledge could be shared.

References:


CAMPAIGN MEDALS TO U.S. AND FOREIGN OFFICERS

I recently saw a color picture of Admiral of the Fleet Lord Louis Mountbatten in uniform and noticed, among his many ribbons, the U.S. Army's Distinguished Service Medal and the U.S. Legion of Merit, Chief Commander. This did not surprise me as throughout World War II the military leaders of the Allied nations awarded the decorations of their countries to fighting men and women of the Allied powers.

What did surprise me, however, was the third U.S. ribbon on his uniform - that of the Asiatic-Pacific Campaign Medal.

Shortly thereafter I saw a color picture of General of the Army Douglas MacArthur in uniform and noticed the ribbons of many foreign orders and decorations as well as a foreign campaign medal, the British Pacific Star. Since then, another collector has told me he had seen a picture of former President Dwight D. Eisenhower in uniform and the British Africa Star was among his ribbons.

Does any OMSA member know what regulations allowed high-ranking World War II U.S. military officers to accept and wear foreign campaign medals? In addition, did the same regulations that allowed U.S. decorations to be awarded to foreigners also allow the award of U.S. campaign medals? Were enlisted U.S. military personnel also authorized to accept foreign campaign medals or were these awards restricted to officers? - William R. Westlake.