

TITLE XV.

THE NAVY.

CHAPTER ONE.

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SEC. 1362. The active list of the line officers of the Navy of the United States shall be divided into eleven grades, as follows, namely:

- First. Admiral.
- Second. Vice-Admiral.
- Third. Rear-admirals.
- Fourth. Commodores.
- Fifth. Captains.
- Sixth. Commanders.
- Seventh. Lieutenant-commanders.
- Eighth. Lieutenants.
- Ninth. Masters.

Grades of line officers.

- 16 July, 1862, c. 183, s. 1, v. 12, p. 583.
- 21 Dec., 1864, c. 6, s. 1, v. 13, p. 420.
- 25 July, 1866, c. 231, s. 1, v. 14, p. 222.
- 2 Mar., 1867, c. 174, s. 1, v. 14, p. 516.
- 24 Jan., 1873, c. 62, v. 17, p. 418.

Tenth. Ensigns.

Eleventh. Midshipmen.

Provided, That vacancies occurring in the grades of Admiral and Vice Admiral shall not be filled by promotion, or in any other manner; and that when the offices of said grades shall become vacant, the grade itself shall cease to exist.

Number on the active list.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

15 July, 1870, c. 295, ss. 9, 10, v. 16, p. 333.

When exceeded.

16 July, 1862, c. 183, s. 9, v. 12, p. 584.

25 July, 1866, c. 231, ss. 1, 2, v. 14, p. 222.

Selection of rear-admirals during war.

16 July, 1862, c. 183, s. 7, v. 12, p. 584.

Promotion of rear-admirals during peace.

16 July, 1862, c.

Secretaries to Admiral and Vice-Admiral.

21 Dec. 1864, c. 6, s. 2, v. 13, p. 420.

Medical Corps; number of.

3 Mar., 1871, c. 117, s. 5, v. 16, p. 535.

Appointments in, how made.

21 April, 1806, c. 35, s. 3, v. 2, p. 390.

Appointment of assistant surgeons.

24 May, 1828, c. 121, s. 1, v. 4, p. 313.

3 Mar., 1871, c. 117, s. 5, v. 16, p. 536.

Appointment of surgeons.

24 May, 1828, c. 121, s. 1, v. 4, p. 313.

Rank of assistant surgeons in case of delayed examination.

3 Mar., 1835, c. 27, s. 1, v. 4, p. 757.

Surgeon of the fleet.

SEC. 1363. There shall be allowed on the active list of the line officers of the Navy one Admiral, one Vice-Admiral, ten rear-admirals, twenty-five commodores, fifty captains, ninety commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred masters, and one hundred ensigns; and no promotion to the grade of lieutenant-commander shall be made until the number of such grade is reduced below eighty.

SEC. 1364. The provisions of the foregoing section shall not have the effect to vacate the commission of any lieutenant-commander, lieutenant, master, or ensign appointed according to law, in excess of the respective number therein fixed; nor to preclude the advancement of any officer to a higher grade, for distinguished conduct in battle, or for extraordinary heroism, under the provisions of sections fifteen hundred and six and fifteen hundred and eight.

SEC. 1365. During war rear-admirals shall be selected from those officers on the active list, not below the grade of commanders, who shall have eminently distinguished themselves by courage, skill, and genius in their profession; but no officer shall be so promoted, under this provision, unless, upon recommendation of the President by name, he has received the thanks of Congress for distinguished service.

SEC. 1366. During peace, vacancies in the grade of rear-admiral shall be filled by regular promotion from the list of commodores, subject to examination according to law.

183, s. 7, v. 12, p. 584.

SEC. 1367. The Admiral and Vice-Admiral shall each be allowed a secretary, who shall be entitled to the rank and allowances of a lieutenant in the Navy.

16 May, 1866, c. 84, v. 14, p. 48. 25 July, 1866, c. 223, 2 Mar., 1867, c. 174, s. 1, v. 14, p. 516.

SEC. 1368. The active list of the Medical Corps of the Navy shall consist of fifteen medical directors, fifteen medical inspectors, fifty surgeons, and one hundred assistant surgeons.

SEC. 1369. All appointments in the Medical Corps shall be made by the President, by and with the advice and consent of the Senate.

16 April, 1814, c. 58, s. 5, v. 3, p. 125. 24 May, 1828, s. 3, v. 4, p. 313.

SEC. 1370. No person shall be appointed assistant surgeon until he has been examined and approved by a board of naval surgeons, designated by the Secretary of the Navy; nor who is under twenty-one or over twenty-six years of age.

3 Mar., 1871, c. 117, s. 5, v. 16, p. 536.

SEC. 1371. No person shall be appointed surgeon until he has served as an assistant surgeon at least two years, on board a public vessel of the United States at sea, nor until he has been examined and approved for such appointment, by a board of naval surgeons, designated by the Secretary of the Navy.

SEC. 1372. When any assistant surgeon was absent from the United States, on duty, at the time when others of his date were examined, he shall, if not rejected at a subsequent examination, be entitled to the same rank with them; and if, from any cause, his relative rank cannot be assigned to him, he shall retain his original position on the register.

SEC. 1373. The President may designate among the surgeons in the service, and appoint to every fleet or squadron an experienced and intel-

ligent surgeon, who shall be denominated "surgeon of the fleet," and shall be surgeon of the flag-ship. 24 May, 1828, c. 121, s. 2, v. 4, p. 313.

SEC. 1374. The surgeon of the fleet shall, in addition to his duties as surgeon of the flag-ship, examine and approve all requisitions for medical and hospital stores for the squadron or fleet, and inspect their quality. He shall, in difficult cases, consult with the surgeons of the several ships, and he shall make, and transmit to the Navy Department, records of the character and treatment of diseases in the squadron or fleet. Duties of surgeon of the fleet. 24 May, 1828, c. 121, s. 2, v. 4, p. 313.

SEC. 1375. A surgeon, assistant surgeon, or passed assistant surgeon, may be detailed as assistant to the Bureau of Medicine and Surgery, [who shall receive the highest shore pay of his grade.] Details of medical officers to Bureau of Medicine and Surgery. 16 July, 1862, c. 183, s. 18, v. 12, p. 587. 27 Feb., 1877, c. 69, v. 19, p. 244.

SEC. 1376. The active list of the Pay Corps of the Navy shall consist of thirteen pay directors, thirteen pay inspectors, fifty paymasters, thirty passed assistant paymasters, and twenty assistant paymasters. Pay Corps, number of. 15 July, 1870, c. 295, s. 11, v. 16, p. 334. 3 Mar., 1871, c. 117, s. 6, v. 16, p. 536.

SEC. 1377. Until the number of passed assistant paymasters shall have been reduced below thirty, there shall be no promotion to that grade, nor any appointment to the grade of assistant paymaster. No promotion in certain grades until number is reduced. 15 July, 1870, c. 295, s. 11, v. 16, p. 334.

SEC. 1378. All appointments in the Pay Corps shall be made by the President, by and with the advice and consent of the Senate. Appointments, how made. 30 Mar., 1812, c. 47, s. 6, v. 2, p. 699. 22 June, 1860, c. 181, s. 3, v. 12, p. 83. 17 July, 1861, c. 4, s. 1, v. 12, p. 258. 3 May, 1866, c. 72, s. 1, v. 14, p. 43.

SEC. 1379. No person shall be appointed assistant paymaster who is, at the time of such appointment, less than twenty-one or more than twenty-six years of age; nor until his physical, mental, and moral qualifications have been examined and approved by a board of paymasters appointed by the Secretary of the Navy, and according to such regulations as he may prescribe. Qualifications of assistant paymasters. 17 July, 1861, c. 4, s. 2, v. 12, p. 258.

SEC. 1380. Passed assistant paymasters shall be regularly promoted and commissioned from assistant paymasters, and paymasters from passed assistant paymasters; subject to such examinations as may be prescribed by the Secretary of the Navy. Order of promotion. 17 July, 1861, c. 4, s. 5, v. 12, p. 258. 3 May, 1866, c. 72, s. 1, v. 14, p. 43.

SEC. 1381. When the office of paymaster or assistant paymaster becomes vacant, by death or otherwise, in ships at sea, or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person, who shall perform the duties thereof until another paymaster or assistant paymaster shall report for duty, and shall be entitled to receive the pay of such grade while so acting. Acting appointments on ships at sea. 17 July, 1861, c. 4, s. 4, v. 12, p. 258.

SEC. 1382. The President may designate among the paymasters in the service, and appoint to every fleet or squadron a paymaster, who shall be denominated "paymaster of the fleet." Paymasters of the fleet. 24 May, 1828, c. 121, s. 2, v. 4, p. 313. 21 April, 1864, c. 63, s. 7, v. 13, p. 54.

SEC. 1383. Every paymaster, passed assistant paymaster, and assistant paymaster shall, before entering on the duties of his office, give bond, with two or more sufficient sureties, to be approved by the Secretary of the Navy, for the faithful performance thereof. Paymasters shall give bonds in the sum of twenty-five thousand dollars, passed assistant paymasters in the sum of fifteen thousand dollars, and assistant paymasters in the sum of ten thousand dollars. Bonds. 30 Mar., 1812, c. 47, s. 6, v. 2, p. 699. 1 Mar., 1817, c. 24, s. 1, v. 3, p. 350. 22 June, 1860, c. 181, s. 3, v. 12, p. 83. 17 July, 1861, c. 4, s. 5, v. 12, p. 258. 14 July, 1862, c. 175, s. 1, v. 12, p. 575. 3 May, 1866, c. 72, s. 2, v. 14, p. 43.—U. S. v. Tingey, 5 Pet., 115.

SEC. 1384. Officers of the Pay Corps shall give new bonds with sufficient sureties, whenever required to do so by the Secretary of the Navy. New bonds. 26 Aug., 1842, c. 206, s. 4, v. 5, p. 536.

Bond, not affected by a new commission.

3 Mar., 1871, c. 117, s. 6, v. 16, p. 536.

Clerks, when allowed.

14 July, 1862, c. 164, s. 3, v. 12, p. 565.

26 May, 1864, c. 96, v. 13, p. 92.

Clerks, when not allowed.

26 May, 1864, c. 96, v. 13, p. 92.

Clerks of passed assistant and assistant paymasters.

3 Mar., 1863, c. 118, s. 5, v. 12, p. 818.

Loans to officers by paymasters.

26 Aug., 1842, c. 206, s. 6, v. 5, p. 536.

22 June, 1860, c. 181, s. 3, v. 12, p. 83.

Engineer Corps, number and rank.

3 Mar., 1871, c. 117, s. 7, v. 16, p. 536.

24 Feb., 1874, c. 35, v. 18, p. 17.

Appointment of.

31 Aug., 1842, c. 279, s. 6, v. 5, p. 577.

3 Mar., 1845, c. 77, s. 7, v. 5, p. 794.

25 July, 1866, c. 231, s. 7, v. 14, p. 223.

Qualifications of.

3 Mar., 1871, c. 117, s. 8, v. 16, p. 536.

24 Feb., 1874, c. 35, v. 18, p. 17.

Engineer of the fleet.

21 April, 1864, c. 63, s. 7, v. 13, p. 54.

Cadet engineers.

31 Aug., 1842, c. 279, s. 6, v. 5, p. 577.

4 July, 1864, c. 252, s. 2, v. 13, p. 393.

24 Feb., 1874, c. 35, v. 18, p. 17.

Chaplains, number and appointment of.

21 April, 1806, c. 35, s. 3, v. 2, p. 390.

16 April, 1814, c. 58, s. 5, v. 3, p. 125.

4 Aug., 1842, c. 121, s. 1, v. 5, p. 500.

SEC. 1385. The issuing of a new appointment and commission to any officer of the Pay Corps shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission.

SEC. 1386. Paymasters of the fleet, paymasters on vessels having complements of more than one hundred and seventy-five persons, on supply-steamers, store-vessels, and receiving-ships, paymasters at stations and at the Naval Academy, and paymasters detailed at stations as inspectors of provisions and clothing, shall each be allowed a clerk.

SEC. 1387. No paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply-steamers and store-vessels.

SEC. 1388. Passed assistant paymasters and assistant paymasters attached to vessels of war shall be allowed clerks, if clerks would be allowed by law to paymasters so attached.

SEC. 1389. It shall not be lawful for any paymaster, passed assistant paymaster, or assistant paymaster, to advance or loan, under any pretense whatever, to any officer in the naval service, any sum of money, public or private, or any credit, or any article or commodity whatever.

SEC. 1390. The active list of the Engineer Corps of the Navy shall consist of seventy chief engineers, who shall be divided into three grades, by relative rank, as provided in Chapter Four of this Title;

Ten chief engineers;

Fifteen chief engineers; and

Forty-five chief engineers, who shall have the relative rank of lieutenant-commander or lieutenant.

And each and all of the above-named officers of the Engineer Corps shall have the pay of chief engineers of the Navy, as now provided.

One hundred first assistant engineers, who shall have the relative rank of lieutenant or master; and

One hundred second assistant engineers, who shall have the relative rank of master or ensign; and the said assistant engineers shall have the pay of first and second assistant engineers of the Navy, respectively, as now provided.

SEC. 1391. Engineers shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 1392. No person under nineteen or over twenty-six years of age shall be appointed a second assistant engineer in the Navy; nor shall any person be appointed or promoted in the Engineer Corps until after he has been found qualified by a board of competent engineers and medical officers designated by the Secretary of the Navy, and has complied with existing regulations.

SEC. 1393. The President may designate among the chief engineers in the service, and appoint to every fleet or squadron, an engineer, who shall be denominated "engineer of the fleet."

SEC. 1394. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be appointed by the President and confirmed by the Senate as second assistant engineers.

SEC. 1395. There shall be in the Navy, for the public armed vessels of the United States in actual service not exceeding twenty-four chaplains, who shall be appointed by the President with the advice and consent of the Senate.

- SEC. 1396. A chaplain shall not be less than twenty-one nor more than thirty-five years of age at the time of his appointment. Qualifications of.
14 July, 1862, c.
164, s. 7, v. 12, p. 565.
- SEC. 1397. Every chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he may be a member. Form of worship.
1 June, 1860, c.
67, s. 1, v. 12, p. 24.
- SEC. 1398. Chaplains shall report annually to the Secretary of the Navy the official services performed by them. Annual report.
1 June, 1860, c.
67, s. 1, v. 12, p. 24.
- SEC. 1399. The number of professors of mathematics in the Navy shall not exceed twelve. Professors of
mathematics,
number of.
3 Aug., 1848, c. 121, s. 12, v. 9, p. 272. 31 May, 1872, c. 240, s. 1, v. 17, p. 192.
- SEC. 1400. Professors of mathematics shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate. Appointment.
3 Aug., 1848, c.
121, s. 12, v. 9, p. 272.
- SEC. 1401. Professors of mathematics shall perform such duties as may be assigned them by order of the Secretary of the Navy, at the Naval Academy, the Naval Observatory, and on board ships of war, in instructing the midshipmen of the Navy, or otherwise. Duties.
3 Aug., 1848, c. 121,
s. 12, v. 9, p. 272.
- SEC. 1402. The President, by and with the advice and consent of the Senate, may appoint naval constructors, who shall have rank and pay as officers of the Navy. Naval construct-
ors, number and
appointment of.
25 July, 1866, c. 231, s. 7, v. 14, p. 223. 3 Mar., 1871, c. 117, s. 9, v. 16, p. 536.
- SEC. 1403. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be immediately appointed as assistant naval constructors. Assistant naval
constructors.
4 July, 1864, c.
252, s. 2, v. 13, p. 393.
- SEC. 1404. Naval constructors may be required to perform duty at any navy-yard or other station. Duty.
3 Mar., 1845, c.
77, s. 2, v. 5, p. 794.
- SEC. 1405. The President may appoint for the vessels in actual service, as many boatswains, gunners, sailmakers, and carpenters as may, in his opinion, be necessary and proper. Warrant officers,
number and ap-
pointment of.
21 April, 1866, c. 35, s. 3, v. 2, p. 390. 4 Aug., 1842, c. 121, s. 1, v. 5, p. 500. 3 Mar.,
1847, c. 48, s. 1, v. 9, p. 172.
- SEC. 1406. Boatswains, gunners, carpenters, and sailmakers shall be known and shall be entered upon the Naval Register as "warrant officers in the naval service of the United States." Title.
2 July, 1864, c.
219, s. 2, v. 13, p. 373.
- SEC. 1407. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers, upon the recommendation of their commanding officer, approved by the flag-officer and Secretary of the Navy. And upon such recommendation they shall receive a gratuity of one hundred dollars and a medal of honor, to be prepared under the direction of the Navy Department. Promotion of sea-
men to warrant
officers.
17 May, 1864, c.
89, s. 3, v. 13, pp.
79, 80.
- SEC. 1408. Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years. Seamen may be
rated as mates.
17 May, 1864, c.
89, s. 3, v. 13, p. 79. 3 Mar., 1865, c. 124, s. 3, v. 13, p. 539.
- SEC. 1409. The rating of an enlisted man as a mate, or his appointment as a warrant officer, shall not discharge him from his enlistment. Rating shall not
discharge from en-
listment.
17 May, 1864, c. 89, s. 3, v. 13, p. 79. 3 Mar., 1865, c. 124, s. 3, v. 13, p. 539.
- SEC. 1410. All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, and except secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from persons of inferior ratings. Petty officers.
17 July, 1862, c.
204, s. 18, v. 12, p.
610.
- SEC. 1411. The Secretary of the Navy may appoint, for temporary service, such acting assistant surgeons as the exigencies of the service may require, who shall receive the compensation of assistant surgeons. Acting assistant
surgeons.
3 Mar., 1865, c.
124, s. 6, v. 13, p. 539. 15 July, 1870, c. 295, s. 13, v. 16, p. 334.

Volunteer officer transferred entitled to credit for volunteer sea-service.

2 Mar., 1867, c. 174, s. 3, v. 14, p. 516.

Civil engineers and store-keepers at navy-yards.

2 Mar., 1867, c. 172, s. 1, v. 14, p. 490.

Store-keepers on foreign stations.

17 June, 1844, c. 107, s. 1, v. 5, p. 700.

3 Mar., 1847, c. 48, s. 3, v. 9, p. 172.

Store-keepers' bond.

17 June, 1844, c. 107, s. 1, v. 5, p. 700.

3 March, 1847, c. 48, s. 3, v. 9, p. 172.

Civil offices at yards may be discontinued by Secretary of the Navy.

10 Aug., 1846, c. 176, s. 1, v. 9, pp. 98, 99.

Enlisted men, number of.

7 June, 1864, c. 111, v. 13, p. 120.

17 June, 1868, c. 61, s. 2, v. 15, p. 72.

30 June, 1876, c. 159, r. 19, p. 66.

U. S. v. Thompson, 2 Spr., 103.

Term of enlistment.

2 March, 1837, c. 21, s. 1, v. 5, p. 153.

In re McNulty, 2 Lowell, 270.

Consent of parents and guardians.

2 March, 1837, c. 21, s. 1, v. 5, p. 153.

Persons not to be enlisted.

3 March, 1865, c. 79, s. 18, v. 13, p. 490.

U. S. v. Bainbridge, 1 Mas., 71; U. S. v. Stewart, Crabbe, 265.

Transfer from military to naval service.

1 July, 1864, c. 201, s. 1, v. 13, p. 342.

Men to be sent to place of enlistment at expiration of term.

SEC. 1412. Officers who have been, or may be, transferred from the volunteer service to the Regular Navy shall be credited with the sea-service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been, during such service, in the Regular Navy.

SEC. 1413. The President, by and with the advice and consent of the Senate, may appoint a civil engineer and a naval store-keeper at each of the navy-yards where such officers may be necessary.

SEC. 1414. The Secretary of the Navy may appoint citizens who are not officers of the Navy to be store-keepers on foreign stations, when suitable officers of the Navy cannot be ordered on such service, or when, in his opinion, the public interest will be thereby promoted.

SEC. 1415. Every person who is appointed store-keeper under the provisions of the preceding section shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

SEC. 1416. The Secretary of the Navy is authorized, when in his opinion the public interest will permit it, to discontinue the office or employment of any measurer and inspector of timber, clerk of the yard, clerk of the commandant, clerk of the store-keeper, clerk of the naval constructor, and the keeper of the magazine employed at any navy-yard, and to require the duties of the keeper of the magazine to be performed by gunners.

SEC. 1417. [*The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, shall not exceed eight thousand five hundred.*] [The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, shall not exceed seven thousand and five hundred.]

SEC. 1418. Boys between the ages of sixteen and eighteen years may be enlisted to serve in the Navy until they shall arrive at the age of twenty-one years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President. [See § 1624 : Art. 19.]

SEC. 1419. Minors between the age of sixteen and eighteen years shall not be enlisted for the naval service without the consent of their parents or guardians. [See § 1624 : Art. 19.]

SEC. 1420. No minor under the age of sixteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States shall be enlisted in the naval service.

SEC. 1421. Any person enlisted in the military service of the United States may, on application to the Navy Department, approved by the President, be transferred to the Navy or Marine Corps, to serve therein the residue of his term of enlistment, subject to the laws and regulations for the government of the Navy. But such transfer shall not release him from any indebtedness to the Government, nor, without the consent of the President, from any penalty incurred for a breach of military law.

SEC. 1422. [*It shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic port of the United States, in some public or other vessel, all petty officers and per-*

sons of inferior ratings desiring to go there, at the expiration of their terms of service, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be very essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic port.] [That it shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast of the United States, in some public or other vessel, all petty-officers and persons of inferior ratings desiring to go there at the expiration of their terms of enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic or Pacific port. All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment; and that all persons sent home, or detained by a commanding officer, according to the provisions of this act, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge; and all persons so detained by such officer, or re-entering to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port; and that all persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily re-enter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay: *Provided*, That the shipping-articles shall hereafter contain the substance of this section.]

SEC. 1423. All persons sent home, or detained by a commanding officer, according to the provisions of the preceding section, shall be subject in all respects to the laws and regulations for the government of the Navy, until their return to an Atlantic port and their regular discharge.

SEC. 1424. Persons so detained by a commanding officer, or re-entering to serve until the return to an Atlantic port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port.

SEC. 1425. The shipping articles shall contain the substance of the three sections next preceding and of section fifteen hundred and seventy-two.

SEC. 1426. Honorable discharges may be granted to seamen, ordinary seamen, landsmen, firemen, coal-heavers, and boys who have enlisted for three years.

SEC. 1427. Honorable discharges shall be granted according to a form prescribed by the Secretary of the Navy.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.
3 Mar., 1875, c. 155, v. 18, p. 484.

Wilkes v. Dinsman, 7 How., 125.

Subject to regulations while sent home or detained.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Limit of detention.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

What to be contained in shipping articles.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Honorable discharge, to whom granted.

2 Mar., 1855, c. 136, s. 1, v. 10, p. 627. 7 June, 1864, c. 111, v. 13, p. 120.

Form of honorable discharge.

2 Mar., 1855, c. 136, s. 1, v. 10, p. 627. 7 June, 1864, c. 111, v. 13, p. 120.

CHAPTER TWO.

GENERAL PROVISIONS RELATING TO OFFICERS.

Sec.	Sec.
1428. Citizenship.	1436. Staff officers who have been chiefs of Bureaus.
1429. Report of men entitled to honorable discharge.	1437. Officers detailed for service of the War Department.
1430. To discourage sale of prize-money or wages.	1438. Officers to act as store-keepers on foreign stations.
1431. Duty as to granting leave and liberty.	1439. Bonds of.
1432. Acting as paymasters.	1440. Accepting appointments in diplomatic service.
1433. Consular powers.	1441. Officers dismissed, or resigning to escape dismissal.
1434. Command of squadrons.	1442. Placing on furlough.
1435. Lieutenant-commanders, how assignable.	

Citizenship. SEC. 1428. The officers of vessels of the United States shall in all cases be citizens of the United States.

28 June, 1864, c. 170, s. 1, v. 13, p. 201.
Report of men entitled to honorable discharge. SEC. 1429. It shall be the duty of every commanding officer of a vessel, on returning from a cruise, and immediately on his arrival in port, to forward to the Secretary of the Navy a list of the names of such of the crew who enlisted for three years as, in his opinion, on being discharged, are entitled to an "honorable discharge" as a testimonial of fidelity and obedience; and he shall grant the same to the persons so designated.

2 Mar., 1855, c. 136, s. 1, v. 10, p. 627.
To discourage sale of prize-money or wages. SEC. 1430. Every commanding officer of a vessel is required to discourage his crew from selling any part of their prize-money, bounty-money, or wages, and never to attest any power of attorney for the transfer thereof until he is satisfied that the same is not granted in consideration of money given for the purchase of prize-money, bounty-money, or wages. [See § 4643.]

30 June, 1864, c. 174, s. 12, v. 13, p. 310.
Duty as to granting leave and liberty. SEC. 1431. It shall be the duty of commanding officers of vessels, in granting temporary leave of absence and liberty on shore, to exercise carefully a discrimination in favor of the faithful and obedient.

2 Mar., 1855, c. 136, s. 3, v. 10, p. 627.
Acting as paymasters. SEC. 1432. No commanding officer of any vessel of the Navy shall be required to perform the duties of a paymaster, passed assistant paymaster, or assistant paymaster.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.
Consular powers. SEC. 1433. The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States.

20 Feb., 1845, c. 17, s. 2, v. 5, p. 725.
Command of squadrons. SEC. 1434. The President may select any officer not below the grade of commander on the active list of the Navy, and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron, holding commissions of an older date than his, that he would be entitled to receive if his commission were the oldest.

21 Dec., 1861, c. 1, s. 4, v. 12, p. 329.
Lieutenant-commanders, how assignable. SEC. 1435. Lieutenant-commanders may be assigned to duty as first lieutenants of naval stations, as navigation and watch officers on board of vessels of war, and as first lieutenants of vessels not commanded by lieutenant-commanders.

16 July, 1862, c. 183, s. 3, v. 12, p. 584.
Staff officers who have been chiefs of Bureaus. SEC. 1436. Any staff officer of the Navy who has performed the duty of a chief of a Bureau of the Navy Department for a full term shall thereafter be exempt from sea duty, except in time of war.

3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1437. The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War.

SEC. 1438. The Secretary of the Navy shall order a suitable commissioned or warrant officer of the Navy, except in the case provided in section fourteen hundred and fourteen, to take charge of the naval stores for foreign squadrons at each of the foreign stations where such stores may be deposited, and where a store-keeper may be necessary.

SEC. 1439. Every officer so acting as store-keeper on a foreign station shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

SEC. 1440. If any officer of the Navy accepts or holds an appointment in the diplomatic or consular service of the Government, he shall be considered as having resigned his place in the Navy, and it shall be filled as a vacancy.

SEC. 1441. No officer of the Navy who has been dismissed by the sentence of a court-martial, or suffered to resign in order to escape such dismissal, shall ever again become an officer of the Navy.

SEC. 1442. The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy.

3 Mar., 1835, c. 27, s. 1, v. 4, pp. 756, 757. 3 Mar., 1845, c. 77, s. 6, v. 5, p. 794. 28 Feb., 1855, c. 127, s. 3, v. 10, p. 617. 1 June, 1860, c. 67, s. 4, v. 12, p. 27.

CHAPTER THREE.

RETIRED OFFICERS OF THE NAVY.

Sec.

- 1443. After forty years' service.
- 1444. After sixty-two years of age, or forty-five years' service.
- 1445. Officers of certain ranks to be retired only for disability.
- 1446. Officers who have received a vote of thanks.
- 1447. Officers rejected from promotion.
- 1448. Retiring-board.
- 1449. Powers and duties of.
- 1450. Oath of members.
- 1451. Findings.
- 1452. Revision by the President.
- 1453. Disability by an incident of the service.

Sec.

- 1454. Disability by other causes.
- 1455. Not to be retired without a hearing.
- 1456. Not to be retired for misconduct.
- 1457. Privileges and liabilities.
- 1458. Vacancies by retirement.
- 1459. Withdrawn from command.
- 1460. Rear-admirals on retired list.
- 1461. Retired officers; promotion.
- 1462. Active duty.
- 1463. Assigned to command of squadrons and ships.
- 1464. Commanders of squadrons, from what grades selected.
- 1465. When restored to active list.

SEC. 1443. When any officer of the Navy has been forty years in the service of the United States he may be retired from active service by the President upon his own application.

SEC. 1444. When any officer below the rank of Vice-Admiral is sixty-two years old, he shall, except in the case provided in the next section, be retired by the President from active service.

21 Dec., 1861, c. 1, s. 1, v. 12, p. 329. 16 July, 1862, c. 183, s. 8, v. 12, p. 584. 25 June, 1864, c. 152, s. 1, v. 13, p. 183. 21 Dec., 1864, c. 6, s. 3, v. 13, p. 420. 3 Mar., 1873, c. 230, v. 17, p. 556.

SEC. 1445. The two preceding sections shall not apply to any lieutenant-commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

Officers detailed for service of the War Department.

12 Feb., 1862, c. 21, v. 12, p. 338.

Officers to act as store-keepers on foreign stations.

17 June, 1844, c. 107, s. 1, v. 5, p. 700.

3 Mar., 1847, c. 48, s. 3, v. 9, p. 172.

Bonds of.
17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701.

Accepting appointments in diplomatic service.

30 Mar., 1868, c. 38, s. 2, v. 15, p. 58.

Officers dismissed, or resigning to escape dismissal.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

Placing on furlough.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After forty years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

Officers who have received a vote of thanks.

16 July, 1862, c. 183, s. 8, v. 12, p. 584.

Officers rejected from promotion.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.

Retiring-board.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

Powers and duties of.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Oath of members.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

Findings.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

Revision by the President.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

Disability by an incident of the service.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

Disability by other causes.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

Not to be retired without a hearing.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

Not to be retired for misconduct.

15 July, 1870, c. 295, s. 6, v. 16, p. 333.

Privileges and liabilities.

16 Jan., 1857, c. 12, s. 4, v. 11, p. 154.

3 Aug., 1861, c. 42, ss. 22, 23, 24, v. 12, pp. 290, 291.

30 Jan., 1875, c. 30, v. 18, p. 304.

SEC. 1446. Officers on the active list, not below the grade of commander, who have, upon the recommendation of the President, received by name, during the war for the suppression of the rebellion, a vote of thanks of Congress for distinguished service, shall not be retired, except for cause, until they have been fifty-five years in the service of the United States.

SEC. 1447. When the case of any officer has been acted upon by a board of naval surgeons and an examining board for promotion, as provided in Chapter Four of this Title, and he shall not have been recommended for promotion by both of the said boards, he shall be placed upon the retired list.

SEC. 1448. Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or whenever, in the judgment of the President, an officer is incapacitated to perform the duties of his office, the President, at his discretion, may direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be members of the Medical Corps of the Navy. Said board, except the officers taken from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

SEC. 1449. Said retiring-board shall be authorized to inquire into and determine the facts touching the nature and occasion of the disability of any such officer, and shall have such powers of a court-martial and of a court of inquiry as may be necessary.

SEC. 1450. The members of said board shall be sworn in each case to discharge their duties honestly and impartially.

SEC. 1451. When said retiring-board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, produced his incapacity, and whether such cause is an incident of the service.

SEC. 1452. A record of the proceedings and decision of the board in each case shall be transmitted to the Secretary of the Navy, and shall be laid by him before the President for his approval or disapproval, or orders in the case.

SEC. 1453. When a retiring-board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of the service, such officer shall, if said decision is approved by the President, be retired from active service with retired pay, as allowed by Chapter Eight of this Title.

SEC. 1454. When said board finds that an officer is incapacitated for active service and that his incapacity is not the result of any incident of the service, such officer shall, if said decision is approved by the President, be retired from active service on furlough-pay, or wholly retired from service with one year's pay, as the President may determine.

SEC. 1455. No officer of the Navy shall be retired from active service, or wholly retired from the service, without a full and fair hearing before such Navy retiring-board, if he shall demand it, except in cases where he may be retired by the President at his own request, or on account of age or length of service, or on account of his failure to be recommended by an examining board for promotion.

SEC. 1456. No officer of the Navy shall be placed on the retired list because of misconduct; but he shall be brought to trial by court-martial for such misconduct.

SEC. 1457. Officers retired from active service shall be placed on the retired list of officers of the grades to which they belonged respectively at the time of their retirement, and continue to be borne on the Navy Register. They shall be entitled to wear the uniform of their respective grades, and shall be subject to the rules and articles for the government of the Navy and to trial by general court-martial. The names of officers wholly retired from the service shall be omitted from the Navy Register.

SEC. 1458. The next officer in rank shall be promoted to the place of a retired officer, according to the established rules of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer.

Vacancies by retirement.

3 Aug., 1861, c. 42, s. 22, v. 12, p. 291.
s. 6, v. 12, p. 330.

21 Dec., 1862, c. 1,

SEC. 1459. Officers on the retired list shall be withdrawn from command, except in the case provided in sections fourteen hundred and sixty-three and fourteen hundred and sixty-four, and from the line of promotion on the active list.

Withdrawn from command.

3 Aug., 1862, c. 42, s. 22, v. 12, p. 290.
3, 4, v. 12, p. 329.

21 Dec., 1861, c. 1, ss.

SEC. 1460. There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list: *Provided*, That this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have commanded squadrons by order of the Secretary of the Navy, or who have performed other highly meritorious service, [or who, being at the outbreak of the late war of the rebellion citizens of any State which engaged in such rebellion, exhibited marked fidelity to the Union in adhering to the flag of the United States.]

Rear-admirals on retired list.

16 July, 1862, c. 183, s. 14, v. 12, p. 585.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

15 Aug., 1876, c. 302, v. 19, p. 204.

SEC. 1461. Officers on the retired list of the Navy shall be entitled to promotion as their several dates upon the active list are promoted: *Provided*, That no promotion shall be made to the grade of rear-admiral upon the retired list while there shall be in that grade nine rear-admirals by promotion on that list, exclusive of those so promoted by reason of having commanded squadrons by order of the Secretary of the Navy, or of having performed other highly meritorious service. No promotion to the grade of rear-admiral on the retired list while there shall be in that grade the full number allowed by law.

Retired officers; promotion.

16 Jan., 1857, c. 12, s. 4, v. 11, p. 154.

2 Mar., 1867, c. 174, s. 9, v. 14, p. 517.

30 Jan., 1875, c. 30, v. 18, p. 304.

SEC. 1462. No officer on the retired list of the Navy shall be employed on active duty except in time of war.

Active duty.

3 Mar., 1873, c. 230, v. 17, p. 547.

SEC. 1463. In time of war the President, by and with the advice and consent of the Senate, may detail officers on the retired list for the command of squadrons and single ships, when he believes that the good of the service requires that they shall be so placed in command.

Assigned to command of squadrons and ships.

21 Dec., 1861, c. 1, s. 3, v. 12, p. 329.

3 Mar., 1873, c. 230, s. 1, v. 17, p. 547.

SEC. 1464. In making said details the President may select any officer not below the grade of commander and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron holding commissions of an older date than his that he would be entitled to receive if his commission were the oldest.

Commanders of squadrons, from what grades selected.

21 Dec., 1861, c. 1, s. 4, v. 12, p. 329.

SEC. 1465. Retired officers so detailed for the command of squadrons and single ships may be restored to the active list, if, upon the recommendation of the President, they shall receive a vote of thanks of Congress for their services and gallantry in action against the enemy, and not otherwise.

When restored to active list.

21 Dec., 1861, c. 1, s. 3, v. 12, p. 329.

CHAPTER FOUR.

RANK AND PRECEDENCE, PROMOTION AND ADVANCEMENT.

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1466.	Relative rank of Navy and Army officers.	1470. Staff officers, when to communicate directly with commanding officers.
1467.	Rank according to date.	1471. Chiefs of Bureaus.
1468.	Commanding officers of vessels and stations.	1472. Chief of Bureau, when below rank of commodore.
1469.	Aid or executive officer.	1473. Retired from position of chief of Bureau.

Sec.
 1474. Medical Corps.
 1475. Pay Corps.
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 1477. Constructors.
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 1480. Professors of mathematics.
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 1486. Length of service, how estimated.
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Sec.
 OF PROMOTION AND ADVANCEMENT.
 1493. Physical examination.
 1494. Physical disqualification by wounds.
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 1496. Examination of professional fitness.
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 1498. Examining board.
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 1500. Officer may be present and make statement.
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 1508. Officers receiving thanks of Congress.
 1509. Effect of vote of thanks.
 1510. Vacancies occasioned by death, &c., of officers thanked.

Relative rank of Navy and Army officers.

16 July, 1862, c. 183, s. 13, v. 12, p. 585.

21 Dec., 1864, c. 6, s. 1, v. 13, p. 420.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

2 Mar., 1867, c. 174, s. 1, v. 14, pp. 515, 516.

Rank according to date.

16 July, 1862, c. 183, s. 1, v. 12, p. 583.

21 April, 1864, c. 63, s. 7, v. 13, p. 54.

24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

Commanding officers of vessels and stations.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Aid or executive officer.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Staff officers, when to communicate directly with commanding officer.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Chiefs of Bureaus.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1466. The relative rank between officers of the Navy, whether on the active or retired list, and officers of the Army, shall be as follows, lineal rank only being considered:

The Vice-Admiral shall rank with the Lieutenant-General.

Rear-admirals with major-generals.

Commodores with brigadier-generals.

Captains with colonels.

Commanders with lieutenant-colonels.

Lieutenant-commanders with majors.

Lieutenants with captains.

Masters with first lieutenants.

Ensigns with second lieutenants.

SEC. 1467. Line officers shall take rank in each grade according to the dates of their commissions.

SEC. 1468. Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command.

SEC. 1469. The Secretary of the Navy may, in his discretion, detail a line officer to act as the aid or executive of the commanding officer of a vessel of war or naval station, which officer shall, when not impracticable, be next in rank to said commanding officer. Such aid or executive shall, while executing the orders of the commanding officer on board the vessel or at the station, take precedence over all officers attached to the vessel or station. All orders of such aid or executive shall be regarded as proceeding from the commanding officer, and the aid or executive shall have no independent authority in consequence of such detail.

SEC. 1470. Staff officers, senior to the officer so detailed, shall have the right to communicate directly with the commanding officer.

SEC. 1471. The chiefs of the Bureau of Medicine and Surgery, Provisions and Clothing, Steam Engineering, and Construction and Repair shall have the relative rank of commodore while holding said position, and shall have, respectively, the title of Surgeon-General, Paymaster-General, Engineer-in-Chief, and Chief Constructor.

SEC. 1472. When the office of chief of Bureau is filled by a line officer below the rank of commodore, said officer shall have the relative rank of commodore during the time he holds said office.

Chief of Bureau, when below rank of commodore.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1473. Officers who have been or who shall be retired from the position of chiefs of the Bureau of Medicine and Surgery, of Provisions and Clothing, of Steam Engineering, or of Construction and Repair, by reason of age or length of service, shall have the relative rank of commodore.

Retired from position of chief of Bureau.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1474. Officers of the Medical Corps on the active list of the Navy shall have relative rank as follows:

Medical Corps.

Medical directors, the relative rank of captain.

3 Mar., 1871, c. 117, s. 5, v. 16, p. 535.

Medical inspectors, the relative rank of commander.

Surgeons, the relative rank of lieutenant-commander or lieutenant.

Passed assistant surgeons, the relative rank of lieutenant or master.

Assistant surgeons, the relative rank of master or ensign.

SEC. 1475. Officers of the Pay Corps on the active list of the Navy shall have relative rank as follows:

Pay Corps.

Pay directors, the relative rank of captain.

3 Mar., 1871, c. 117, s. 6, v. 16, p. 536.

Pay inspectors, the relative rank of commander.

Paymasters, the relative rank of lieutenant-commander or lieutenant.

Passed assistant paymasters, the relative rank of lieutenant or master.

Assistant paymasters, the relative rank of master or ensign.

SEC. 1476. Officers of the Engineer Corps on the active list shall have relative rank as follows:

Engineer Corps.

Of the chief engineers, ten shall have the relative rank of captain, fifteen that of commander, and forty-five that of lieutenant-commander or lieutenant.

3 Mar., 1871, c. 117, s. 7, v. 16, p. 536.

24 Feb., 1874, c. 35, r. 18, p. 17.

First assistant engineers shall have the relative rank of lieutenant or master, and second assistant engineers that of master or ensign.

SEC. 1477. Of the naval constructors, two shall have the relative rank of captain, three of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors shall have the relative rank of lieutenant or master.

Constructors.

3 Mar., 1871, c. 117, s. 9, v. 16, p. 536.

SEC. 1478. Civil engineers shall have such relative rank as the President may fix.

Civil engineers.

3 Mar., 1871, c. 117, s. 9, v. 16, p. 536.

SEC. 1479. Chaplains shall have relative rank as follows: Four, the relative rank of captain; seven, that of commander; and not more than seven, that of lieutenant-commander or lieutenant.

Chaplains.

3 Mar., 1871, c. 117, s. 9, v. 16, p. 536.

SEC. 1480. Professors of mathematics shall have relative rank as follows: Three, the relative rank of captain; four, that of commander; and five, that of lieutenant-commander or lieutenant. [The grades established in the six preceding sections for the staff corps of the Navy shall be filled by appointment from the highest members in each corps, according to seniority; and new commissions shall be issued to the officers so appointed, in which the titles and grades established in said sections shall be inserted; and no existing commission shall be vacated in the said several staff corps, except by the issue of the new commissions required by the provisions of this section; and no officer shall be reduced in rank or lose seniority in his own corps by any change which may be required under the provisions of the said six preceding sections: *Provided*, That the issuing of a new appointment and commission to any officer of the pay corps under the provisions of this section shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission.]

Professors of mathematics.

31 May, 1872, c. 240, s. 1, v. 17, p. 192.

27 Feb., 1877, c. 69, r. 19, p. 244.

SEC. 1481. Officers of the Medical, Pay, and Engineer Corps, chaplains, professors of mathematics, and constructors, who shall have served faithfully for forty-five years, shall, when retired, have the relative rank of commodore; and officers of these several corps who have been or shall be retired at the age of sixty-two years, before having served for forty-five years, but who shall have served faithfully until retired, shall, on

When retired for age or length of service.

3 Mar., 1871, c. 117, s. 11, v. 16, p. 537.

Retired for causes incident to service.

3 Mar., 1871, c. 117, s. 11, v. 16, p. 537.

Graduates of Naval Academy.

23 May, 1872, c. 195, s. 1, v. 17, p. 153.

Engineers graduated at Naval Academy.

3 Mar., 1873, c. 230, s. 1, v. 17, p. 555.

Precedence by length of service.

3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

Length of service, how estimated.

3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

Quarters.

3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

Military command.

General Orders

31 Aug., 1846, and 76, s. 2, v. 11, p. 407.

Processions, boards, &c.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Ensigns as steerage officers.

15 July, 1870, c. 295, s. 10, v. 16, p. 334.

Warrant officers.

2 July, 1864, c. 219, s. 1, v. 13, p. 373.

Revenue-cutter officers serving as part of the Navy.

2 Mar., 1799, c. 22, s. 98, v. 1, pp. 699, 700.

16 July, 1862, c. 183, ss. 1, 11, v. 12, pp. 583, 585.

the completion of forty years from their entry into the service, have the relative rank of commodore.

SEC. 1482. Staff-officers, who have been or shall be retired for causes incident to the service before arriving at sixty-two years of age, shall have the same rank on the retired list as pertained to their position on the active list.

SEC. 1483. Graduates of the Naval Academy shall take rank according to their proficiency as shown by their order of merit at the date of graduation.

SEC. 1484. Engineer officers graduated at the Naval Academy shall take precedence with all other officers with whom they have relative rank, according to the actual length of service in the Navy.

SEC. 1485. The officers of the staff corps of the Navy shall take precedence in their several corps, and in their several grades, and with officers of the line with whom they hold relative rank according to length of service in the Navy.

SEC. 1486. In estimating the length of service for such purpose, the several officers of the staff corps shall, respectively, take precedence in their several grades and with those officers of the line of the Navy with whom they hold relative rank who have been in the naval service six years longer than such officers of said staff corps have been in said service; and officers who have been advanced or lost numbers on the Navy Register shall be considered as having gained or lost length of service accordingly.

SEC. 1487. No staff officer shall, in virtue of his relative rank or precedence, have any additional right to quarters.

SEC. 1488. The relative rank given by the provisions of this chapter to officers of the Medical, Pay, and Engineer Corps shall confer no authority to exercise military command.

27 May, 1847. 5 Aug., 1854, c. 268, s. 4, v. 10, p. 587. 3 Mar., 1859, c.

SEC. 1489. In processions on shore, or courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, line and staff officers shall take precedence according to rank.

SEC. 1490. Ensigns shall be steerage officers, unless assigned to duty as watch and division officers.

SEC. 1491. The President may, if he shall deem it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sailmakers, as follows: After five years' service, to rank with ensigns, and after ten years' service to rank with masters.

SEC. 1492. The officers of the revenue-cutter service when serving, in accordance with law, as a part of the Navy, shall be entitled to relative rank, as follows: Captains, with and next after lieutenants commanding in the Navy; first lieutenants, with and next after lieutenants in the Navy; second lieutenants, with and next after masters in line in the Navy; third lieutenants, with and next after ensigns in the Navy.

4 Feb., 1863, c. 20, s. 4, v. 12, p. 640.

OF PROMOTION AND ADVANCEMENT.

Physical examination.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.

28 July, 1866, c. 312, s. 1, v. 14, p. 344.

Physical disqualification by wounds.

SEC. 1493. No officer shall be promoted to a higher grade on the active list of the Navy, except in the case provided in the next section, until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea.

SEC. 1494. The provisions of the preceding section shall not exclude from the promotion to which he would otherwise be regularly entitled

any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

SEC. 1495. Officers subject to examination before promotion to a grade limited in number by law shall not be entitled to examination in such a sense as to give increase of pay until designated by the Secretary of the Navy to fill vacancies in the higher grade; and officers eligible for promotion to a grade not limited in number shall not be entitled to examination until ordered to present themselves for examination or until a class, in which they are included, has been so ordered by the Secretary of the Navy.

SEC. 1496. No line officer below the grade of commodore, and no officer not of the line, shall be promoted to a higher grade on the active list of the Navy until his mental, moral, and professional fitness to perform all his duties at sea have been established to the satisfaction of a board of examining officers appointed by the President.

SEC. 1497. In time of peace no person shall be promoted from the list of commodores to the grade of rear-admiral, on the active list, until his mental, moral, and professional fitness to perform all his duties at sea has been established as provided in the preceding section.

SEC. 1498. Such examining board shall consist of not less than three officers, senior in rank to the officer to be examined.

SEC. 1499. Said board shall have power to take testimony and to examine all matter on the files and records of the Navy Department relating to any officer whose case may be considered by them. The witnesses, when present, shall be sworn by the president of the board.

SEC. 1500. Any officer whose case is to be acted upon by such examining board shall have the right to be present, if he so desires, and to submit a statement of his case on oath.

SEC. 1501. The statement of such officer, if made, and the testimony of the witnesses and his examination shall be recorded.

SEC. 1502. Any matter on the files and records of the Navy Department, touching each case, which may, in the opinion of the board, be necessary to assist them in making up their judgment, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding.

SEC. 1503. No officer shall be rejected until after such public examination of himself and of the records of the Navy Department in his case, unless he fails, after having been duly notified, to appear before said board.

SEC. 1504. Such examining board shall report their recommendation of any officer for promotion in the following form: "We hereby certify that _____ has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion."

SEC. 1505. Any officer of the Navy on the active list below the grade of commander, who, upon examination for promotion, is not found professionally qualified, shall be suspended from promotion for one year, with corresponding loss of date when he shall be re-examined, and in case of his failure upon such re-examination he shall be dropped from the service.

SEC. 1506. Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.
28 July, 1866, c. 312, s. 1, v. 14, pp. 344, 345.

Examinations, when; and effect of.

3 Mar., 1873, c. 230, s. 1, v. 17, p. 555.

22 June, 1874, c. 392, v. 18, p. 191.

Examination of professional fitness.

21 April, 1864, c. 63, s. 1, v. 13, p. 53.

Promotion to rear-admiral in time of peace.

16 July, 1862, c. 183, s. 7, v. 12, p. c. 63, v. 13, p. 53.

Examining board.

21 April, 1864, c. 63, s. 2, v. 13, p. 53.

Powers of.

21 April, 1864, c. 63, s. 1, v. 13, p. 53.

Officer may be present and make statement.

21 April, 1864, c. 63, s. 3, v. 13, p. 53.

Record.

21 April, 1864, c. 63, s. 3, v. 13, p. 53.

Revision by the President.

21 April, 1864, c. 63, s. 3, v. 13, p. 53.

No officer to be rejected without examination.

21 April, 1864, c. 63, s. 3, v. 13, p. 53.

Report of recommendation.

16 July, 1862, c. 183, s. 4, v. 12, p. 584.

As amended by v. 14, pp. 344, 345.

Failing in examination.

15 July, 1870, c. 295, s. 8, v. 16, p. 333.

Advancement in number.

21 April, 1864, c. 63, s. 6, v. 13, p. 54.

24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

Promotion when grade is full.

24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.
22 June, 1874, c. 392, v. 18, p. 191.

Officers receiving thanks of Congress.

16 July, 1862, c. 183, s. 9, v. 12, p. 584.
24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Effect of vote of thanks.

1 July, 1870, Res. 96, s. 1, v. 16, p. 384.

Vacancies occasioned by death, &c., of officers thanked.

1 July, 1870, Res. 96, s. 1, v. 16, p. 384.

SEC. 1507. Any officer who is nominated to a higher grade by the provisions of the preceding section, shall be promoted, notwithstanding the number of said grade may be full; but no further promotions shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

SEC. 1508. Any line officer, whether of volunteers or of the regular Navy, may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession.

SEC. 1509. A vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and whenever, as an incident thereof, an officer who would otherwise be retired is retained on the active list, such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion.

SEC. 1510. No promotion shall be made to fill a vacancy occasioned by the final retirement, death, resignation, or dismissal of an officer who has received a vote of thanks, unless the number of officers left in the grade where the vacancy occurs shall be less than the number authorized by law.

CHAPTER FIVE.

THE NAVAL ACADEMY.

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- 1514. Nomination of candidates.
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- 1521. Promotion to midshipmen.
- 1522. Cadet engineers.
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- 1526. Studies not to be pursued on Sunday.
- 1527. Store-keeper at the Academy.
- 1528. Professors of ethics, Spanish, and drawing.

Where established.

21 May, 1864, c. 93, s. 4, v. 13, p. 85.

Title of students.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

Number of cadet midshipmen.

2 Mar., 1867, c. 174, s. 8, v. 14, p. 517.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

Nomination of candidates.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

Benjamin's Case, 10 C. Cls., 474.

Examination of candidates.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

17 April, 1866, c. 45, s. 5, v. 14, p. 38

SEC. 1511. The Naval Academy shall be established at Annapolis, in the State of Maryland.

SEC. 1512. The students at the Naval Academy shall be styled cadet midshipmen.

SEC. 1513. There shall be allowed at said Academy one cadet midshipman for every Member or Delegate of the House of Representatives, one for the District of Columbia, and ten appointed annually at large.

SEC. 1514. The Secretary of the Navy shall, as soon after the 5th of March in each year as possible, notify, in writing, each Member and Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by the first day of July of that year; but if it is not made by that time, the Secretary of the Navy shall fill the vacancy. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President.

SEC. 1515. All candidates for admission into the Academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class, unless recommended by the board of examiners.

SEC. 1516. When any candidate who has been nominated upon the recommendation of a Member or Delegate of the House of Representatives is found, upon examination, to be physically or mentally disqualified for admission, the Member or Delegate shall be notified to recommend another candidate, who shall be examined according to the provisions of the preceding section.

SEC. 1517. Candidates allowed for congressional districts, for Territories, and for the District of Columbia must be actual residents of the districts or Territories, respectively, from which they are nominated. And all candidates must, at the time of their examination for admission, be between the ages of fourteen and eighteen years, and physically sound, well formed, and of robust constitution.

SEC. 1518. No money appropriated for the support of the Naval Academy shall be applied to the support of any midshipman appointed otherwise than in strict conformance with the provisions of this chapter.

SEC. 1519. Cadet midshipmen found deficient at any examination shall not be continued at the Academy or in the service unless upon the recommendation of the academic board.

SEC. 1520. The academic course of cadet midshipmen shall be six years.

SEC. 1521. When cadet midshipmen shall have passed successfully the graduating examination at the Academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

SEC. 1522. The Secretary of the Navy is authorized to make provision, by regulations issued by him, for educating at the Naval Academy, as naval constructors or steam engineers, such midshipmen and others as may show a peculiar aptitude therefor. He may, for this purpose, form a separate class at the Academy, to be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for said professions.

SEC. 1523. Cadet engineers shall be appointed by the Secretary of the Navy. They shall not at any time exceed fifty in number, and no persons, other than midshipmen, shall be eligible for appointment unless they shall first produce satisfactory evidence of mechanical skill and proficiency, and shall have passed an examination as to their mental and physical qualifications.

SEC. 1524. The course for cadet engineers shall be four years, including two years of service on naval steamers.

4 July, 1864, c. 252, s. 5, v. 13, p. 393. 3 Mar., 1873, c. 230, s. 1, v. 17, p. 555. 24 Feb., 1874, c. 35, v. 18, p. 17.

SEC. 1525. Cadet engineers shall be examined from time to time, according to regulations prescribed by the Secretary of the Navy, and if found deficient at any examination, or if dismissed for misconduct, they shall not be continued in the Academy or in the service except upon the recommendation of the academic board.

SEC. 1526. The Secretary of the Navy shall arrange the course of studies and the order of recitations at the Naval Academy so that the students in said institution shall not be required to pursue their studies on Sunday.

SEC. 1527. The store-keeper at the Naval Academy shall be detailed from the Paymaster's Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessities for the midshipmen and cadet engineers in the same manner as supplies are furnished to the Navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy.

SEC. 1528. Three professors of mathematics shall be assigned to duty at the Naval Academy, one as professor of ethics and English studies, one as professor of the Spanish language, and one as professor of drawing.

Second recommendation.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

17 July, 1866, c. 45, s. 5, v. 14, p. 38.

Qualifications.

14 July, 1862, c. 164, s. 9, v. 12, p. 565.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

1 April, 1864, c. 47, s. 2, v. 13, p. 39.

Appropriations, how applied.

21 May, 1864, c. 93, s. 1, v. 13, p. 84.

Cadet midshipmen found deficient.

16 July, 1862, c. 183, s. 11, v. 12, p. 585. 23 June, 1874, c. 453, v. 18, p. 203.

Academic course.

3 Mar., 1873, c. 230, s. 1, v. 17, p. 555.

Promotion to midshipmen.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

Cadet engineers.

4 July, 1864, c. 252, s. 1, v. 13, p. 393.

Number and appointment of.

4 July, 1864, c. 252, ss. 3, 4, v. 13, p. 393.

2 Mar., 1867, c. 174, s. 2, v. 14, p. 516.

22 June, 1874, c. 392, s. 3, v. 18, p. 192.

Academic course of.

Examinations of.

4 July, 1864, c. 252, s. 4, v. 13, p. 393.

Studies not to be pursued on Sunday.

15 July, 1870, c. 294, s. 21, v. 16, p. 319.

Store-keeper at the Academy.

2 Mar., 1867, c. 174, s. 4, v. 14, p. 516.

Professors of ethics, Spanish, and drawing.

21 May, 1864, c. 93, s. 3, v. 13, p. 85.

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 their commanders.

16 July, 1862, c.
 183, s. 3, v. 12, p.
 583.

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12 June, 1858, c.
 153, s. 5, v. 11, p.
 319.

Rule for naming.

3 Mar., 1819, c. 7,
 s. 1, v. 3, p. 538.
 12 June, 1858, c.
 153, s. 5, v. 11, p.
 319.

Two vessels not
 to bear the same
 name.

3 Mar., 1819, c. 7, s. 1, v. 3, p. 538. 12 June, 1858, c. 153, s. 5, v. 11, p. 319.

Names of pur-
 chased vessels.

5 Aug., 1861, c. 51, s. 2, v. 12, p. 316.

Vessels kept in
 service in time of
 peace.

21 April, 1806, c.
 35, s. 2, v. 2, p. 390.

How officered
 and manned.

21 April, 1806, c.
 35, s. 3, v. 2, p. 390.

Cruising to assist
 distressed naviga-
 tors.

22 Dec., 1837, c.
 1, v. 5, p. 208.

Patented articles
 connected with
 marine engines.

18 July, 1861, c.
 8, s. 3, v. 12, p. 268.

Repairs on hull
 and spars.

SEC. 1529. The vessels of the Navy of the United States shall be divided into four classes, and shall be commanded as nearly as may be as follows:

First rates, by commodores; second rates, by captains; third rates, by commanders; fourth rates, by lieutenant-commanders.

SEC. 1530. Steamships of forty guns or more shall be classed as first rates, those of twenty guns and under forty as second rates, and all those of less than twenty guns as third rates.

SEC. 1531. The vessels of the Navy shall be named by the Secretary of the Navy, under the direction of the President, according to the following rule:

Sailing-vessels of the first class shall be named after the States of the Union, those of the second class after the rivers, those of the third class after the principal cities and towns, and those of the fourth class as the President may direct.

Steamships of the first class shall be named after the States of the Union, those of the second class after the rivers and principal cities and towns, and those of the third class as the President may direct.

SEC. 1532. Care shall be taken that not more than one vessel in the Navy shall bear the same name.

SEC. 1533. The Secretary of the Navy may change the names of any vessels purchased for the Navy by authority of law.

SEC. 1534. The President is authorized to keep in actual service in time of peace, such of the public armed vessels as, in his opinion, may be required by the nature of the service, and to cause the residue thereof to be laid up in ordinary in convenient ports.

SEC. 1535. Vessels in actual service, in time of peace, shall be officered and manned as the President may direct, subject to the provisions of section fifteen hundred and twenty-nine.

SEC. 1536. The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require; and such public vessels shall go to sea fully prepared to render such assistance.

SEC. 1537. No patented article connected with marine engines shall hereafter be purchased or used in connection with any steam-vessels of war until the same shall have been submitted to a competent board of naval engineers, and recommended by such board, in writing, for purchase and use.

SEC. 1538. Not more than three thousand dollars shall be expended at any navy-yard in repairing the hull and spars of any vessel, until the

necessity and expediency of such repairs and the probable cost thereof are ascertained and reported to the Navy Department by an examining board, which shall be composed of one captain or commander in the Navy, designated by the Secretary of the Navy, the naval constructor of the yard where such vessel may be ordered for repairs, and two master workmen of said yard, or one master workman and an engineer of the Navy, according to the nature of the repairs to be made. Said master workmen and engineer shall be designated by the head of the Bureau of Construction and Repair.

SEC. 1539. Not more than one thousand dollars shall be expended in repairs on the sails and rigging of any vessel, until the necessity and expediency of such repairs and the estimated cost thereof have been ascertained and reported to the Navy Department by an examining board, which shall be composed of one naval officer, designated by the Secretary of the Navy, and the master rigger and the master sail-maker of the yard where such vessel may be ordered.

SEC. 1540. The President may direct any armed vessel of the United States to be sold when, in his opinion, such vessel is so much out of repair that it will not be for the interest of the United States to repair her.

SEC. 1541. The Secretary of the Navy is authorized and directed to sell, at public sale, such vessels and materials of the United States Navy as, in his judgment, cannot be advantageously used, repaired, or fitted out; and he shall, at the opening of each session of Congress, make a full report to Congress of all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

SEC. 1542. The President may select the commandants of the several navy-yards from officers not below the grade of commander.

2 Aug., 1861, c. 36, v. 12, p. 285. 5 July, 1862, c. 134, s. 2, v. 12, p. 510.

SEC. 1543. The persons employed at the several navy-yards to superintend the mechanical departments, and heretofore known as master mechanics, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sail-makers, master plumbers, master painters, master calkers, master masons, master boat-builders, master spar-makers, master block-makers, master laborers, and the superintendents of ropewalks shall be men skilled in their several duties and appointed from civil life, and shall not be appointed from the officers of the Navy.

SEC. 1544. Laborers shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.

SEC. 1545. Salaries shall not be paid to any employes in any of the navy-yards, except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.

SEC. 1546. No officer or employé of the Government shall require or request any working man in any navy-yard to contribute or pay any money for political purposes, nor shall any working man be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Repairs on sails and rigging.

21 Feb., 1861, c. 49, s. 1, v. 12, p. 147.

Sale of vessels unfit to be repaired.

21 April, 1866, c. 47, s. 3, v. 2, p. 402.

Sale of unserviceable vessels and materials.

23 Mar., 1872, c. 195, s. 2, v. 17, p. 154.

Commandants of navy-yards.

Master workmen.

17 June, 1868, c. 61, s. 1, v. 15, p. 69.

Laborers, how selected.

23 May, 1872, c. 195, s. 1, v. 17, p. 146.

Salaries; per diem compensation.

14 July, 1862, c. 164, s. 1, v. 12, p. 564.

Requiring contributions for political purposes at navy-yards.

2 Mar., 1867, c. 172, s. 3, v. 14, p. 492.

CHAPTER SEVEN.

GENERAL PROVISIONS RELATING TO THE NAVY.

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1547. Regulations.
 1548. Copy to be furnished to officers.
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Regulations.

14 July, 1862, c. 164, s. 5, v. 12, p. 565.

Copy to be furnished to officers.

17 July, 1862, c. 204, s. 19, v. 12, p. 610.

Regulations of supplies.

26 Aug., 1842, c. 206, s. 2, v. 5, p. 535.
 3 Mar., 1847, c. 48, s. 1, v. 9, p. 171.

Appointment of persons to disburse money on foreign stations.

17 June, 1844, c.

Insane of the Navy.

3 Aug., 1848, c. 121, s. 13, v. 9, p. 272.

2 July, 1864, c. 210, s. 2, v. 13, p. 348.

Coal-depots.

31 Aug., 1842, c. 279, s. 7, v. 5, p. 577.

Enticing persons to desert.

1 July, 1864, c. 204, v. 13, p. 343.

Captured flags.

18 April, 1814, c. 78, s. 1, v. 3, p. 133.

Preservation of, in some public place.

18 April, 1814, c. 78, s. 1, v. 3, p. 133.

SEC. 1547. The orders, regulations, and instructions issued by the Secretary of the Navy prior to July 14, 1862, with such alterations as he may since have adopted, with the approval of the President, shall be recognized as the regulations of the Navy, subject to alterations adopted in the same manner.

SEC. 1548. The Secretary of the Navy shall cause each commissioned or warrant officer of the Navy, on his entry into the service, to be furnished with a copy of the regulations and general orders of the Navy Department then in force, and thereafter with a copy of all such as may be issued.

SEC. 1549. It shall be the duty of the President to make, subject to the provisions of law concerning supplies, such regulations for the purchase, preservation, and disposition of all articles, stores, and supplies for persons in the Navy, as may be necessary for the safe and economical administration of that branch of the public service.

SEC. 1550. No person shall be employed or continued abroad; to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate.

107, s. 4, v. 5, p. 703.

SEC. 1551. The Secretary of the Navy may cause persons in the naval service or Marine Corps, who become insane while in the service, to be placed in such hospital for the insane as, in his opinion, will be most convenient and best calculated to promise a restoration of reason. And he may pay to any such hospital, other than the Government Hospital for the Insane in the District of Columbia, the pay which may from time to time be due to such insane person, and he may, in addition thereto, pay to such institution, from the annual appropriation for the naval service, under the head of contingent enumerated, any deficiency of a reasonable expense, not exceeding one hundred dollars per annum.

SEC. 1552. The Secretary of the Navy may establish, at such places as he may deem necessary, suitable depots of coal, and other fuel, for the supply of steamships of war.

SEC. 1553. Any person who shall entice or procure, or attempt to entice or procure, any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who shall in anywise aid or assist any such seaman or other person in deserting, or in attempting to desert from such service, or who shall harbor, conceal, protect, or in anywise assist any such seaman or other person who may have deserted from said service, knowing him to have deserted therefrom, or who shall refuse to give up and deliver such person on the demand of an officer authorized to receive him, shall be punished by imprisonment for not less than six months nor more than three years, and by fine of not more than two thousand dollars, to be enforced in any court of the United States having jurisdiction.

SEC. 1554. The Secretary of the Navy shall cause to be collected and transmitted to him, at the seat of Government of the United States, all such flags, standards, and colors as shall have been or may hereafter be taken by the Navy from enemies.

SEC. 1555. All flags, standards, and colors of the description mentioned in the foregoing section, which are now in the possession of the Navy Department, or may hereafter be transmitted to it, shall be delivered to the President, for the purpose of being, under his direction, preserved and displayed in such public place as he may deem proper.

CHAPTER EIGHT.

PAY, EMOLUMENTS, AND ALLOWANCES.

Sec.		Sec.	
1556.	General rule.	1573.	Bounty pay for re-enlisting.
1557.	Furlough pay.	1574.	Crews of wrecked or lost vessels.
1558.	No additional allowances except as herein specified.	1575.	Crews of vessels taken by an enemy.
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1567.	Officers serving as store-keepers on foreign stations.	1584.	Additional ration.
1568.	Civilians, store-keepers on foreign stations.	1585.	Commutation price of ration.
1569.	Enlisted men.	1586.	Medicines and medical attendance.
1570.	Additional pay for serving as firemen and coal-heavers.	1587.	Funeral expenses.
1571.	Sea-service.	1588.	Pay of retired officers.
1572.	Detention beyond term of enlistment.	1589.	Rear-admirals.
		1590.	Third assistant engineers.
		1591.	Pay not increased by promotion.
		1592.	Pay on active duty.
		1593.	Officers retired on furlough pay.
		1594.	Transfer from furlough to retired pay.
		1595.	Rations.

SEC. 1556. The commissioned officers and warrant officers on the active list of the Navy of the United States, and the petty officers, seamen, ordinary seamen, firemen, coal-heavers, and employés in the Navy, shall be entitled to receive annual pay at the rates herein stated after their respective designations:

The Admiral, thirteen thousand dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

The Vice-Admiral, when at sea, nine thousand dollars; on shore duty, eight thousand dollars; on leave, or waiting orders, six thousand dollars.

Rear-admirals, when at sea, six thousand dollars; on shore duty, five thousand dollars; on leave, or waiting orders, four thousand dollars.

Commodores, when at sea, five thousand dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.

Captains, when at sea, four thousand five hundred dollars; on shore duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars.

Commanders, when at sea, three thousand five hundred dollars; on shore duty, three thousand dollars; on leave, or waiting orders, two thousand three hundred dollars.

Lieutenant-commanders, during the first four years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; after four years from such date, when at sea, three thousand dollars; on shore duty, two thousand six hundred dollars; on leave, or waiting orders, two thousand two hundred dollars.

Lieutenants, during the first five years after date of commission, when at sea, two thousand four hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand six hundred dollars; on shore duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars.

Masters, during the first five years after date of commission, when at sea, one thousand eight hundred dollars; on shore duty, one thousand five hundred dollars; on leave, or waiting orders, one thousand two hundred dollars; after five years from such date, when at sea, two thousand dollars; on shore duty, one thousand seven hundred dollars; on leave, or waiting orders, one thousand four hundred dollars.

General rule.
Officers of the line.

20 Feb., 1874, c. 35, v. 18, p. 17.
The Admiral.

Vice-Admiral.

Rear-admirals.

Commodores.

Captains.

Commanders.

Lieutenant-commanders.

Lieutenants.

Masters.

Ensigns.	Ensigns, during the first five years after date of commission, when at sea, one thousand two hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; after five years from such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand two hundred dollars; on leave, or waiting orders, one thousand dollars.
Midshipmen.	Midshipmen, after graduation, when at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.
Cadet midshipmen.	Cadet midshipmen, five hundred dollars.
16 July, 1862, c. 183, s. 15, v. 12, p. 586.	15 July, 1870, c. 295, s. 12, v. 16, p. 334.
Mates.	Mates, when at sea, nine hundred dollars; on shore duty, seven hundred dollars; on leave, or waiting orders, five hundred dollars.
15 July, 1870, c. 295, s. 3, v. 16, p. 330.	
Fleet-officers.	Fleet-surgeons, fleet-paymasters, and fleet-engineers, four thousand four hundred dollars.
15 July, 1870, c. 295, s. 3, v. 16, p. 330.	
Medical directors and inspectors; pay directors and inspectors.	Medical directors, medical inspectors, pay directors, and pay inspectors, and chief engineer having the same rank as pay director and pay inspector, when on duty at sea, four thousand four hundred dollars.
15 July, 1870, c. 295, s. 3, v. 16, p. 331.	When not at sea, the same as surgeons and paymasters, respectively.
c. 230, s. 1, v. 17, p. 555.	
Surgeons, paymasters, and chief engineers.	Surgeons, paymasters, and chief engineers who have the same rank with paymasters, during the first five years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; during the second five years after such date, when at sea, three thousand two hundred dollars; on shore duty, two thousand eight hundred dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when at sea, three thousand five hundred dollars; on shore duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand six hundred dollars; during the fourth five years after such date, when at sea, three thousand seven hundred dollars; on shore duty, three thousand six hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars; after twenty years from such date, when at sea, four thousand two hundred dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.
15 July, 1870, c. 295, s. 3, v. 16, p. 330.	
Passed assistant surgeons, passed assistant paymasters, and first assistant engineers.	Passed assistant surgeons, passed assistant paymasters, and first assistant engineers, during the first five years after date of appointment, when at sea, two thousand dollars; on shore duty, one thousand eight hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; after five years from such date, when at sea, two thousand two hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand seven hundred dollars.
Assistant surgeons, assistant paymasters, second assistant engineers.	Assistant surgeons, assistant paymasters, and second assistant engineers, during the first five years after date of appointment, when at sea, one thousand seven hundred dollars; on shore duty, one thousand four hundred dollars; on leave, or waiting orders, one thousand dollars; after five years from such date, when at sea, one thousand nine hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.
Assistant surgeons qualified for promotion.	Assistant surgeons of three years' service, who have been found qualified for promotion by a medical board of examiners, the pay of passed assistant surgeons.
3 Mar., 1871, c. 117, s. 5, v. 16, p. 535.	
Naval constructors.	Naval constructors, during the first five years after date of appointment, when on duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand two hundred dollars; during the second five years after such date, when on duty, three thousand four hundred
15 July, 1870, c. 295, s. 3, v. 16, p. 331.	

dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when on duty, three thousand seven hundred dollars; on leave, or waiting orders, two thousand seven hundred dollars; during the fourth five years after such date, when on duty, four thousand dollars; on leave, or waiting orders, three thousand dollars; after twenty years from such date, when on duty, four thousand two hundred dollars; on leave, or waiting orders, three thousand two hundred dollars.

Assistant naval constructors, during the first four years after date of appointment, when on duty, two thousand dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second four years after such date, when on duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand seven hundred dollars; after eight years from such date, when on duty, two thousand six hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

Assistant naval constructors.

Chaplains, during the first five years after date of commission, when at sea, two thousand five hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand eight hundred dollars; on shore duty, two thousand three hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

Chaplains.

Professors of mathematics and civil engineers, during the first five years after date of appointment, when on duty, two thousand four hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second five years after such date, when on duty, two thousand seven hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars; during the third five years after such date, when on duty, three thousand dollars; on leave, or waiting orders, two thousand one hundred dollars; after fifteen years from such date, when on duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand six hundred dollars.

Professors of mathematics and civil engineers.

Boatswains, gunners, carpenters, and sail-makers, during the first three years after date of appointment, when at sea, one thousand two hundred dollars; on shore duty, nine hundred dollars; on leave, or waiting orders, seven hundred dollars; during the second three years after such date, when at sea, one thousand three hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; during the third three years after such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, nine hundred dollars; during the fourth three years after such date, when at sea, one thousand six hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, one thousand dollars; after twelve years from such date, when at sea, one thousand eight hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.

Warrantofficers.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Secretaries to the Admiral and the Vice-Admiral, each two thousand five hundred dollars.

Secretaries.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Secretaries to commanders of squadrons, two thousand dollars.

Secretary of the Naval Academy, one thousand eight hundred dollars.

Clerks to commanders of squadrons and commanders of vessels, seven hundred and fifty dollars.

Clerks to commanders of squadrons, &c.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

First clerks to commandants of navy-yards, one thousand five hundred dollars.

Clerks to commandants of yards and stations.

Second clerks to commandants of navy-yards, one thousand two hundred dollars.

Clerk to commandant of navy-yard at Mare Island, one thousand eight hundred dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to commandants of naval stations, one thousand five hundred dollars.

Clerks to paymasters of yards and stations.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to paymasters of receiving-ships, &c.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters of vessels.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to fleet paymasters.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters at Asylum and Academy.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to inspectors.

16 July, 1862, c. 183, s. 15, v. 12, p. 586.

4 July, 1864, c. 252, s. 5, v. 13, p. 393.

3 Mar., 1865, c. 124, s. 1, v. 13, p. 539.

15 July, 1870, c. 295, v. 16, p. 332.

Furlough pay.

3 Mar., 1835, c. 27, s. 1, v. 4, p. 756.

3 Mar., 1845, c. 77, s. 6, v. 5, p. 794.

No additional allowances, except as herein specified.

15 July, 1870, c. 295, s. 4, v. 16, p. 332.

Volunteer service.

16 July, 1862, c. 183, s. 20, v. 12, p. 587.

Commencement of pay, original entry.

15 July, 1870, c. 295, s. 7, v. 16, p. 333.

Commencement of pay of promoted officers.

15 July, 1870, c. 295, s. 7, v. 16, p. 333.

In cases of delayed examination.

15 July, 1870, c. 295, s. 7, v. 16, p. 333.

Clerks to paymasters at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; Kittery, Norfolk, and Pensacola, one thousand four hundred dollars; Mare Island, one thousand eight hundred dollars.

Clerks to paymasters, at other stations, one thousand three hundred dollars.

Clerks to paymasters of receiving-ships at Boston, New York, and Philadelphia, one thousand six hundred dollars; at Mare Island, one thousand eight hundred dollars; of other receiving-ships, one thousand three hundred dollars.

Clerks to paymasters on vessels of the first rate, one thousand three hundred dollars; on vessels of the second rate, one thousand one hundred dollars; on vessels of the third rate, and supply-vessels and store-ships, one thousand dollars.

Clerks to fleet paymasters, one thousand one hundred dollars.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters at the Naval Academy and Naval Asylum, one thousand three hundred dollars.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to inspectors in charge of provisions and clothing, at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; to inspectors in like charge at other inspections, one thousand three hundred dollars.

Cadet engineers: before final academic examination, five hundred dollars;

After final academic examination, and until warranted as assistant engineers, when on duty at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.

15 July, 1870, c. 295, v. 16, p. 332. 15 July, 1870, c. 295, s. 3, v. 16, p. 330.

SEC. 1557. Officers on furlough shall receive only one-half of the pay to which they would have been entitled if on leave of absence.

1 June, 1860, c. 67, s. 4, v. 12, p. 27.

SEC. 1558. The pay prescribed in the two preceding sections shall be the full and entire compensation of the several officers therein named, and no additional allowance shall be made in favor of any of said officers on any account whatever, except as hereinafter provided.

SEC. 1559. When a volunteer naval service is authorized by law, the officers therein shall be entitled to receive the same pay as officers of the same grades, respectively, in the Regular Navy.

SEC. 1560. The pay of an officer of the Navy, upon his original entry into the service, except where he is required to give an official bond, shall commence upon the date of his acceptance of his appointment; but where he is required to give such bond his pay shall commence upon the date of the approval of his bond by the proper authority.

SEC. 1561. When an officer is promoted in course to fill a vacancy, and is in the performance of the duties of the higher grade from the date he is to take rank, he may be allowed the increased pay from such date.

5 June, 1872, c. 306, s. 1, v. 17, p. 226.

SEC. 1562. If an officer of a class subject to examination before promotion shall be absent on duty, and by reason of such absence, or of other cause not involving fault on his part, shall not be examined at the time required by law or regulation, and shall afterward be examined and found qualified, the increased rate of pay to which his promotion would entitle him shall commence from the date when he would have been entitled to it had he been examined and found qualified at the time so required by law or regulation; and this rule shall apply to any cases of this description which may have heretofore occurred. And in every such case the period of service of the party, in the grade to which he was promoted, shall, in reference to the rate of his pay, be considered to have commenced from the date when he was so entitled to take rank.

SEC. 1563. The President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the naval service as may be employed on distant stations where the discharge of the pay and emoluments to which they are entitled cannot be regularly effected.

SEC. 1564. Any person performing the duties of paymaster, acting assistant paymaster, or assistant paymaster, in a ship at sea, or on a foreign station, or on the Pacific coast of the United States, by appointment of the senior officer present, in case of vacancy of such office, in accordance with the provisions of section thirteen hundred and eighty-one, and not otherwise, shall be entitled to receive the pay of such grade while so acting.

SEC. 1565. The pay of chiefs of Bureau in the Navy Department shall be the highest pay of the grade to which they belong, but not below that of commodore.

SEC. 1566. An allowance of ten cents a mile may be made to officers in the naval service, and store-keepers on foreign stations for traveling expenses when under orders. And an allowance may be made to officers traveling in foreign countries under orders, for expenses of transportation of baggage necessarily incurred. And no officer shall be paid mileage, except for travel actually performed at his own expense and in obedience to orders.

16 June, 1874, c. 285, v. 18, p. 72. 3 Mar., 1875,

SEC. 1567. Officers who are ordered to take charge of naval stores for foreign squadrons, in the place of naval store-keepers, shall be entitled to receive, while so employed, the shore-duty pay of their grades; and when the same is less than fifteen hundred dollars a year, they may be allowed compensation, including such shore-duty pay, at a rate not exceeding fifteen hundred dollars a year.

SEC. 1568. Civilians appointed as store-keepers on foreign stations shall receive compensation for such services, at a rate not exceeding fifteen hundred dollars a year.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701. 3 Mar., 1847, c. 48, s. 3,

SEC. 1569. The pay to be allowed to petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal-heavers, in the naval service, shall be fixed by the President: *Provided*, That the whole sum to be given for the whole pay aforesaid, and for the pay of officers, and for the said bounties upon enlistments shall not exceed, for any one year, the amount which may, in such year, be appropriated for such purposes.

3 Mar., 1865, c. 124, s. 2, v. 13, p. 539.

SEC. 1570. Every seaman, ordinary seaman, or landsman who performs the duty of a fireman or coal-heaver on board of any vessel of war shall be entitled to receive, in addition to his compensation as seaman, ordinary seaman, or landsman, a compensation at the rate of thirty-three cents a day for the time he is employed as fireman or coal-heaver.

SEC. 1571. No service shall be regarded as sea service except such as shall be performed at sea, under the orders of a Department and in vessels employed by authority of law.

SEC. 1572. All petty officers and persons of inferior ratings who are detained beyond the terms of service, according to the provisions of section fourteen hundred and twenty-two, or who, after the termination of their service, voluntarily re-enter, to serve until the return to an Atlantic port of the vessel to which they belong, and until their regular discharge therefrom, shall, for the time during which they are so detained or so serve beyond their original terms of service, receive an addition of one-fourth of their former pay.

SEC. 1573. If any seaman, ordinary seaman, landsman, fireman, coal-heaver, or boy, being honorably discharged, shall re-enlist for three years, within three months thereafter, he shall, on presenting his honorable discharge, or on accounting in a satisfactory manner for its loss,

Advances to persons on distant stations.

31 Jan., 1823, c. 9, s. 1, v. 3, p. 723.

Person acting as paymaster, when office vacant in ship at sea.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

Chiefs of Bureau.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Mileage.

3 Mar., 1835, c. 27, s. 2, v. 4, p. 757.

17 July, 1862, c. 200, s. 7, v. 12, p. 595.

15 July, 1870, c. 295, s. 4, v. 16, p. 332.

c. 133, r. 18, p. 452.

Officers serving as store-keepers on foreign stations.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701.

Civilians, store-keepers on foreign stations.

v. 9, pp. 172, 173.

Enlisted men.

18 Apr., 1814, c. 84, s. 1, v. 3, p. 136.

3 Mar., 1847, c. 48, s. 4, v. 9, p. 173.

1 July, 1864, c. 201, s. 4, v. 13, p. 342.

Additional pay for serving as firemen and coal-heavers.

1 Mar., 1869, c. 48, s. 2, v. 15, p. 280.

Sea-service.

1 June, 1860, c. 67, s. 3, v. 12, p. 27.

Detention beyond term of enlistment.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Bounty-pay for re-enlisting.

2 Mar., 1855, c. 136, s. 2, v. 10, p. 627.

7 June, 1864, c. 111, v. 13, p. 120.

Crews of wrecked or lost vessels.

17 July, 1862, c. 204, s. 14, v. 12, pp. 608, 609.

Crews of vessels taken by an enemy.

17 July, 1862, c. 204, s. 15, v. 12, p. 609.

Assignments of wages.

30 June, 1864, c. 174, s. 12, v. 13, p. 310.

Rations of midshipmen.

28 July, 1866, c. 296, s. 8, v. 14, p. 322. 28 Feb., 1867, c. 100, s. 2, v. 14, p. 416.—Philbrook's Case, 8 C. Cls., 523.

Rations of other officers.

3 Mar., 1851, c. 34, s. 1, v. 9, p. 621. 16 July, 1862, c. 183, s. 19, v. 12, p. 587.

When rations not allowed.

3 Mar., 1851, c. 34, s. 1, v. 9, p. 621. 28 July, 1866, c. 296, s. 8, v. 14, p. 322. 28 Feb., 1867, c. 100, s. 2, v. 14, p. 416.

Navy ration, constituents of.

18 July, 1861, c. 7, s. 1, v. 12, p. 264. 14 July, 1862, c. 164, s. 4, v. 12, p. 565.

Substitutions in.

18 July, 1861, c. 7, ss. 2, 3, 4, v. 12, p. 265. 17 April, 1862, c. 57, s. 4, v. 12, p. 381.

Short allowance.

18 July, 1861, c. 7, s. 4, v. 12, p. 265.

be entitled to pay, during the said three months, equal to that to which he would have been entitled if he had been employed in actual service.

SEC. 1574. When the crew of any vessel of the United States are separated from such vessel, by means of her wreck, loss, or destruction, the pay and emoluments of such of the officers and men as shall appear to the Secretary of the Navy, by the sentence of a court-martial or court of inquiry, or by other satisfactory evidence, to have done their utmost to preserve her, and, after said wreck, loss, or destruction, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid them until their discharge or death.

SEC. 1575. The pay and emoluments of the officers and men of any vessel of the United States taken by an enemy who shall appear, by the sentence of a court-martial or otherwise, to have done their utmost to preserve and defend their vessel, and, after the taking thereof, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid to them until their exchange, discharge, or death.

SEC. 1576. Every assignment of wages due to persons enlisted in the naval service, and all powers of attorney, or other authority to draw, receipt for, or transfer the same, shall be void, unless attested by the commanding officer and paymaster. The assignment of wages must specify the precise time when they commence.

SEC. 1577. Midshipmen and acting midshipmen in the Navy shall be entitled to one ration, or to commutation therefor.

SEC. 1578. All officers shall be entitled to one ration, or to commutation therefor, while at sea or attached to a sea-going vessel.

SEC. 1579. No person not actually attached to and doing duty on board a sea-going vessel, except the petty officers, seamen, and ordinary seamen attached to receiving-ships or to the ordinary of a navy-yard, and midshipmen, shall be allowed a ration.

SEC. 1580. The Navy ration shall consist of the following daily allowance of provisions to each person: One pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour and two ounces of dried apples, or other dried fruit; or three-quarters of a pound of preserved meat, with a half pound of rice, two ounces of butter, and one ounce of desiccated "mixed vegetables;" or three-quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potatoes; together with fourteen ounces of biscuit, one-quarter of an ounce of tea, or one ounce of coffee or cocoa, and two ounces of sugar; and a weekly allowance of half a pint of pickles, half a pint of molasses, and half a pint of vinegar.

SEC. 1581. The following substitution for the components of the ration may be made when it is deemed necessary by the senior officer present in command: For one pound of salt beef or pork, one pound and a quarter of fresh meat or three-quarters of a pound of preserved meat; for any or all of the articles usually issued with the salted meats, vegetables equal to the same in value; for fourteen ounces of biscuit, one pound of soft bread, or one pound of flour, or half a pound of rice; for half a pint of beans or peas, half a pound of rice, and for half a pound of rice, half a pint of beans or peas. And the Secretary of the Navy may substitute for the ration of coffee and sugar the extract of coffee combined with milk and sugar, if he shall believe such substitution to be conducive to the health and comfort of the Navy, and not to be more expensive to the Government than the present ration: *Provided*, That the same shall be acceptable to the men.

SEC. 1582. In case of necessity the daily allowance of provisions may be diminished at the discretion of the senior officer present in command;

but payment shall be made to the persons whose allowance is thus diminished, according to the scale of prices for the same established at the time of such diminution. And every commander who makes any diminution or variation shall give to the paymaster written orders therefor, specifying particularly the diminution or variation which is to be made, and shall report to his commanding officer, or to the Navy Department, the necessity for the same.

SEC. 1583. Rations stopped for the sick on board vessels shall remain and be accounted for by the paymaster as a part of the provisions of the vessels. Rations stopped for the sick.

34, s. 1, v. 9, p. 621. 22 June, 1860, c. 181, s. 3, v. 12, p. 83.

SEC. 1584. An additional ration of tea or coffee and sugar shall be hereafter allowed to each seaman, to be provided at his first "turning out." Additional ration.

SEC. 1585. Thirty cents shall in all cases be deemed the commutation price of Navy ration. Commutation price of ration.

15 July, 1870, c. 295, s. 4, v. 16, p. 333.

SEC. 1586. Expenses incurred by any officer of the Navy for medicines and medical attendance shall not be allowed unless they were incurred when he was on duty, and the medicines could not have been obtained from naval supplies, or the attendance of a naval medical officer could not have been had. Medicines and medical attendance.

SEC. 1587. No funeral expense of a naval officer who dies in the United States, nor expenses for travel to attend the funeral of an officer who dies there, shall be allowed. But when an officer on duty dies in a foreign country the expenses of his funeral, not exceeding his sea-pay for one month, shall be defrayed by the Government, and paid by the paymaster upon whose books the name of such officer was borne for pay. Funeral expenses.

SEC. 1588. The pay of all officers of the Navy who have been retired after forty-five years' service after reaching the age of sixteen years, or who have been or may be retired after forty years' service, upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to seventy-five per centum of the sea-pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement. The pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the sea-pay provided by this chapter for the grade or rank held by them, respectively, at the time of their retirement. Pay of retired officers.

SEC. 1589. Rear-admirals on the retired list of the Navy, who were retired as captains when the highest grade in the Navy was captain, at the age of sixty-two years, or after forty-five years' service, and who, after their retirement, were promoted to the grade of rear-admiral, and performed the duties of that grade in time of war, shall be considered as having been retired as rear-admirals. Rear-admirals.

SEC. 1590. Officers who have been retired as third assistant engineers shall continue to receive pay at the rate of four hundred dollars a year. Third assistant engineers.

3 Mar., 1859, c. 76, s. 2, v. 11, p. 407. 3 Aug., 1861, c. 42, s. 22, v. 12, p. 290. 16 July, 1862, c. 183, s. 20, v. 12, p. 587. 21 April, 1864, c. 63, s. 7, v. 13, p. 54. 15 July, 1870, c. 295, s. 5, v. 16, p. 333.

SEC. 1591. No officer heretofore or hereafter promoted upon the retired list, shall, in consequence of such promotion, be entitled to any increase of pay. Pay not increased by promotion.

174, s. 9, v. 14, p. 517. 15 July, 1870, c. 295, s. 5, v. 16, p. 333.

SEC. 1592. Officers on the retired list, when on active duty, shall receive the full pay of their respective grades. Pay on active duty.

1 June, 1860, c. 67, s. 5, v. 12, p. 27. 2 Mar., 1867, c. 174, s. 9, v. 14, p. 517.

Officers retired on furlough pay. SEC. 1593. Officers placed on the retired list, on furlough pay, shall receive only one-half of the pay to which they would have been entitled if on leave of absence on the active list.

3 Mar., 1835, c. 27, s. 1, v. 4, pp. 756, 757. 28 Feb., 1855, c. 127, s. 2, v. 10, p. 616. 16 Jan., 1857, c. 12, s. 1, v. 11, p. 154. 3 Aug., 1861, c. 42, s. 23, v. 12, p. 291. 28 July, 1866, c. 312, s. 2, v. 14, p. 345. 30 Jan., 1875, c. 30, v. 18, p. 304.

Transfer from furlough to retired pay. SEC. 1594. The President, by and with the advice and consent of the Senate, may transfer any officer on the retired list from the furlough to the retired-pay list.

16 Jan., 1857, c. 12, s. 3, v. 11, p. 154. 16 July, 1862, c. 183, s. 20, v. 12, p. 587. 30 Jan., 1875, c. 30, v. 18, p. 304.

Rations. SEC. 1595. Rations shall not be allowed to officers on the retired list.

16 July, 1862, c. 183, s. 20, v. 12, p. 587.

CHAPTER NINE.

THE MARINE CORPS.

Sec.

- 1596. Number of.
- 1597. What commissions and promotions not affected by number fixed.
- 1598. Staff.
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- 1608. Enlistments.
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- 1611. Companies and detachments.
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- 1618. Marines substituted for landsmen.
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- 1620. Regulations.
- 1621. Subject to laws governing the Navy, except when serving with the Army.
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- 1623. Retiring-board, how composed.

Number of.

25 July, 1861, c. 19, s. 7, v. 12, p. 275.
2 Mar., 1867, c. 174, s. 7, v. 12, p. 517.

SEC. 1596. The Marine Corps of the United States shall consist of one commandant, with the rank of brigadier-general, one colonel, two lieutenant-colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant-major, one quartermaster-sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for a band, sixty drummers, sixty fifers, and twenty-five hundred privates.

What commissions and promotions not affected by number fixed.

25 July, 1861, c. 19, s. 2, v. 12, p. 275.
16 July, 1862, c. 183, s. 9, v. 12, p. 584. 24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Staff.

30 June, 1834, c. 132, s. 6, v. 4, p. 713. 2 Mar., 1847, c. 40, s. 3, v. 9, p. 154.

Qualifications for appointment.

25 July, 1861, c. 19, s. 3, v. 12, p. 275.

Credit for volunteer service.

2 Mar., 1867, c. 174, s. 3, v. 14, p. 516.

SEC. 1598. The staff of the Marine Corps shall be separate from the line.

SEC. 1599. No person under twenty or over twenty-five years of age shall be appointed from civil life as a commissioned officer of the Marine Corps, nor shall any person be so appointed until his qualifications for such service have been examined and approved, under the directions of the Secretary of the Navy.

SEC. 1600. All marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States.

- SEC. 1601. The commandant of the Marine Corps shall have the rank of a brigadier-general of the Army. Rank of commandant.
2 Mar., 1867, c. 174, s. 7, v. 14, p. 517. 6 June, 1874, c. 216, v. 18, p. 58.
- SEC. 1602. The adjutant and inspector, the paymaster, and the quartermaster shall have the rank of major; [the] [each] assistant quartermaster shall have the rank of captain. Staff rank.
2 Mar., 1847, c. 40, s. 3, v. 9, p. 154.
27 Feb., 1877, c. 69, v. 19, p. 244.
- SEC. 1603. The officers of the Marine Corps shall be, in relation to rank, on the same footing as officers of similar grades in the Army. Relative rank with the Army.
30 June, 1834, c. 132, s. 4, v. 4, p. 713.
- SEC. 1604. Commissions by brevet may be conferred upon commissioned officers of the Marine Corps in the same cases, upon the same conditions, and in the same manner as are or may be provided by law for officers of the Army. Brevets.
6 July, 1812, c. 137, s. 4, v. 2, p. 785.
16 April, 1814, c. 58, s. 3, v. 3, p. 124. 16 April, 1818, c. 64, s. 2, v. 3, p. 427. 30 June, 1834, c. 132, s. 9, v. 4, p. 713. 1 Mar., 1869, c. 52, s. 2, v. 15, p. 281. 3 Mar., 1869, c. 124, s. 7, v. 15, p. 318.
15 July, 1870, c. 294, s. 16, v. 16, p. 319.
- SEC. 1605. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism. Advancement in number.
21 Apr., 1864, c. 63, s. 6, v. 13, p. 54.
24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.
- SEC. 1606. Any officer who is nominated to a higher grade by the provisions of the preceding section shall be promoted, notwithstanding the number of said grade may be full, but no further promotion shall take place in that grade, except for like cause, until the number is reduced to that provided by law. Promotion when grade is full.
24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.
- SEC. 1607. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession. Promotion for gallantry.
16 July, 1862, c. 183, s. 9, v. 12, p. 584.
24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.
- SEC. 1608. Enlistments into the Marine Corps shall be for a period not less than five years. Enlistments.
11 July, 1870, Res. 106, v. 16, p. 387.
- SEC. 1609. The officers and enlisted men of the Marine Corps shall take the same oaths, respectively, which are provided by law for the officers and enlisted men of the Army. Oath.
11 July, 1798, c. 72, s. 4, v. 1, p. 595.
- SEC. 1610. Marines shall be exempt, while enlisted in said service, from all personal arrest for debt or contract. Exemption from arrest.
11 July, 1798, c. 72, s. 5, v. 1, pp. 595, 596. 30 June, 1834, c. 132, s. 3, v. 4, p. 713.
- SEC. 1611. The Marine Corps may be formed into as many companies or detachments as the President may direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment. Companies and detachments.
11 July, 1798, c. 72, s. 1, v. 1, p. 594.
- SEC. 1612. The officers of the Marine Corps shall be entitled to receive the same pay and allowances, and the enlisted men shall be entitled to receive the same pay and bounty for re-enlisting, as are or may be provided by or in pursuance of law for the officers and enlisted men of like grades in the infantry of the Army. Pay of Marine Corps.
30 June, 1834, c. 132, s. 5, v. 4, p. 713.
5 Aug., 1854, c. 268, s. 1, v. 10, p. 586.
- SEC. 1613. The marines who compose the corps of musicians known as the "Marine band" shall be entitled to receive at the rate of four dollars a month, each, in addition to their pay as non-commissioned officers, musicians, or privates of the Marine Corps, so long as they shall perform, by order of the Secretary of the Navy, or other superior officer, on the Capital grounds or the President's grounds. Marine band.
5 Aug., 1854, c. 268, s. 1, v. 10, p. 586.
18 Aug., 1856, c. 162, s. 5, v. 11, p. 118.
- SEC. 1614. The Secretary of the Navy shall deduct from the pay due each of the officers and enlisted men of the Marine Corps at the rate of Deduction for hospitals.

2 Mar., 1799, c. 36, s. 2, v. 1, p. 729.	twenty cents per month for every officer and marine, to be applied to the fund for Navy hospitals.
26 Feb., 1811, c. 26, s. 1, v. 2, p. 650.	
Rations of enlisted men.	SEC. 1615. The non-commissioned officers, privates, and musicians of the Marine Corps shall, each, be entitled to receive one Navy ration daily.
1 July, 1797, c. 7, s. 6, v. 1, p. 524.	11 July, 1798, c. 72, s. 2, v. 1, p. 595.
Service on armed vessels.	SEC. 1616. Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint, for service on said vessels, such of the officers of said corps as he may deem necessary.
1 July, 1797, c. 7, s. 4, v. 1, p. 523.	
11 July, 1798, c. 72, ss. 1, 3, v. 1, p. 595.	
Marine officers not to command navy-yards or vessels.	SEC. 1617. No officer of the Marine Corps shall exercise command over any navy-yard or vessel of the United States.
30 June, 1834, c. 132, s. 4, v. 4, p. 713.	
Marines substituted for landmen.	SEC. 1618. The President may substitute marines for landmen in the Navy, as far as he may deem it for the good of the service.
3 Mar., 1849, c. 103, s. 1, v. 9, p. 377.	
Duty on shore.	SEC. 1619. The Marine Corps shall be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore, as the President, at his discretion, may direct.
11 July, 1798, c. 72, s. 6, v. 1, p. 596.	
Regulations.	SEC. 1620. The President is authorized to prescribe such military regulations for the discipline of the Marine Corps as he may deem expedient.
30 June, 1834, c. 132, s. 8, v. 4, p. 713.	
Subject to laws governing the Navy, except when serving with the Army.	SEC. 1621. The Marine Corps shall, at all times, be subject to the laws and regulations established for the government of the Navy, except when detached for service with the Army by order of the President; and when so detached they shall be subject to the rules and articles of war prescribed for the government of the Army.
11 July, 1798, c. 72, s. 4, v. 1, p. 595.	30 June, 1834, c. 132, s. 2, v. 4, p. 713.
Retirement.	SEC. 1622. The commissioned officers of the Marine Corps shall be retired in like cases, in the same manner, and with the same relative conditions, in all respects, as are provided for officers of the Army, except as is otherwise provided in the next section.
3 Aug., 1861, c. 42, ss. 15, 16, 17, v. 12, p. 289.	
17 July, 1862, c. 200, s. 12, v. 12, p. 596.	21 Jan., 1870, c. 9, s. 1, v. 16, p. 62.
10 June, 1872, c. 419, s. 1, v. 17, p. 378.	15 July, 1870, c. 294, s. 4,
Retiring-board, how composed.	SEC. 1623. In case of an officer of the Marine Corps, the retiring-board shall be selected by the Secretary of the Navy, under the direction of the President. Two-fifths of the board shall be selected from the Medical Corps of the Navy, and the remainder shall be selected from officers of the Marine Corps, senior in rank, so far as may be, to the officer whose disability is to be inquired of.
3 Aug., 1861, c. 42, s. 17, v. 12, p. 289.	

CHAPTER TEN.

ARTICLES FOR THE GOVERNMENT OF THE NAVY.

Sec.	Art.
1624. Articles established.	
Art.	
1. Commander's duties of supervision and correction.	4. Intercourse with an enemy.
2. Divine service.	5. Messages from an enemy.
3. Irreverent behavior.	6. Desertion in time of war.
4. Offenses punishable by death:	7. Deserting trust.
1. Mutiny.	8. Sleeping on watch.
2. Disobedience of orders.	9. Leaving station.
3. Striking superior officer.	10. Willful stranding or injury of vessel.
	11. Unlawful destruction of public property.
	12. Striking flag or treacherously yielding.

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| <p>Art.</p> <ol style="list-style-type: none"> 13. Cowardice in battle. 14. Deserting duty in battle. 15. Neglecting orders to prepare for battle. 16. Neglecting to clear for action. 17. Neglecting to join on signal for battle. 18. Failing to encourage the men to fight. 19. Failing to seek encounter. 20. Failing to afford relief in battle. 5. Spies. 6. Murder. 7. Imprisonment in penitentiary. 8. Offenses punishable at discretion of court-martial: <ol style="list-style-type: none"> 1. Profanity, falsehood, &c. 2. Cruelty. 3. Quarreling. 4. Fomenting quarrels. 5. Duels. 6. Contempt of superior officer. 7. Combinations against superior officer. 8. Mutinous words. 9. Neglect of orders. 10. Preventing destruction of public property. 11. Negligent stranding. 12. Negligence in convoy service. 13. Receiving articles for freight. 14. False muster. 15. Waste of public property, &c. 16. Plundering on shore. 17. Refusing to apprehend offenders. 18. Refusing to receive prisoners. 19. Absence from duty without leave. 20. Violating general orders or regulations. 21. Desertion in time of peace. 22. Harboring deserters. 9. Officers absent without leave may be reduced. 10. Desertion by resignation. 11. Dealing in supplies on private account. 12. Importing dutiable goods in public vessels. 13. Distilled spirits only as medical stores. 14. Certain crimes of fraud against the United States. 15. List of persons claiming prize-money. 16. Removing property from a prize. 17. Maltreating persons taken on a prize. 18. Returning fugitives from service. 19. Enlisting deserters, minors, &c. 20. Duties of commanding officers: <ol style="list-style-type: none"> 1. Men received on board. 2. List of officers, men, and passengers. 3. Deaths and desertions. | <p>Art.</p> <ol style="list-style-type: none"> 4. Property of deceased persons. 5. Accounts of men received. 6. Accounts of men sent from the ship. 7. Inspection of provisions. 8. Health of the crew. 9. Attendance at final payment of the crew. 10. Articles for the government of the Navy. Punishment for offending against this article. 21. Authority of officers after loss of vessel. 22. Offenses not specified. 23. Offenses committed on shore. 24. Punishments by order of commander. 25. Punishment by officer temporarily commanding. 26. Summary courts-martial. 27. Constitution of summary courts-martial. 28. Oath of members and recorder. 29. Testimony. 30. Punishments by summary courts. 31. Disrating for incompetency. 32. Execution of sentence of summary court. 33. Remission of sentence. 34. Manner of conducting proceedings. 35. Same punishments by general court-martial. 36. Dismissal of officers. 37. Officer dismissed by the President may demand trial. 38. General courts-martial, by whom convened. 39. Constitution of. 40. Oaths of members and judge-advocate. 41. Oath of witness. 42. Contempts of court. 43. Charges. 44. Duty of officer arrested. 45. Suspension of proceedings. 46. Absence of members. 47. Witnesses examined in absence of a member. 48. Suspension of pay. 49. Flogging, branding, &c. 50. Sentences, how determined. 51. Adequate punishment; recommendation to mercy. 52. Authentication of judgment. 53. Confirmation of sentence. 54. Remission and mitigation of sentence. 55. Courts of inquiry, by whom ordered. 56. Constitution of. 57. Powers of. 58. Oath of members and judge-advocate. 59. Rights of party inquired of. 60. Proceedings, how authenticated and used as evidence. |
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SEC. 1624. The Navy of the United States shall be governed by the following articles:

ARTICLE 1. The commanders of all fleets, squadrons, naval stations, and vessels belonging to the Navy, are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and any such commander who offends against this article shall be punished as a court-martial may direct.

ART. 2. The commanders of vessels and naval stations to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and

Articles established.

17 July, 1862, c. 204, s. 1, v. 12, p. 600.
'Commanders' duty of supervision and correction.

Id., art. 1.

Divine service.

Id., art. 2.

it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God.

Irreverent behavior.

ART. 3. Any irreverent or unbecoming behavior during divine service shall be punished as a general or summary court-martial may direct.

Id., art. 2.

Offenses punishable by death.

ART. 4. The punishment of death, or such other punishment as a court-martial may adjudge, may be inflicted on any person in the naval service—

Id., art. 3.

Mutiny.

First. Who makes, or attempts to make, or unites with any mutiny or mutinous assembly, or, being witness to or present at any mutiny, does not do his utmost to suppress it; or, knowing of any mutinous assembly or of any intended mutiny, does not immediately communicate his knowledge to his superior or commanding officer;

Disobedience of orders.

Second. Or disobeys the lawful orders of his superior officer;

Striking superior officer.

Third. Or strikes or assaults, or attempts or threatens to strike or assault, his superior officer while in the execution of the duties of his office;

Intercourse with an enemy.

Fourth. Or gives any intelligence to, or holds or entertains any intercourse with, an enemy or rebel, without leave from the President, the Secretary of the Navy, the commander-in-chief of the fleet, the commander of the squadron, or, in case of a vessel acting singly, from his commanding officer;

Messages from an enemy.

Fifth. Or receives any message or letter from an enemy or rebel, or, being aware of the unlawful reception of such message or letter, fails to take the earliest opportunity to inform his superior or commanding officer thereof;

Desertion in time of war.

Sixth. Or, in time of war, deserts or entices others to desert;

[See §§ 1996, 1998.]

23 April, 1800, c. 33, art. 17, v. 2, p. 47.

Deserting trust.

Seventh. Or, in time of war, deserts or betrays his trust, or entices or aids others to desert or betray their trust;

Sleeping on watch.

Eighth. Or sleeps upon his watch;

Leaving station.

Ninth. Or leaves his station before being regularly relieved;

Willful stranding or injury of vessel.

Tenth. Or intentionally or willfully suffers any vessel of the Navy to be stranded, or run upon rocks or shoals, or improperly hazarded; or maliciously or willfully injures any vessel of the Navy, or any part of her tackle, armament, or equipment, whereby the safety of the vessel is hazarded or the lives of the crew exposed to danger;

Unlawful destruction of public property.

Eleventh. Or unlawfully sets on fire, or otherwise unlawfully destroys, any public property not at the time in possession of an enemy, pirate, or rebel;

Striking flag or treacherously yielding.

Twelfth. Or strikes or attempts to strike the flag to an enemy or rebel, without proper authority, or, when engaged in battle, treacherously yields or pusillanimously cries for quarters;

Cowardice in battle.

Thirteenth. Or, in time of battle, displays cowardice, negligence, or disaffection, or withdraws from or keeps out of danger to which he should expose himself;

Deserting duty in battle.

Fourteenth. Or, in time of battle, deserts his duty or station, or entices others to do so;

Neglecting orders to prepare for battle.

Fifteenth. Or does not properly observe the orders of his commanding officer, and use his utmost exertions to carry them into execution, when ordered to prepare for or join in, or when actually engaged in, battle, or while in sight of an enemy;

Neglecting to clear for action.

Sixteenth. Or, being in command of a fleet, squadron, or vessel acting singly, neglects, when an engagement is probable, or when an armed vessel of an enemy or rebel is in sight, to prepare and clear his ship or ships for action;

Neglecting to join on signal for battle.

Seventeenth. Or does not, upon signal for battle, use his utmost exertions to join in battle;

Failing to encourage the men to fight.

Eighteenth. Or fails to encourage, in his own person, his inferior officers and men to fight courageously;

- Nineteenth. Or does not do his utmost to overtake and capture or destroy any vessel which it is his duty to encounter; Failing to seek encounter.
- Twentieth. Or does not afford all practicable relief and assistance to vessels belonging to the United States or their allies when engaged in battle. Failing to afford relief in battle.
- ART. 5. All persons who, in time of war, or of rebellion against the supreme authority of the United States, come or are found in the capacity of spies, or who bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the Navy to betray his trust, shall suffer death, or such other punishment as a court-martial may adjudge. Spies.
17 July, 1862, c. 204, s. 1, v. 12, p. 602, art. 4.
13 Feb., 1862, c. 25, s. 4, v. 12, p. 340.
3 Mar., 1863, c. 75, s. 38, v. 12, p. 737.
- ART. 6. If any person belonging to any public vessel of the United States commits the crime of murder without the territorial jurisdiction thereof, he may be tried by court-martial and punished with death. Murder.
17 July, 1862, c. 204, s. 1, v. 12, p. 602, art. 5.
- ART. 7. A naval court-martial may adjudge the punishment of imprisonment for life, or for a stated term, at hard labor, in any case where it is authorized to adjudge the punishment of death; and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or which the United States may be allowed, by the legislature of any State, to use; and persons so imprisoned in the prison or penitentiary of any State or Territory shall be subject, in all respects, to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which the same may be situated. Imprisonment in a penitentiary.
Id., art. 6.
- ART. 8. Such punishment as a court-martial may adjudge may be inflicted on any person in the Navy— Offenses punishable at discretion of court-martial.
Id., art. 7.
- First. Who is guilty of profane swearing, falsehood, drunkenness, gambling, fraud, theft, or any other scandalous conduct tending to the destruction of good morals; Profanity; falsehood, &c.
- Second. Or is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders; Cruelty.
- Third. Or quarrels with, strikes, or assaults, or uses provoking or reproachful words, gestures, or menaces toward, any person in the Navy; Quarreling.
- Fourth. Or endeavors to foment quarrels between other persons in the Navy; Fomenting quarrels.
- Fifth. Or sends or accepts a challenge to fight a duel or acts as a second in a duel; Duels.
- Sixth. Or treats his superior officer with contempt, or is disrespectful to him in language or deportment, while in the execution of his office; Contempt of superior officer.
- Seventh. Or joins in or abets any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer; Combinations against superior officer.
- Eighth. Or utters any seditious or mutinous words; Mutinous words.
23 April, 1800, c. 33, art. 13, v. 2, p. 47.
- Ninth. Or is negligent or careless in obeying orders, or culpably inefficient in the performance of duty; Neglect of orders.
- Tenth. Or does not use his best exertions to prevent the unlawful destruction of public property by others; Preventing destruction of public property.
23 April, 1800, c. 33, art. 25, v. 2, p. 48.
- Eleventh. Or, through inattention or negligence, suffers any vessel of the Navy to be stranded, or run upon a rock or shoal, or hazarded; Negligent stranding.
- Twelfth. Or, when attached to any vessel appointed as convoy to any merchant or other vessels, fails diligently to perform his duty, or demands or exacts any compensation for his services, or maltreats the officers or crews of such merchant or other vessel; Negligence in convoy service.
- Thirteenth. Or takes, receives, or permits to be received, on board the vessel to which he is attached, any goods or merchandise, for freight, Receiving articles for freight.

sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping; or demands or receives any compensation for the receipt or transportation of any other article than gold, silver, or jewels, without authority from the President or Secretary of the Navy;

False muster.

Fourteenth. Or knowingly makes or signs, or aids, abets, directs, or procures the making or signing of, any false muster;

Waste of public property, &c.

Fifteenth. Or wastes any ammunition, provisions, or other public property, or, having power to prevent it, knowingly permits such waste;

Plundering on shore.

Sixteenth. Or, when on shore, plunders, abuses, or maltreats any inhabitant, or injures his property in any way;

Refusing to apprehend offenders.

Seventeenth. Or refuses, or fails to use, his utmost exertions to detect, apprehend, and bring to punishment all offenders, or to aid all persons appointed for that purpose;

Refusing to receive prisoners.

Eighteenth. Or, when rated or acting as master-at-arms, refuses to receive such prisoners as may be committed to his charge, or, having received them, suffers them to escape, or dismisses them without orders from the proper authority;

Absence from duty without leave.

Nineteenth. Or is absent from his station or duty without leave, or after his leave has expired;

Violating general orders or regulations.

Twentieth. Or violates or refuses obedience to any lawful general order or regulation issued by the Secretary of the Navy;

Desertion in time of peace.

Twenty-first. Or, in time of peace, deserts or attempts to desert, or aids and entices others to desert; [See §§ 1996-1998.]

Harboring deserters.

Twenty-second. Or receives or entertains any deserter from any other vessel of the Navy, knowing him to be such, and does not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander-in-chief, or to the commander of the squadron.

Officer absent without leave may be reduced.

ART. 9. Any officer who absents himself from his command without leave, may, by the sentence of a court-martial, be reduced to the rating of an ordinary seaman.

16 May, 1864, c. 86, s. 2, v. 13, p. 75.

Desertion by resignation.

ART. 10. Any commissioned officer of the Navy or Marine Corps who, having tendered his resignation, quits his post or proper duties without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of such resignation, shall be deemed and punished as a deserter.

5 Aug., 1861, c. 54, s. 2, v. 12, pp. 316, 317.

Dealing in supplies on private account.

ART. 11. No person in the naval service shall procure stores or other articles or supplies for, and dispose thereof to, the officers or enlisted men on vessels of the Navy, or at navy-yards or naval stations, for his own account or benefit.

26 Aug., 1842, c. 206, s. 1, v. 5, p. 535.

Importing dutiable goods in public vessels.

ART. 12. No person connected with the Navy shall, under any pretense, import in a public vessel any article which is liable to the payment of duty.

30 July, 1846, c. 74, s. 10, v. 9, p. 44.

Distilled spirits only as medical stores.

ART. 13. Distilled spirits shall be admitted on board of vessels of war only upon the order and under the control of the medical officers of such vessels, and to be used only for medical purposes.

14 July, 1862, c. 164, s. 4, v. 12, p. 565.

Certain crimes of fraud against the United States.

ART. 14. Fine and imprisonment, or such other punishment as a court-martial may adjudge, shall be inflicted upon any person in the naval service of the United States—

2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.

Presenting false claims.

Who presents or causes to be presented to any person in the civil, military, or naval service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Agreement to obtain payment of false claim.

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

False papers.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Perjury.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Forgery.

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the naval service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Delivering less property than receipt calls for.

Who, being authorized to make or deliver any paper certifying the receipt of any money or other property of the United States, furnished or intended for the naval service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Giving receipts without knowing truth of.

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully and knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money or other property of the United States, furnished or intended for the military or naval service thereof; or

Stealing, wrongfully selling, &c.

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any other person who is a part of or employed in said service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such other person not having lawful right to sell or pledge the same; or

Buying public military property.

Who executes, attempts, or countenances any other fraud against the United States.

17 July, 1862, c. 204, art. 7, v. 12, p. 602.

And if any person, being guilty of any of the offenses described in this article while in the naval service, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

2 Mar., 1863, c. 67, s. 2, v. 12, p. 697.

ART. 15. The commanding officer of every vessel in the Navy entitled to or claiming an award of prize-money shall, as soon as it may be practicable after the capture, transmit to the Navy Department a complete list of the officers and men of his vessel entitled to share, stating therein the quality of each person rating; and every commanding officer who offends against this article shall be punished as a court-martial may direct. [See § 4615.]

List of persons claiming prize-money.

17 July, 1862, c. 204, s. 5, v. 12, p. 607.

ART. 16. No person in the Navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her equipment, unless it be for the better preservation thereof, or unless such articles are absolutely needed for the use of any of the vessels or armed forces of the United States, before the same are adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, in order that judgment may be passed thereon; and every person who offends against this article shall be punished as a court-martial may direct.

Removing property from a prize.

Id., s. 7.

ART. 17. If any person in the Navy strips off the clothes of, or pillages, or in any manner maltreats, any person taken on board a prize, he shall suffer such punishment as a court-martial may adjudge.

Maltreating persons taken on a prize.

Returning fugitives from service.
13 Mar., 1862, c. 40, s. 1, v. 12, p. 354.

Enlisting deserters, minors, &c.

3 Mar., 1865, c. 79, s. 18, v. 13, p. 490.

Duties of commanding officers.

17 July, 1862, c.

Men received on board.

List of officers, men, and passengers.

Deaths and desertion.

Property of deceased persons.

Accounts of men received.

Accounts of men sent from the ship.

Inspection of provisions.

Health of crew.

Attendance at final payment of crew.

Articles for the government of the Navy.

Punishment for offending against this article.

Authority of officers after loss of vessel.

ART. 18. If any officer or person in the naval service employs any of the forces under his command for the purpose of returning any fugitive from service or labor, he shall be dismissed from the service.

ART. 19. Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, shall be dishonorably dismissed from the service of the United States. [See §§ 1418, 1419.]

ART. 20. Every commanding officer of a vessel in the Navy shall obey the following rules:

First. Whenever a man enters on board, the commanding officer shall cause an accurate entry to be made in the ship's books, showing his name, the date, place, and term of his enlistment, the place or vessel from which he was received on board, his rating, his descriptive list, his age, place of birth, and citizenship, with such remarks as may be necessary.

Second. He shall, before sailing, transmit to the Secretary of the Navy a complete list of the rated men under his command, showing the particulars set forth in rule one, and a list of officers and passengers, showing the date of their entering. And he shall cause similar lists to be made out on the first day of every third month and transmitted to the Secretary of the Navy as opportunities occur, accounting therein for any casualty which may have happened since the last list.

Third. He shall cause to be accurately minutened on the ship's books the names of any persons dying or deserting, and the times at which such death or desertion occurs.

Fourth. In case of the death of any officer, man, or passenger on said vessel, he shall take care that the paymaster secures all the property of the deceased, for the benefit of his legal representatives.

Fifth. He shall not receive on board any man transferred from any other vessel or station to him, unless such man is furnished with an account, signed by the captain and paymaster of the vessel or station from which he came, specifying the date of his entry on said vessel or at said station, the period and term of his service, the sums paid him, the balance due him, the quality in which he was rated, and his descriptive list.

Sixth. He shall, whenever officers or men are sent from his ship, for whatever cause, take care that each man is furnished with a complete statement of his account, specifying the date of his enlistment, the period and term of his service, and his descriptive list. Said account shall be signed by the commanding officer and paymaster.

Seventh. He shall cause frequent inspections to be made into the condition of the provisions on his ship, and use every precaution for their preservation.

Eighth. He shall frequently consult with the surgeon in regard to the sanitary condition of his crew, and shall use all proper means to preserve their health. And he shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon so advises, and shall direct that some of the crew attend them and keep the place clean.

Ninth. He shall attend in person, or appoint a proper officer to attend, when his crew is finally paid off, to see that justice is done to the men and to the United States in the settlement of the accounts.

Tenth. He shall cause the articles for the government of the Navy to be hung up in some public part of the ship and read once a month to his ship's company.

Every commanding officer who offends against the provisions of this article shall be punished as a court-martial may direct.

ART. 21. When the crew of any vessel of the United States are separated from their vessel by means of her wreck, loss, or destruction, all the command and authority given to the officers of such vessel shall

remain in full force until such ship's company shall be regularly discharged from or ordered again into service, or until a court-martial or court of inquiry shall be held to inquire into the loss of said vessel. And if any officer or man, after such wreck, loss, or destruction, acts contrary to the discipline of the Navy, he shall be punished as a court-martial may direct.

ART. 22. All offenses committed by persons belonging to the Navy which are not specified in the foregoing articles shall be punished as a court-martial may direct.

ART. 23. All offenses committed by persons belonging to the Navy while on shore shall be punished in the same manner as if they had been committed at sea.

ART. 24. No commander of a vessel shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period is necessary to bring the offender to trial by a court-martial; nor shall he inflict, or cause to be inflicted, upon any petty officer, or person of inferior rating, or marine, for a single offense, or at any one time, any other than one of the following punishments, namely:

First. Reduction of any rating established by himself.

Second. Confinement, with or without irons, single or double, not exceeding ten days, unless further confinement be necessary, in the case of a prisoner to be tried by court-martial.

Third. Solitary confinement, on bread and water, not exceeding five days.

Fourth. Solitary confinement not exceeding seven days.

Fifth. Deprivation of liberty on shore.

Sixth. Extra duties.

No other punishment shall be permitted on board of vessels belonging to the Navy, except by sentence of a general or summary court-martial. All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log.

ART. 25. No officer who may command by accident, or in the absence of the commanding officer, except when such commanding officer is absent for a time by leave, shall inflict any other punishment than confinement.

ART. 26. Summary courts-martial may be ordered upon petty officers and persons of inferior ratings, by the commander of any vessel, or by the commandant of any navy-yard, naval station, or marine barracks to which they belong, for the trial of offenses which such officer may deem deserving of greater punishment than such commander or commandant is authorized to inflict, but not sufficient to require trial by a general court-martial.

ART. 27. A summary court-martial shall consist of three officers not below the rank of ensign, as members, and of a recorder. The commander of a ship may order any officer under his command to act as such recorder.

ART. 28. Before proceeding to trial the members of a summary court-martial shall take the following oath or affirmation, which shall be administered by the recorder: "I, A B, do swear (or affirm) that I will well and truly try, without prejudice or partiality, the case now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and my own conscience." After which the recorder of the court shall take the following oath or affirmation, which shall be administered by the senior member of the court: "I, A B, do swear (or affirm) that I will keep a true record of the evidence which shall be given before this court and of the proceedings thereof."

ART. 29. All testimony before a summary court-martial shall be given orally, upon oath or affirmation, administered by the senior member of the court.

Id., s. 14.

Offenses not specified.

Id., art. 8.

Offenses committed on shore.

Id., art. 9.

Punishments by order of commander.

Id., art. 10.

Wilkes v. Dinsman, 7 How., 89.

Dinsman v. Wilkes, 12 How., 390.

Punishment by officer temporarily commanding.

23 Apr., 1800, c. 33, s. 1, v. 2, p. 49, art. 30.

Summary courts-martial.

2 Mar., 1855, c. 136, s. 4, v. 10, p. 627.

15 July, 1870, c. 295, s. 14, v. 16, p. 334.

Constitution of summary courts-martial.

Id., s. 6.

Oath of members and recorder.

Id., s. 5.

Testimony.

Id., s. 7.

Punishments by
summary courts.
Id., s. 7

ART. 30. Summary courts-martial may sentence petty officers and persons of inferior ratings to any one of the following punishments, namely:

First. Discharge from the service with bad conduct discharge; but the sentence shall not be carried into effect in a foreign country.

Second. Solitary confinement, not exceeding thirty days, in irons, single or double, on bread and water, or on diminished rations.

Third. Solitary confinement in irons, single or double, not exceeding thirty days.

Fourth. Solitary confinement not exceeding thirty days.

Fifth. Confinement not exceeding two months.

Sixth. Reduction to next inferior rating.

Seventh. Deprivation of liberty on shore on foreign station.

Eighth. Extra police duties, and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments.

Disrating for in-
competency.

ART. 31. A summary court-martial may disrate any rated person for incompetency.

17 July, 1862, c. 204, s. 1, art. 10, v. 12, p. 603.

Execution of sen-
tence of summary
court.

2 Mar., 1855, c.
136, s. 8, v. 10, p. 628.

2 Mar., 1867, c.
174, s. 5, v. 14, p. 516.

Remission of sen-
tence.

2 Mar., 1855, c.
136, s. 8, v. 10, p.
628.

Manner of con-
ducting proceed-
ings.

Id., s. 9.

Same punish-
ments by general
court-martial.

Id., s. 10.

Dismissal of offi-
cers.

13 July, 1866, c.
176, s. 5, v. 14, p. 92.

Officer dismissed
by the President
may demand trial.

3 Mar., 1865, c.
79, s. 12, v. 13, p.
489.

General courts-
martial, by whom
convened.

17 July, 1862, c.
204, s. 1, art. 11, v.
12, p. 603

ART. 32. No sentence of a summary court-martial shall be carried into execution until the proceedings and sentence have been approved by the officer ordering the court and by the commander-in-chief, or, in his absence, by the senior officer present. And no sentence of such court which involves loss of pay shall be carried into execution until the proceedings and sentence have been approved by the Secretary of the Navy.

ART. 33. The officer ordering a summary court-martial shall have power to remit, in part or altogether, but not to commute, the sentence of the court. And it shall be his duty either to remit any part or the whole of any sentence, the execution of which would, in the opinion of the surgeon or senior medical officer on board, given in writing, produce serious injury to the health of the person sentenced, or to submit the case again, without delay, to the same or to another summary court-martial, which shall have power, upon the testimony already taken, to remit the former punishment and to assign some other of the authorized punishments in the place thereof.

ART. 34. The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President; and all such proceedings shall be transmitted, in the usual mode, to the Navy Department.

ART. 35. Any punishment which a summary court-martial is authorized to inflict may be inflicted by a general court-martial.

ART. 36. No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof.

ART. 37. When any officer, dismissed by order of the President since 3d March, 1865, makes, in writing, an application for trial, setting forth, under oath that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed. And if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.

ART. 38. General courts-martial may be convened by the President, the Secretary of the Navy, or the commander-in-chief of a fleet or squadron; but no commander of a fleet or squadron in the waters of the United States shall convene such court without express authority from the President.

ART. 39. A general court-martial shall consist of not more than thirteen nor less than five commissioned officers as members; and as many officers, not exceeding thirteen, as can be convened without injury to the service, shall be summoned on every such court. But in no case, where it can be avoided without injury to the service, shall more than one-half, exclusive of the president, be junior to the officer to be tried. The senior officer shall always preside and the others shall take place according to their rank.

ART. 40. The president of the general court-martial shall administer the following oath or affirmation to the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; that I will not divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which shall be administered by the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will truly try without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the Navy, and my own conscience; that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

ART. 41. An oath or affirmation in the following form, shall be administered to all witnesses, before any court-martial, by the president thereof:

"You do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the charges. So help you God; (or 'this you do under the pains and penalties of perjury.')

ART. 42. Whenever any person refuses to give his evidence or to give it in the manner provided by these articles, or prevaricates, or behaves with contempt to the court, it shall be lawful for the court to imprison him for any time not exceeding two months.

ART. 43. The person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; and no other charges than those so furnished shall be urged against him at the trial, unless it shall appear to the court that intelligence of such other charge had not reached the officer ordering the court when the accused was put under arrest, or that some witness material to the support of such charge was at that time absent and can be produced at the trial; in which case reasonable time shall be given to the accused to make his defense against such new charge.

ART. 44. Every officer who is arrested for trial shall deliver up his sword to his commanding officer and confine himself to the limits assigned him, on pain of dismissal from the service.

ART. 45. When the proceedings of any general court-martial have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more are assembled; but the court is enjoined to sit from day to day. Sundays excepted, until sentence is given, unless temporarily adjourned by the authority which convened it.

ART. 46. No member of a general court-martial shall, after the proceedings are begun, absent himself therefrom, except in case of sickness, or of an order to go on duty from a superior officer, on pain of being cashiered.

Constitution of.

Id., art. 11.

Wise v. Withers,
3 Cr., 337.
Dynes v. Hoover,
20 How., 81, 84.

Oaths of members and judge-advocate.

Id., art. 12.

Oath of witness.

Id., art. 14.

Contempts of court.

Id., art. 13.

Charges.

Id., art. 15.

Duty of officer arrested.

Id., art. 15.

Suspension of proceedings.

Id., art. 16.

Absence of members.

Id., art. 16.

Witnesses examined in absence of a member.

Id., art. 17.

Suspension of pay.

Id., art. 18.

Flogging, branding, &c.

Id., art. 8.

6 June, 1872, c. 316, s. 2, v. 17, p. 261.

Sentences, how determined.

Id., art. 19.

Adequate punishment; recommendation to mercy.

Id., art. 21.

Authentication of judgment.

Id., art. 22.

Confirmation of sentence.

Id., art. 19.

Remission and mitigation of sentence.

Id., art. 20.

Courts of inquiry, by whom ordered.

Id., art. 23.

Constitution of.

Id., art. 23.

Powers of.

Id., art. 23.

Oath of members and judge-advocate.

Id., art. 25.

Rights of party inquired of.

Id., art. 23.

Proceedings, how authenticated and used as evidence.

Id., art. 24.

ART. 47. Whenever any member of a court-martial, from any legal cause, is absent from the court after the commencement of a case, all the witnesses who have been examined during his absence must, when he is ready to resume his seat, be recalled by the court, and the recorded testimony of each witness so examined must be read over to him, and such witness must acknowledge the same to be correct and be subject to such further examination as the said member may require. Without a compliance with this rule, and an entry thereof upon the record, a member who shall have been absent during the examination of a witness shall not be allowed to sit again in that particular case.

ART. 48. Whenever a court-martial sentences an officer to be suspended, it may suspend his pay and emoluments for the whole or any part of the time of his suspension.

ART. 49. In no case shall punishment by flogging, or by branding, marking, or tattooing on the body be adjudged by any court-martial or be inflicted upon any person in the Navy.

ART. 50. No person shall be sentenced by a court-martial to suffer death, except by the concurrence of two-thirds of the members present, and in the cases where such punishment is expressly provided in these articles. All other sentences may be determined by a majority of votes.

ART. 51. It shall be the duty of a court-martial, in all cases of conviction, to adjudge a punishment adequate to the nature of the offense; but the members thereof may recommend the person convicted as deserving of clemency, and state, on the record, their reasons for so doing.

ART. 52. The judgment of every court-martial shall be authenticated by the signature of the president, and of every member who may be present when said judgment is pronounced, and also of the judge-advocate.

ART. 53. No sentence of a court-martial, extending to the loss of life, or to the dismissal of a commissioned or warrant officer, shall be carried into execution until confirmed by the President. All other sentences of a general court-martial may be carried into execution on confirmation of the commander of the fleet or officer ordering the court.

ART. 54. Every officer who is authorized to convene a general court-martial shall have power, on revision of its proceedings, to remit or mitigate, but not to commute, the sentence of any such court which he is authorized to approve and confirm.

ART. 55. Courts of inquiry may be ordered by the President, the Secretary of the Navy, or the commander of a fleet or squadron.

ART. 56. A court of inquiry shall consist of not more than three commissioned officers as members, and of a judge-advocate, or person officiating as such.

ART. 57. Courts of inquiry shall have power to summon witnesses, administer oaths, and punish contempts, in the same manner as courts-martial; but they shall only state facts, and shall not give their opinion, unless expressly required so to do in the order for convening.

ART. 58. The judge-advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "You do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality." After which the president shall administer to the judge-advocate, or person officiating as such, the following oath or affirmation: "You do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing."

ART. 59. The party whose conduct shall be the subject of inquiry, or his attorney, shall have the right to cross-examine all the witnesses.

ART. 60. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and of the judge-advocate, and shall, in all cases not capital, nor extending to the dismissal of a commissioned or warrant officer, be evidence before a court-martial, provided oral testimony cannot be obtained.