

sent of the President, from any penalty incurred for a breach of military law.

Men sent home at expiration of term.

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

*Wilkes vs. 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.

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

Form of honorable discharge.

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

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 persons 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.

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.

## CHAPTER TWO.

### GENERAL PROVISIONS RELATING TO OFFICERS.

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

Citizenship.  
28 June, 1864, c. 170, s. 1, v. 13, p. 201.

Report of men entitled to honorable discharge.

2 March, 1855, c. 136, s. 1, v. 10, p. 627.

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.

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. [Sec § 4643.]

To discourage sale of prize-money or wages.

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

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.

Duty as to granting leave and liberty.

2 March, 1855, c. 136, s. 3, v. 10, p. 627.

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.

Acting as paymasters.

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

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.

Consular powers.

20 Feb. 1845, c. 17, s. 2, v. 5, p. 725.

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.

Command of squadrons.

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

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.

Lieutenant-commanders, how assignable.

16 July, 1862, c. 183, s. 3, v. 12, p. 584. 25 July, 1866, c. 231, s. 5, v. 14, p. 223.

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.

Staff officers who have been chiefs of Bureaus.

3 March, 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.

Officers detailed for service of the War Department.

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

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.

Officers to act as store-keepers on foreign stations.

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

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

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.

Bonds of.

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

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.

Accepting appointments in diplomatic service.

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

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.

Officers dismissed, or resigning to escape dismissal.

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

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

3 March, 1835, c. 27, s. 1, v. 4, pp. 756, 757. 3 March, 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.

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| <p>Sec.<br/>1443. After forty years' service.<br/>1444. After sixty-two years of age, or forty-five years' service.<br/>1445. Officers of certain ranks to be retired only for disability.<br/>1446. Officers who have received a vote of thanks.<br/>1447. Officers rejected from promotion.<br/>1448. Retiring-board.<br/>1449. Powers and duties of.<br/>1450. Oath of members.<br/>1451. Findings.<br/>1452. Revision by the President.<br/>1453. Disability by an incident of the service.</p>  | <p>Sec.<br/>1454. Disability by other causes.<br/>1455. Not to be retired without a hearing.<br/>1456. Not to be retired for misconduct.<br/>1457. Privileges and liabilities.<br/>1458. Vacancies by retirement.<br/>1459. Withdrawn from command.<br/>1460. Rear-admirals on retired list.<br/>1461. Retired officers; promotion.<br/>1462. Active duty.<br/>1463. Assigned to command of squadrons and ships.<br/>1464. Commanders of squadrons, from what grades selected.<br/>1465. When restored to active list.</p>   |
| <p>After forty years' service.<br/>3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.</p> <p>After sixty-two years of age, or forty-five years' service.<br/>21 Dec., 1861, c. 1, s. 1, v. 12, p. 329. 25 June, 1864, c. 152, s. 1, v. 13, p. 183. 21 Dec., 1864, c. 6, s. 3, v. 13, p. 420. 16 July, 1862, c. 183, s. 8, v. 12, p. 584. 3 March, 1873, c. 230, v. 17, p. 556.</p> <p>Officers of certain ranks to be retired only for disability.<br/>15 July, 1870, c. 295, s. 6, v. 16, p. 333.</p> <p>Officers who have received a vote of thanks.<br/>16 July, 1862, c. 183, s. 8, v. 12, p. 584.</p> <p>Officers rejected from promotion.<br/>21 April, 1864, c. 63, s. 4, v. 13, p. 53.</p> <p>Retiring-board.<br/>3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.</p> | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> |