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[CHAPTER 803.]

AN ACT

August 29, 1935.
[S. 2521.]
[Public, No. 390.]

Amending section 5 of Public Law Numbered 264, Seventy-third Congress, approved May 29, 1934, relative to the appointment of Naval Academy graduates as ensigns in the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of Public Law Numbered 264, Seventy-third Congress is hereby amended to read as follows:

Naval Academy graduates.
Vol. 48, p. 814.

"SEC. 5. That section 1 of the Act approved May 6, 1932 (47 Stat. 149; U. S. C., Supp. VII, title 34, sec. 12), is hereby amended by inserting the words 'in 1934 and hereafter' after the words 'midshipmen who', and the words '*Provided*, That all former midshipmen graduated in 1933 who received a certificate of graduation and honorable discharge or who resigned and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to November 1, 1935, by the President and shall take rank next after the junior ensign of the Navy and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*,' after the words 'Naval Academy' and by striking out 'in 1932, and at least 50 per centum of all graduates in subsequent years: *Provided*', so that as amended the said section will read as follows:

Appointments as ensigns.

"'That the President of the United Stataes[1] is authorized, by and with the advice and consent of the Senate, to appoint as ensigns in the line of the Navy all midshipmen who in 1934 and hereafter graduate from the Naval Academy: *Provided*, That all former midshipmen graduated in 1933 who received a certificate of graduation and honorable discharge or who resigned and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to November 1, 1935, by the President and shall take rank next after the junior ensign of the Navy and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*, That the number of such officers so appointed shall, while in excess of the total number of line officers otherwise authorized by law, be considered in excess of the number of officers in the grade of ensign as determined by any computation, and shall be excluded from any computation made for the purpose of determining the authorized number of line officers in any grade on the active list above the grade of lieutenant (junior grade) until the total number of line officers shall have been reduced below the number otherwise authorized by law.'"

Provisos.
Class of 1933.

Rank.

Number.

Approved, August 29, 1935.

[1] So in original.