

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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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.

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.

Officers of certain ranks to be retired only for disability.

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

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.

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.

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.

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.
- 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.
- 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

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.

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

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

Vacancies by retirement.

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

21 Dec., 1862, c. 1, s. 6, v. 12, p. 330.

Withdrawn from command.

3 Aug., 1861, c. 42, s. 22, v. 12, p. 290.

21 Dec., 1861, c. 1, ss. 3, 4, v. 12, p. 329.

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.

Retired officers; promotion.

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

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

Active duty.

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

Assigned to command of squadrons and ships.

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

Commanders of squadrons, from what grades selected.

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

When restored to active list.

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

order of the Secretary of the Navy, or who have performed other highly meritorious service.

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.

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

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.

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.

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.

CHAPTER FOUR.

RANK AND PRECEDENCE, PROMOTION AND ADVANCEMENT.

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