

PUBLIC ACTS OF THE THIRTY-FOURTH CONGRESS

OF THE

UNITED STATES.

Passed at the third session, which was begun and holden at the City of Washington, in the District of Columbia, on Monday the second day of December, 1856, and ended Tuesday the third day of March, 1857.

FRANKLIN PIERCE, President. JESSE D. BRIGHT, President of the Senate, *pro tempore*, till January 5, 1857, and JAMES M. MASON from that time till the close of the Session. NATHANIEL P. BANKS, Jun., Speaker of the House of Representatives.

CHAP. II.—*An Act providing for the compulsory Prepayment of Postage on all transient printed Matter.* Jan. 2, 1857.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision in the act approved August thirty, eighteen hundred and fifty-two, entitled "An act to amend the act entitled an act to reduce and modify the rates of postage in the United States, and for other purposes, passed March three, eighteen hundred and fifty-one," permitting transient printed matter to be sent through the mail of the United States without prepayment of postage, be and the same is hereby repealed. And the postage on all such transient matter shall be prepaid by stamps or otherwise, as the Postmaster General may direct.

Postage of transient printed matter to be prepaid, 1852, ch. 98.

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APPROVED, Jan. 2, 1857.

CHAP. XII.—*An Act to amend an Act entitled "An Act to promote the Efficiency of the Navy."* Jan. 16, 1857.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the written request, made within ninety days after the passage hereof, or within thirty days after the return of any officer absent from the United States at the time of the passage of this act, provided he shall return within one year after the passage of this act, by any officer of the navy who was dropped, furloughed, or retired, by the operation of the act of the twenty-eighth of February, eighteen hundred and fifty-five, entitled "An act to promote the efficiency of the navy," the Secretary of the Navy shall cause the physical, mental, professional, and moral fitness of such officer for the naval service to be investigated by a court of inquiry, which shall be governed by the laws and regulations which now govern courts of inquiry; and the said court shall in their finding report whether the said officer, if he has been dropped from the rolls of the navy, ought to be restored, and, if restored, whether to the active list or the reserved list, and if to the latter, whether on leave of absence or furlough pay; and in case the officer making the written request, as aforesaid, shall have been placed on the reserved list, then the court, in their finding, shall report whether the said officer ought to be restored to the active list, or, if not restored, whether he ought to remain on the retired list on leave of absence or

1855, ch. 127.
See also *post*, pp. 367, 369.

Navy officers dropped, furloughed, or retired under act of 1855, ch. 127, may have a re-examination by a court of inquiry.

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Report by such court.

Restoration of officers.

furlough pay; and the finding of the court shall, in all cases, be submitted to the President of the United States, and, if approved by him, in the case of a dropped officer, where restoration has been recommended, such officer may be nominated by the President to the Senate for restoration to the service, according to the finding of the court as approved by him; and in the case of a retired officer, the finding of the court, when approved by the President, shall be conclusive; and such officer shall be restored to the active list, to occupy that position and rank in the navy which he would have occupied had he not been retired under the action of the late naval board; or he shall remain upon the retired list on leave of absence or furlough pay, according to the finding of the court, as approved by the President: *Provided*, That the officers so restored or placed on the reserved list, shall be appointed to their places, respectively, by the President, by and with the advice and consent of the Senate.

Number of officers may be increased.

SEC. 2. *And be it further enacted*, That the operation of the present law limiting the number of officers of the navy shall be suspended so far as to authorize the restoration, within one year from the passage of this act, by the President, by and with the advice and consent of the Senate, of officers reserved or dropped under the operation of the act of the twenty-eighth of February, eighteen hundred and fifty-five, entitled "An act to promote the efficiency of the navy:" *Provided*, That there shall be no further promotions or appointments in any grade, after said restorations shall have been made thereto, until such grade in the active service shall be reduced to the limit now prescribed by law. That when any such officer shall be restored to the navy, by and with the advice and consent of the Senate, the officer so restored shall occupy that position and rank in the navy which he would have held had he not been retired, furloughed, or dropped, by the order of the President, on the report of the naval board: *Provided, further*, That any dropped officer who may be, in the opinion of said court, entitled to be placed on the retired or furloughed list, may be thus placed by the President, by and with the advice and consent of the Senate.

1855, ch. 127.

Proviso as to reducing the number hereafter.

Rank of restored officers

Dropped officers may be placed on the retired or furlough list.

Officers not restored to have one year's pay.

Transfers from the furlough to the reserved list.

Vol. x. p. 616. Reserved officers eligible to promotion.

Promotion of officers on the reserved list.

Their pay and rank.

SEC. 3. *And be it further enacted*, That officers who were dropped, as aforesaid, and who shall not be restored to the naval service within one year from the passage hereof, shall be entitled to receive one year's duty pay of their grades, respectively; and the President shall be, and he is hereby, authorized, with the advice and consent of the Senate, to transfer any officer from the furlough to the reserved pay list, and that so much of the act of February twenty-eighth, eighteen hundred and fifty-five, entitled "An act to promote the efficiency of the navy," as renders reserved officers ineligible to promotion, be and the same is hereby repealed.

SEC. 4. *And be it further enacted*, That reserved officers may be promoted on the reserved list, by and with the advice and consent of the Senate, but no such promotion shall entitle them to any pay beyond that to which they were entitled when so reserved, nor shall they, by such promotion, take any higher rank than they would have taken had they been retained in the active service of the navy; and nothing in this act, or in the act to which this is an amendment, shall be so construed as to preclude officers on the reserved list from wearing the uniform of their grades respectively.

Flag officers.

SEC. 5. *And be it further enacted*, That captains in command of squadrons shall be denominated flag officers.

Restored officers to draw their back pay.

1859, ch. 76, § 3. Post, p. 407.

SEC. 6. *And be it further enacted*, That all officers who may be restored to active service, under the provisions of this act, shall be entitled to draw the same pay they were drawing at the time they were retired or dropped, for and during the time of such retirement or suspension from the active service aforesaid.

APPROVED, Jan. 16, 1857.