

a deficiency, for the fiscal year ending June thirtieth, eighteen hundred and sixty-two, and for the present fiscal year, twelve hundred dollars.

For the fund of the Patent Office, fifty thousand eight hundred and fifty-five dollars and forty-nine cents, to supply a deficiency existing under the act of March second, eighteen hundred and sixty-one, entitled, "An act in addition to an act to promote the progress of the useful arts." *Provided*, That the fourteenth section of said act be, and the same is hereby, repealed.

To supply deficiencies in the appropriation for rent of Surveyor-General's office in California, fuel, books, stationery, and pay of messenger, two thousand dollars.

For service on such of the routes authorized by the "Act establishing additional post routes," as in the opinion of the Post Office Department may be necessary, ten thousand dollars.

For expenses in carrying into effect the treaty with Great Britain for the suppression of the slave trade, the sum of fifteen thousand dollars, or so much thereof as may be necessary.

SEC. 5. *And be it further enacted*, That the office of clerk in charge of unfinished surveys in the General Land office, under act of twenty-second January, one thousand eight hundred and fifty-three, be, and the same is hereby, abolished, and the duties thereof shall be transferred to the principal draughtsman of the General Land Office, or such other clerk as the commissioner of said office may designate.

SEC. 6. *And be it further enacted*, That the sum of fifteen thousand dollars be appropriated, out of any money in the treasury not otherwise appropriated, for the purchase of artificial limbs for soldiers and seamen disabled in the service of the United States, to be expended under the direction of the Surgeon-General.

APPROVED, July 16, 1862.

Deficiency in Patent Fund. 1861, ch. 88. *Ante*, p. 246.

Repeal of § 14. *Ante*, p. 249.

Office of Surveyor-General in California.

Additional post routes. 1862, ch. 171. *Ante*, p. 572.

Treaty for suppression of slave trade.

Post, p. 1225. Clerkship of unfinished surveys in land office abolished. 1853, ch. 24. Vol. x. p. 152.

Purchase of artificial limbs for disabled seamen and soldiers.

CHAP. CLXXXIII. — *An Act to establish and equalize the Grade of Line Officers of the United States Navy.*

July 16, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the active list of line officers of the United States navy shall be divided into nine grades, taking rank according to the date of their commissions in each grade, as follows, viz.:

Grades in the navy established.

- First. Rear Admirals.
- Second. Commodores.
- Third. Captains.
- Fourth. Commanders.
- Fifth. Lieutenant Commanders.
- Sixth. Lieutenants.
- Seventh. Masters.
- Eighth. Ensigns.
- Ninth. Midshipmen.

SEC. 2. *And be it further enacted*, That the number of officers allowed to each grade shall not exceed nine rear admirals, eighteen commodores, thirty-six captains, seventy-two commanders, one hundred and forty-four lieutenant commanders, one hundred and forty-four lieutenants, one hundred and forty-four masters, and one hundred and forty-four ensigns.

Number of officers in each grade.

SEC. 3. *And be it further enacted*, That the vessels of the United States navy shall be divided into four classes, to be commanded, as near as may be, as follows;

Vessels divided into four classes. How to be commanded.

- First rates, by commodores.
- Second rates, by captains.
- Third rates, by commanders.
- Fourth rates, by lieutenant commanders.

Lieutenant commanders may be assigned as first lieutenants of naval stations and of vessels not commanded by lieutenant commanders.

Advisory board
on promotions.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy shall appoint an advisory board of not less than three officers, senior to those to be reported upon, who shall carefully scrutinize the active list of line officers above, and including the grade of masters in the line of promotion, and report to him in writing those who, in the opinion of the board, are worthy of further promotion in the following words: We hereby certify that ——— has the moral, mental, physical, and professional qualifications to perform efficiently all his duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion.

Certificates.

Commissions
to issue.

SEC. 5. *And be it further enacted*, That the officers recommended shall be immediately commissioned, according to their present seniority, in the following grades and numbers, viz.: eighteen commodores, thirty-six captains, seventy-two commanders, one hundred and forty-four lieutenant commanders, one hundred and forty-four lieutenants, one hundred and forty-four masters, and one hundred and forty-four ensigns: *Provided*, That this number of officers remain upon the active list after the action of the board, otherwise so soon as the graduates from the Naval Academy are available for promotion.

Proviso.

Advisory board
to be appointed
every four years.

SEC. 6. *And be it further enacted*, That a similar advisory board shall be appointed at least once in every four years: *Provided*, That the same officers shall not be eligible for two successive terms.

Rear admirals,
from whom and
how appointed.

SEC. 7. *And be it further enacted*, That nine rear admirals may be appointed by the President, by and with the advice and consent of the Senate, who shall be selected, during war, from those officers upon the active list not below the grade of commanders, who have distinguished themselves, or shall hereafter most eminently distinguish themselves by courage, skill, and genius, in their profession: *Provided*, That no officer shall be promoted to this grade unless, upon recommendation of the President, by name, he has received the thanks of Congress for distinguished service. During times of peace vacancies to this grade shall be filled by regular promotion from the list of commodores, subject to examination as aforesaid.

Certain officers
not to be retired
until after fifty-
five years of na-
val service.

SEC. 8. *And be it further enacted*, That whenever, upon the recommendation of the President of the United States, any officer of the navy now upon the active list, not below the grade of commander, has received, or shall receive, by name, during the present war, a vote of thanks of Congress for distinguished service, such officer shall not be retired except for cause until he has been fifty-five years in the naval service of the United States.

Officers on na-
vy and marine
corps may be
advanced one
grade, if, &c.

SEC. 9. *And be it further enacted*, That any line officer of the navy or marine corps 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.

When acting
volunteer lieu-
tenants, &c., may
be placed in the
line of promotion.
1861, ch. 13.

SEC. 10. *And be it further enacted*, That any person who shall have received or shall hereafter receive a temporary appointment as acting volunteer lieutenant or acting master in the navy from civil life authorized by the act of Congress of July twenty-four, eighteen hundred and sixty-one, may be confirmed in said appointment in the navy, and placed in the line of promotion from the date of said confirmation, if, upon the recommendation of the President, he receives the thanks of Congress for highly meritorious conduct in conflict with the enemy: *Provided*, The number of officers allowed in each grade by this act shall not be increased thereby. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers, or acting masters' mates, as they may be best

Limit to num-
ber.

Seamen may
be made warrant
officers, &c., for

qualified, upon the recommendation of their commanding officer, approved by the flag-officer and the department. Upon such promotion they shall receive a gratuity of one hundred dollars and a medal of honor to be prepared by the Navy Department.

heroism, and receive gratuity and a medal.

SEC. 11. *And be it further enacted,* That the students at the Naval Academy shall be styled midshipmen and until their final graduating examination, when, if successful, they shall be commissioned ensigns, ranking according to merit. The number allowed at the academy shall be two for every member and delegate of the House of Representatives, two for the District of Columbia, and ten at large. They shall be between the ages of fourteen and seventeen, physically sound and well formed, and of robust constitution. They shall be examined for admittance into the academy according to the regulations which shall be issued by the Secretary of the Navy, and if rejected shall not have the privilege of another examination for admission to the same class, unless recommended by the board of examiners. The President shall select the two from the District of Columbia and the ten at large, and the President shall also be allowed three yearly appointments of midshipmen, who shall be not over eighteen years of age, who shall be selected from boys enlisted in the navy, and who have been at least one year in the service, six months of which shall have been sea service. From and after the fifth of March, eighteen hundred and sixty-three, the nomination of candidates for admission into the Naval Academy shall be made between the fifth of March and the first of July of each year upon the recommendation of the member or delegate, from actual residents of his district, and they shall be examined for admission in July: *Provided,* That when any candidate who has been so nominated shall upon examination be found physically or mentally disqualified for admission the member or delegate from whose district he was so nominated shall be notified to recommend another candidate who shall be examined in September following. And it shall be the duty of the Secretary of the Navy, as soon after the fifth of March as possible, to notify, in writing, each member and delegate of any vacancy that may exist in his district; and if said member or delegate neglects to recommend a candidate by the first of July in that year, then it shall be the duty of the Secretary of the Navy to fill the vacancy. Midshipmen deficient at any examination shall not be continued at the academy, or in the service, unless upon recommendation of the academic board; nor shall any officer of the navy who has been dismissed by sentence of a court-martial, or suffered to resign to escape one, ever again become an officer of the navy: *Provided, however,* That no greater number of midshipmen shall be appointed by the President at large under this or any other law of Congress than shall be allowed by the provisions of this section.

Students at Naval Academy. Style.

Number and how selected.

Age.

Examination.

Three may be appointed from enlisted boys.

Appointments after March 5, 1863, how made.

If deficient at any examination, not to continue, unless, &c.

Navy officers dismissed by court-martial not to be reinstated.

SEC. 12. *And be it further enacted,* That the three senior rear admirals shall wear a square blue flag at the mainmast head; the next three at the foremast head; and all others at the mizen.

Flag of rear admirals. [Repeated, Post, p. 769.]

SEC. 13. *And be it further enacted,* That the relative rank between officers of the navy and the army shall be as follows, lineal rank only to be considered:

Relative rank of army and navy officers.

- 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. 14. *And be it further enacted,* That there may be allowed upon the retired list nine rear admirals and eighteen commodores. The rear admirals and commodores on retired list.

admirals shall be selected by the President, by and with the advice and consent of the Senate, from those captains who have given the most faithful service to their country. The eighteen commodores shall be recommended from the list of captains by an advisory board of admirals. After the above numbers are commissioned, promotion to those grades upon the retired list shall be by seniority, subject to an advisory board.

Pay on active list of

SEC. 15. *And be it further enacted*, That from and after the passage of this act the annual pay of the several ranks and grades of officers of the navy on the active list, hereinafter named, shall be as follows :

Rear admirals.

Rear admirals, when at sea, shall receive five thousand dollars ;
When on shore duty, four thousand dollars ;

When on leave of absence, or waiting orders, three thousand dollars.

Commodores.

Commodores, when at sea, shall receive four thousand dollars ;

When on shore duty, three thousand two hundred dollars ;

When on leave of absence, or waiting orders, two thousand four hundred dollars.

Captains.

Captains, when at sea, shall receive three thousand five hundred dollars ;

When on shore duty, two thousand eight hundred dollars ;

When on leave of absence, or waiting orders, two thousand one hundred dollars.

Commanders.

Commanders, when at sea, shall receive two thousand eight hundred dollars ;

When on shore duty, two thousand two hundred and forty dollars ;

When on leave of absence, or waiting orders, one thousand six hundred and eighty dollars.

Lieutenant commanders.

Lieutenant commanders, when at sea, shall receive two thousand three hundred and forty-three dollars ;

When on shore duty, one thousand eight hundred and seventy-five dollars ;

When on leave of absence, or waiting orders, one thousand five hundred dollars.

Lieutenants.

Lieutenants, when at sea, shall receive one thousand eight hundred and seventy-five dollars ;

When on shore duty, one thousand and five hundred dollars ;

When on leave of absence, or waiting orders, one thousand two hundred dollars.

Masters.

Masters, when at sea, shall receive one thousand five hundred dollars ;

When on shore duty, one thousand two hundred dollars ;

When on leave of absence, or waiting orders, nine hundred and sixty dollars.

Ensigns.

Ensigns, when at sea, shall receive one thousand two hundred dollars ;

When on shore duty, nine hundred and sixty dollars ;

When on leave of absence, or waiting orders, seven hundred and sixty-eight dollars.

Midshipmen.

Midshipmen shall receive five hundred dollars.

Increased pay of higher grade, from what date to be allowed in certain cases.

SEC. 16. *And be it further enacted*, That whenever any officer of the navy, of a class subject by law or regulation to examination before promotion to a higher grade, shall have been absent on duty at the time when he should have been examined, and shall have been found qualified at a subsequent examination, the increased rate of pay to which he may be entitled shall be allowed to him from the date when he would have received it had he been found qualified at the time when his examination should have taken place.

Sea service of boatswains, &c., how computed.

SEC. 17. *And be it further enacted*, That in calculating the graduated pay of boatswains, gunners, carpenters, and sailmakers in the navy, as established by law, the sea service shall be computed from the dates of their appointments or entry into the service in their respective grades in lieu of the dates of their warrants.

SEC. 18. *And be it further enacted*, That the Secretary of the Navy be,

and he hereby is, authorized to assign clerks and laborers attached to one bureau to duty in another, and also to detail a surgeon or assistant surgeon, or passed assistant surgeon, as assistant to the Bureau of Medicine and Surgery, who shall receive the highest shore pay of his grade.

Duty of clerks, &c.

Assistant to Bureau of Medicine, &c.

SEC. 19. *And be it further enacted*, That all officers while at sea, or attached to a sea-going vessel, shall be allowed one ration.

Rations.

SEC. 20. *And be it further enacted*, That the relative rank between officers of the navy and army on the retired list shall be the same as on the active list, and the annual pay of retired naval officers shall be as follows, viz :

Relative rank of officers of army and navy on retired list. Pay.

- Admirals, two thousand dollars.
- Commodores, eighteen hundred dollars.
- Captains, sixteen hundred dollars.
- Commanders, fourteen hundred dollars.
- Lieutenant commanders, thirteen hundred dollars.
- Lieutenants, one thousand dollars.
- Masters, eight hundred dollars.
- Ensigns, five hundred dollars.

And no ration shall be allowed to any officers of the navy on the retired list. And the pay of all naval officers appointed by virtue of an act entitled "An act to provide for the temporary increase of the navy," approved July twenty-fourth, eighteen hundred and sixty-one, shall be the same as that of officers of a like grade in the regular navy.

No ration. Pay of officers under act 1861, ch. 13. Ante, p. 272.

APPROVED, July 16, 1862.

CHAP. CLXXXIV. — *An Act to amend an Act entitled "An Act to further promote the Efficiency of the Navy," approved December twenty-first, eighteen hundred and sixty-one.*

July 16, 1862. 1862, ch. 1, § 8. Ante, p. 330. Hours of labor and rates of wages at navy yards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of an act to further promote the efficiency of the navy, approved December twenty-first, eighteen hundred and sixty-one, be amended so as to read as follows: That the hours of labor and the rate of wages of the employees in the navy yards shall conform, as nearly as is consistent with the public interest, with those of private establishments in the immediate vicinity of the respective yards, to be determined by the commandants of the navy yards, subject to the approval and revision of the Secretary of the Navy.

APPROVED, July 16, 1862.

CHAP. CLXXXV. — *An Act transferring the Western Gunboat Fleet from the War to the Navy Department.*

July 16, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the western gunboat fleet constructed by the War Department for operations on the western waters shall be transferred to the Navy Department, which will be hereafter charged with the expense of its repair, support, and maintenance: *Provided*, That all vessels now under construction or repair by authority of the War Department shall be completed and paid for under the authority of that department from appropriations made for that purpose.

Western gunboat fleet transferred to Navy Department.

Certain vessels, how to be completed and paid for.

SEC. 2. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

When act takes effect.

APPROVED, July 16, 1862.

CHAP. CLXXXVI. — *An Act to enlarge the Lake Superior Land District, in the State of Michigan.*

July 16, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the