

the year one thousand eight hundred and sixty-three, shall be deemed and taken to be the day on which the said brig "Bainbridge" foundered at sea.

SEC. 2. *And be it further enacted*, That the widow or child or children, and in case there shall be no widow, or child or children, as aforesaid, then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others in service, who were lost in said brig "Bainbridge," shall be entitled to and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations, aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel.

Widow, child, or parents, &c., to receive a sum equal to twelve months' pay.

SEC. 3. *And be it further enacted*, That the proper accounting officers of the treasury department be, and are hereby, authorized and directed to settle the accounts of Charles C. Walden, late acting assistant paymaster, in the navy, who was lost in the brig "Bainbridge," with all his accounts and vouchers for expenditures and payment made by him, and with all the money, stores, and supplies procured for the use of said vessel, and to allow him a credit for whatever sum appears to be due from him on the books of the department.

Accounts of Charles C. Walden, acting assistant paymaster, to be settled.

APPROVED, April 19, 1864.

CHAP. LXIII. — *An Act to amend an Act entitled "An Act to establish and equalize the Grade of Line Officers of the United States Navy," approved July sixteenth, eighteen hundred and sixty-two.*

April 21, 1864.

1862, ch. 183.
Vol. xii. p. 583.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no line officer of the navy, upon the active list, below the grade of commodore, nor any other naval officer, shall be promoted to a higher grade, until his mental, moral, and professional fitness to perform all his duties at sea shall be established to the satisfaction of a board of examining officers to be appointed by the President of the United States. And such board shall have power to take testimony, the witnesses when present to be sworn by the president of the board, and to examine all matter on the files and records of the department in relation to any officer whose case shall be considered by them.

No line officer upon active list, nor other naval officer, to be promoted, unless after examination, &c.

Board of examiners; appointment, power, &c.;

SEC. 2. *And be it further enacted*, That such examining board shall consist of not less than three officers, senior in rank to the officer to be examined.

of whom to consist.

SEC. 3. *And be it further enacted*, That any officer to be acted upon by said board shall have the right to be present, if he desires it; and his statement of his case, on oath, and the testimony of witnesses, and his examination, shall be recorded. And any matter on the files and records of the department touching each case, as may in the opinion of the board be necessary to assist them in making up their opinion, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding. And no officer shall be rejected until after such public examination of himself and the records of the department in his case, unless he fails to appear before said board after having been duly notified.

Officers interested may be present at examination.

Record of case to be presented to the President.

SEC. 4. *And be it further enacted*, That no officer in the naval service shall be promoted to a higher grade therein, upon the active list, until he has been examined by a board of naval surgeons, and pronounced physically qualified to perform all his duties at sea. And all officers whose cases shall have been acted upon by the aforesaid boards, and who shall not have been recommended for promotion by both of them, shall be placed upon the retired list.

No officer to be promoted unless shown by examination to be physically qualified.

SEC. 5. *And be it further enacted*, That all officers not recommended for promotion under the fourth section of an act entitled "An act to

Certain officers, not recommended for promotion,

may present themselves for examination, &c.

When may be promoted.

Any officer may be advanced for conduct in battle, &c.

Fleet paymasters and engineers.

Retired pay of surgeons, paymasters, &c.

Repealing clause.

establish and equalize the grades of line officers of the United States navy," approved July sixteen, eighteen hundred and sixty-two, shall have the right to present themselves for examination, according to the provisions of this act, and if found duly qualified, and such finding be approved by the President of the United States, they shall be promoted to the same grade and place as if they had been recommended by the board, and shall receive the corresponding pay according to the service which they have performed from the date of their rank to that of their promotion. And no further promotions shall be made upon the active list until the number in each grade is reduced to that provided by law.

SEC. 6. *And be it further enacted*, That any officer in the naval service, by and with the advice and consent of the senate, may be advanced, not exceeding thirty numbers, in his own grade, for distinguished conduct in battle, or extraordinary heroism.

SEC. 7. *And be it further enacted*, That the President of the United States shall appoint paymasters of the fleet and engineers of the fleet in the same manner and with the same rank and pay as fleet surgeons; and the retired pay of surgeons, paymasters, engineers, and other staff officers in the navy shall be the same as that of the retired officers of the line of the navy with whom they have relative rank.

SEC. 8. *And be it further enacted*, That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

APPROVED, April 21, 1864.

April 21, 1864.
1863, ch. 75, § 5.
Vol. xii. p. 732.

CHAP. LXIV. — *An Act to amend an Act for enrolling and calling out the National Forces so as to increase the Rank, Pay, and Emoluments of the Provost-Marshal General.*

Rank, &c., of provost-marshal general.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rank, pay, and emoluments of the provost-marshal general, authorized by section five of said act, shall be those of a brigadier-general.

SEC. 2. *And be it further enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED, April 21, 1864.

April 21, 1864.

CHAP. LXV. — *An Act to change the Name of the District and Port of Presque Isle to the District and Port of Erie.*

District of Presque Isle to be known as Erie.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district of Presque Isle, in the state of Pennsylvania, shall hereafter be known as the district of Erie, and the port of Presque Isle shall hereafter be known as the port of Erie.

APPROVED, April 21, 1864.

April 22, 1864.
1857, ch. 56.
Vol. xi. p. 163.

CHAP. LXVI. — *An Act in Amendment of an Act entitled "An Act relating to Foreign Coins and the Coinage of Cents at the Mint of the United States," approved February twenty-one, eighteen hundred and fifty-seven.*

Standard weight, &c., of the cent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, the standard weight of the cent coined at the mint of the United States shall be forty-eight grains, or one tenth of one ounce troy; and said cent shall be composed of ninety-five per centum of copper, and five per centum of tin and zinc, in such proportions as shall be determined by the director of the mint; and there shall be from time to time struck and coined at the mint a two-cent piece, of the same composition, the standard weight of which shall be ninety-six grains, or one fifth of one ounce troy, with no greater deviation than four grains to each piece of said cent and two-cent coins; and the shape, mottoes, and devices of said

Two-cent pieces to be coined.

Shape, devices, &c.