

April 12, 1902.

[Public, No. 68.]

CHAP. 501.—An Act To promote the efficiency of the Revenue-Cutter Service.Revenue-Cutter
Service.
Officers.
Post, p. 1041.*Proviso.*
Active list not in-
creased.
R. S., sec. 2749, p. 534.

Relative rank.

Proviso.
Rank when cooper-
ating with Navy.
R. S., sec. 2757, p. 535.Limitation of au-
thority.

Pay and allowances.

Retirement.

Retiring board.

Composition and
duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this Act the commissioned officers of the Revenue-Cutter Service shall be as follows: Captains, first lieutenants, second lieutenants, third lieutenants, captain of engineers, chief engineers, first assistant engineers, second assistant engineers, and constructor; and the captain of engineers, chief engineers, first assistant engineers, second assistant engineers shall have the rank of captain, first, second, and third lieutenants, respectively; and the constructor shall have the rank of first lieutenant: *Provided, however,* There shall be no increase in the number of officers upon the active list over the present number in each class or grade.

SEC. 2. That the said commissioned officers shall rank as follows: Captains with majors in the Army and lieutenant-commanders in the Navy; first lieutenants with captains in the Army and lieutenants in the Navy; second lieutenants with first lieutenants in the Army and lieutenants (junior grade) in the Navy; third lieutenants with second lieutenants in the Army and ensigns in the Navy: *Provided,* That whenever forces of the Navy and Revenue-Cutter Service shall be serving in cooperation pursuant to law (section twenty-seven hundred and fifty-seven, Revised Statutes), the officers of the Revenue-Cutter Service shall rank as follows: Captains with and next after lieutenant-commanders in the Navy; first lieutenants with and next after lieutenants in the Navy; second lieutenants with and next after lieutenants (junior grade) in the Navy; third lieutenants with and next after ensigns in the Navy: *Provided further,* That no provision of this Act shall be construed as giving any officer of the Revenue-Cutter Service military or other control at any time over any vessel, officer, or man of the naval service. Nor shall any naval officer exercise such military or other control over any vessel, officer, or man of the Revenue-Cutter Service, except by direction of the President.

SEC. 3. That the commissioned officers of the United States Revenue-Cutter Service shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army, including longevity pay.

SEC. 4. That when any officer in the Revenue-Cutter Service has reached the age of sixty-four years he shall be retired by the President from active service; and when any officer has become incapable of performing the duties of his office he shall be either placed upon the retired waiting-orders list or dropped from the service by the President, as hereinafter provided.

SEC. 5. That the Secretary of the Treasury, under the direction of the President, shall from time to time assemble a Revenue-Cutter Service retiring board, composed of officers of the Revenue-Cutter Service and medical officers of the Marine-Hospital Service, consisting of not less than five commissioned officers, two-fifths of whom shall be selected from medical officers of the Marine-Hospital Service, for the purpose of examining and reporting on such officers of the Revenue-Cutter Service as may be ordered by the Secretary of the Treasury to appear before it; and the members of said board shall be sworn, in every case, to discharge their duties honestly and impartially, the oath to be administered to the members by the president of the board, and to him by the junior member or recorder; and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers as may be necessary for that purpose; and when the board finds an officer incapacitated

for active service it shall also find and report the cause which in its judgment has produced his incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case.

Final action by the President.

SEC. 6. That when a board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, or is due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he shall be retired from active service and placed upon a retired waiting-orders list. Officers thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury.

Retirement to waiting-orders list.

Assignment to duties.

SEC. 7. That when a board finds that an officer is incapacitated for active service, and that such incapacity is the result of his own vicious habits and not due to any incident of service, and its decision shall be approved by the President, the officer shall be dropped from the service.

Removals for cause.

SEC. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement: *Provided*, That all promotions shall be subject to examination to determine the professional qualifications of the candidates, and such examination shall be wholly written before a board of officers of the Revenue-Cutter Service, and their physical qualifications shall be reported upon by a board of medical officers of the Marine-Hospital Service; and such board shall be convened by the Secretary of the Treasury whenever the exigencies of the service require.

Promotions.

Proviso.
Examinations.

SEC. 9. That all officers borne upon the retired or permanent waiting-orders list at the date of the passage of this Act, or hereafter, shall receive seventy-five per centum of the duty pay, salary, and increase of the rank upon which they have been or may be retired: *Provided*, That no longevity increase of pay shall be allowed for any length of service accruing after retirement.

Retired pay.

Proviso.
No longevity allowance.

SEC. 10. That all laws or parts of laws inconsistent or in conflict with the provisions of this Act be, and the same are hereby, repealed.

Repeal.

Approved, April 12, 1902.

CHAP. 502.—An Act To authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina.

April 12, 1902.

[Public, No. 69.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on Ocracoke Island near Ocracoke Inlet, on the coast of North Carolina, at such point as the General Superintendent of the Life-Saving Service may recommend.

Ocracoke Island, N. C.
Life-saving station at.

SEC. 2. That the character of the equipments and appliances of the station and the station building shall be determined by the General Superintendent of the Life-Saving Service.

Equipments, etc.

Approved, April 12, 1902.