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Washington, Friday, October 7, 1938

The President

EXECUTIVE ORDER

ESTABLISHING THE BRETON BIRD REFUGE
LOUISIANA

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act, 45 Stat. 1222, it is ordered that all lands owned or controlled by the United States on Breton Island, Freemason Islands, Old Harbor Islands, Errol Island, and that part of the Chandeleur Islands lying south of a line bearing N. 73°30' E., and S. 73°30' W., through a point that is S. 36° E., 3 miles distant from Chandeleur Lighthouse (the geographic position of which lighthouse is latitude 30°02.9' N., and longitude 88°52.3' W., from Greenwich), all off the coast of Louisiana, in Breton and Chandeleur Sounds, and in the Gulf of Mexico, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that nothing herein shall affect the recovery of the oil and gas deposits from any of the island areas under the mineral leasing act of February 25, 1920, c. 85, 41 Stat. 437, as amended, or the necessary operations pertaining to such recovery.

The Executive orders of October 4, 1904, and November 11, 1905, reserving certain of these islands as the Breton Island Reservation, are hereby revoked.

The Executive orders of September 24, 1847, and August 31, 1869, reserving the Chandeleur Islands and Errol Island, respectively, for lighthouse purposes, are hereby revoked in so far as they are affected by this order.

Errol Island and that part of the Chandeleur Islands described above were, on

November 13, 1937, declared by the Department of Commerce to be surplus to its needs, and the reservation made by this order is subject to the right of the Director of Procurement to dispose of such property in accordance with the provisions of the act of August 27, 1935, c. 744, 49 Stat. 885 (U. S. C., title 40, sec. 304a).

This reservation shall be known as the Breton Bird Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 4, 1938.

[No. 7983]

[F. R. Doc. 38-2935; Filed, October 5, 1938;
2:56 p. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES
FEDERAL TRADE COMMISSION

[Docket No. 3352]

IN THE MATTER OF FAN TAN COMPANY, INC.,
ETC.

Sec. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.*—Representing that respondents' various cosmetic and toilet preparations, sold under brand names "Fan Tan", "Lou Ray", and "Gro Pres" (and including various creams, powders, soaps, and lotions), or any other preparations composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will end oily skin problems, melt into the pores, prevent blackheads and wrinkles, nourish and sterilize the skin, reduce enlarged pores, cause pimples to vanish, bleach and whiten the skin, and clear up and remove blemishes, etc., as in order set forth, and use of any other similar representations of like import and effect as to the beneficial value of said preparations or the benefits accruing from use thereof, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Fan Tan Company, Inc., etc., Docket 3352, September 27, 1938.]

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SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.*—Representing that respondents' various cosmetic and toilet preparations, sold under brand names "Fan Tan", "Lou Ray", and "Gro Pres" (and including "Sarcoptic Mange Medicine", "Shampoo Soap", "Three-Fold Brilliantine Hair Grower", etc.), or any other preparations composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will promote the growth of longer, straighter hair, recondition the hair, vitalize scalp roots, get rid of, prevent and end dandruff, clean hair roots, grow hair, rout the cause of hair and scalp trouble, increase the length of hair, make hair longer, straighter, smoother and softer, etc., as in order specified, and use of any other similar representations of like import and effect as to beneficial value of said preparations or benefits accruing from use thereof, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Fan Tan Company, Inc., etc., Docket 3352, September 27, 1938.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF FAN TAN COMPANY, INC., A CORPORATION, ALSO TRADING AS LOU RAY COMPANY, GRO PRES COMPANY, AND BISHOP JONES COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Fan Tan Company, Inc., a corporation, also trading as Lou Ray Company, Gro Pres Company and Bishop Jones Company, or trading under any other name, its officers, representatives, agents and employees, either directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of various cosmetic and toilet preparations now sold by it under various and sundry names in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Representing that the preparation now designated as Fan Tan Liquifying Creme or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will end oily skin problems, melt into the pores and prevent blackheads and wrinkles.

2. Representing that the preparation now designated as Fan Tan Vanishing Creme or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will nourish the skin.

3. Representing that the preparation now designated as Fan Tan Sarcoptic Mange Medicine or any other preparation composed of the same or similar ingredients and possessing similar properties will promote the growth of longer, straighter hair, will prevent dandruff, will recondition the hair and will vitalize scalp roots.

4. Representing that the preparation now designated as Fan Tan Medicated Shampoo Soap, or any other preparation composed of the same or similar ingredients

and possessing similar properties, under whatever name sold, will sterilize the skin.

5. Representing that the preparation now designated as Fan Tan Tar Shampoo, or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will get rid of dandruff and will clean hair roots.

6. Representing that the preparation now designated as Fan Tan Astringent Lotion, or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will reduce enlarged pores and reduce oiliness of the skin.

7. Representing that the preparation now designated as Lou Ray Three-Fold Brilliantine Hair Grower, or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will grow hair and supply nourishment to the hair.

8. Representing that the preparation now designated as Gro Pres Medicated Hot Oil Treatment and Lou Ray Medicated Hot Oil Treatment, or any other preparation composed of the same or similar ingredients or possessing similar properties, under whatever name sold, will "rout the cause of hair and scalp trouble."

9. Representing that the preparation now designated as Lou Ray Lemon Cleansing Creme and Gro Pres Lemon Cleansing Creme or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will cause pimples to vanish, will bleach the skin and will clear up blemishes.

10. Representing that the preparation now designated as Lou Ray Wheel of Fortune Hair Dressing or any other preparation composed of the same or similar ingredients and possessing similar properties under whatever name sold, will increase the length of the hair.

11. Representing that the preparation now designated as Fan Tan Bleach Creme, Lou Ray Bleach Creme and Gro Pres Bleach Creme or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, is an effective remedy for pimples, blackheads, wrinkles and all causes of rough harsh skin, and will bleach the skin, remove freckles, pimples, blotches, roughness and enlarged pores.

12. Representing that the preparation now designated as Lou Ray Skin Bleach Soap and Gro Pres Skin Bleach Soap or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will bleach the skin.

13. Representing that the preparation now designated as Gro Pres Hair Grower or any other preparation composed of the same or similar ingredients and pos-

¹ 3 P. R. 1194 DI.

sessing similar properties, under whatever name sold, will grow hair and end dandruff and itchy scalp.

14. Representing that the preparation now designated as Franko Hair Dressing Remedy or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will make hair longer, straighter, smoother and softer.

15. Representing that the preparations now designated as Creme Shampoo, Hair Tinting Jet Black Shampoo, Light Weight Shampoo Soap and Tinting Shampoo soap or any other preparations composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will end dandruff and falling hair.

16. Representing that the preparation now designated as Fan Tan Whitening Soap or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, will whiten the skin and will remove skin blemishes, is healing and will correct skin eruptions and pimples.

17. And from making any other similar representations of like import of effect as to the beneficial value of said preparations or the benefits accruing from the use thereof.

It is further ordered, That the respondent, Fan Tan Company, Inc., shall, within sixty days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-2936; Filed, October 6, 1938;
9:35 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49719]

COUNTERVAILING DUTIES ON ETHYLENE DIBROMIDE FROM GERMANY

PAYMENT OR BESTOWAL OF A BOUNTY OR GRANT UPON THE EXPORTATION OF ETHYLENE DIBROMIDE FROM GERMANY DECLARED AND COLLECTORS OF CUSTOMS INSTRUCTED TO COLLECT COUNTERVAILING DUTIES EQUAL TO SUCH BOUNTY OR GRANT UPON IMPORTATIONS OF ETHYLENE DIBROMIDE FROM THAT COUNTRY

To Collectors of Customs and Others Concerned:

The Bureau is in receipt of information which it regards as reliable to the effect that a bounty or grant, within the meaning of the provisions of section 303 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1303), is paid or bestowed on ethylene dibromide exported from Germany.

The bounty or grant paid or bestowed upon ethylene dibromide exported from Germany has been determined and is hereby declared to be 3.775¢ per pound.

Upon ethylene dibromide imported directly or indirectly from Germany and entered for consumption or withdrawn from bonded warehouse for consumption after thirty days after publication of this declaration in a weekly issue of the "Treasury Decisions", whether such ethylene dibromide is imported in the same condition as when exported from Germany or has been changed in condition in a third country by remanufacture or otherwise, there shall be levied, collected and paid, in addition to any other duties which may accrue thereon, a countervailing duty equal to the bounty or grant paid or bestowed as determined and declared above.

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

Approved, September 30, 1938.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 38-2938; Filed, October 6, 1938;
11:21 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

UNITED STATES EMPLOYEES' COM- PENSATION COMMISSION

APPEALS IN CASES OF EMPLOYEES OF ALASKA RAILROAD; PROCEDURE

AMENDMENT TO REGULATIONS EFFECTIVE
JUNE 1, 1938 GOVERNING THE ADMINIS-
TRATION OF THE FEDERAL EMPLOYEES'
COMPENSATION ACT OF SEPTEMBER 7,
1916, AS AMENDED

OCTOBER 5, 1938.

The regulations adopted by the U. S. Employees' Compensation Commission governing the administration of the Federal Employees' Compensation Act of September 7, 1916, as amended to June 1, 1938, are hereby supplemented by the addition of Part 4, Sections 4.1 and 4.2, as follows:

"Sec. 4.1 Appeals in cases of employees of Alaska Railroad; procedure. (a) Every person whose claim under said Act has been adjudicated by the General Manager of the Alaska Railroad shall have the right of appeal to the Commission from the decision of such General Manager. The Commission may on its own motion review the decision of such General Manager and, in accordance with the facts found on such review, may proceed as provided in section 37 of said Act. The appeal or review in such a case may be upon questions of fact or law, or both.

"(b) An appeal in such a case shall be filed in writing by the claimant and shall state the name and address of the person appealing and, if such person is a dependent, the name and address of the deceased employee on account of whose death the claim arose, the date and place of the employee's injury, the nature of his injury, by whom he was employed, the claim number, and the

specific ground or grounds upon which the appeal is based. Such appeal shall be accompanied by a copy of the award, rejection of claim, or other paper containing the action of the said General Manager from which the appeal is taken. No new evidence shall be submitted with the appeal in such a case. A duplicate of such appeal and of all supporting papers shall be filed with the original thereof.

"Sec. 4.2 Same; Record on appeal or review. (a) Upon the filing of an appeal as provided by section 4.1, the Commission shall transmit to the General Manager of the Alaska Railroad a copy thereof with request for the file in the case of the person appealing. Such file shall be sent by registered mail to the Commission by the said General Manager, together with all of the evidence considered by him in adjudicating the claim and the finding of facts and the award or other disposition of the claim made by him in such case pursuant to the provisions of section 36 of said Act. The said General Manager, upon consideration of the grounds of the appeal, shall advise the Commission with respect thereto and of any recommendations he may care to make; shall advise the Commission of the amount of compensation, if any, paid in the case, including all medical, hospital, and other expense, and shall state the period or periods covered by payments of compensation.

"(b) For the purpose of facilitating the action of the Commission upon an appeal or upon review of such a case, the finding of facts and award, or other disposition of the claim, required to be made by the provisions of section 36 of said Act shall be included in an order appropriately captioned 'Compensation Order, Award of Compensation,' 'Compensation Order, Rejection of Claim,' 'Compensation Order, Modification of Award,' or 'Compensation Order, Suspension of Payments,' as the case may be. The order shall be appropriately captioned with the name of the claimant and shall contain finding of facts, conclusions of law (where involved), and an action paragraph containing the award, rejection of the claim, or other appropriate action. This order shall be signed by the said General Manager under the date of the filing thereof. A copy of such order shall in each case be transmitted to the claimant, and such fact stated at the bottom of the order, together with the address to which such copy was sent.

"(c) All original compensation orders shall contain under a paragraph headed 'Finding of Facts,' findings with respect to the name and address of the claimant (and the name of the employee in death cases), the name of the employer, the date and place of injury or alleged injury, a statement of the circumstances surrounding the accident or alleged accident, a concise but complete statement of the injury or alleged injury, a statement with respect to notice of injury, a statement of the monthly pay, and such other findings as may be necessary to determine

all issues adjudicated in said case. In cases in which awards of death benefits are made, the dates of birth of each claimant shall be stated in the compensation order. In cases in which the claim is rejected, the reasons for the rejection shall be stated in a separate paragraph following the finding of facts.

"(d) In compensation orders other than the original order, reference shall be made to the prior order or orders with the date or dates thereof. The finding of facts in such subsequent orders shall relate only to the issues considered by such General Manager, without restatement of facts found in any prior order relating to the same case."

Adopted by the Commission, October 4, 1938.

WM. McCauley,
Secretary.

[F. R. Doc. 38-2934; Filed, October 5, 1938;
2:14 p. m.]

TITLE 26—INTERNAL REVENUE
BUREAU OF INTERNAL REVENUE
(T. D. 4866)

OPERATION OF FRUIT DISTILLERIES ON SUNDAY

To District Supervisors, and Others Concerned:

Pursuant to the provisions of Section 3255, R. S., as amended (U. S. C., Supp. III, title 26, sec. 1176; Public—No. 635—75th Congress), the following regulations are prescribed:

1. Distillers of brandy from the fruits and materials specified in Section 3255, R. S., as amended, are hereby exempted from the provisions of Section 3283, R. S. (U. S. C., title 26, sec. 1187), in any case in which the district supervisor finds, in accordance with the procedure hereinafter set forth, that an emergency exists requiring operation of the distillery between 11:00 P. M. Saturday and 1:00 A. M. Monday, for the purpose of preventing the loss of, and to effect the salvaging of, crop or other materials.

2. Any distiller of brandy desiring to operate his distillery between the hours specified shall file application, in duplicate, with the district supervisor, setting forth specifically the dates on which he desires to so operate and describing fully the necessity therefor.

3. The application shall be filed a sufficient time in advance of the earliest date named therein for such emergency operation to enable the district supervisor to determine whether such an emergency exists, and, if he approves the application, to assign an officer to supervise the operations where deemed necessary.

4. If the application is approved, the district supervisor will note his approval on both copies thereof, with the date of approval, and will return one copy to the

applicant and retain the other copy on file.

5. Any operation of the distillery between 11:00 P. M. Saturday and 1:00 A. M. Monday without first filing application and securing the district supervisor's approval thereof, as herein provided, will render the distiller liable to the penalty prescribed therefor by Section 3283, R. S.

6. The provisions of Part Three of Regulations 7, "Relative to the Production, Portification, Tax-Payment, Etc., of Wine and the Production of Grape Brandy for Fortification", approved March 6, 1930, which are inconsistent herewith are hereby revoked to the extent of such inconsistency.

[SEAL] MILTON E. CARTER,
Acting Commissioner of
Internal Revenue.

Approved, October 5, 1938.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 38-2937; Filed, October 6, 1938;
11:21 a. m.]

TITLE 46—SHIPPING

BUREAU OF MARINE INSPECTION AND NAVIGATION

REGULATIONS FOR DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS; TONNAGE DUTIES AND LIGHT MONEY; CARRIAGE OF PASSENGERS; NAVIGATION FEES; ACCEPTANCE OF SAFETY CERTIFICATES ISSUED UNDER THE INTERNATIONAL CONVENTION ON SAFETY OF LIFE AT SEA, 1929; BARGES IN TOW AND SEAMEN'S PROTECTION CERTIFICATES

By virtue of and pursuant to the authority contained in: Sec. 2, 23 Stat. 118 as amended, 46 U. S. C. 2; R. S. 161, 5 U. S. C. 22; Sec. 1 (b), 38 Stat. 1193 as amended, 46 U. S. C. 12; Sec. 11, 38 Stat. 1168 as amended, 46 U. S. C. 599; Sec. 13, 38 Stat. 1169 as amended, 46 U. S. C., Sup. III, 672; R. S. 4214 as amended, 46 U. S. C. 103; R. S. 4177 as amended, 46 U. S. C. 45; Sub-sec. W, Sec. 30, 41 Stat. 1006, 46 U. S. C. 983; Sec. 2, 41 Stat. 437, 46 U. S. C. 52; Sec. 5, 40 Stat. 602 as amended, 46 U. S. C., Sup. III, 288; Sec. 4, 49 Stat. 519, 19 U. S. C., Sup. III, 1704; Secs. 1, 2, 3, 31 Stat. 58 as amended, 46 U. S. C. 163; Sec. 433, 46 Stat. 711, 19 U. S. C. 1433; Sec. 434, 46 Stat. 711 as amended, 19 U. S. C., Sup. III, 1434; Sec. 3, 23 Stat. 119, 46 U. S. C. 3; Secs. 9, 10, and 11, 22 Stat. 190, 46 U. S. C. 158, 159, and 160; 50 Stat. 303, 19 U. S. C., Sup. III, 1435 b; 32 Stat. 172 as amended, 46 U. S. C. 95; Sec. 447, 46 Stat. 714, 19 U. S. C. 1447; R. S. 3124 as amended, 19 U. S. C. 291; R. S. 4157 as amended, 46 U. S. C. 27; Sec. 4, 28 Stat. 743, 46 U. S. C. 79; R. S. 4400 as amended, 46 U. S. C. 362; the following regulations are prescribed:

PART I. DOCUMENTATION OF VESSELS

1. Customs ports authorized to issue marine documents.—Marine documents

may issue from the following-named ports:

ATLANTIC AND GULF COASTS	SOUTH CAROLINA (16)
MAINE AND NEW HAMPSHIRE (1)	Georgetown. *Charleston.
Eastport. Calais. Jonesport. Bar Harbor. Bangor. Belfast. Rockland. Bath. *Portland. Portsmouth.	GEORGIA (17) *Savannah. Brunswick.
MASSACHUSETTS (4)	FLORIDA (18)
Gloucester. Salem. *Boston. Provincetown. New Bedford. Fall River.	Fernandina. Jacksonville. St. Augustine. Miami. Key West. *Tampa. Apalachicola. Pensacola.
RHODE ISLAND (5)	MOBILE (19)
*Providence. Newport.	*Mobile. Gulfport. See also Rivers.
CONNECTICUT (6)	NEW ORLEANS (20)
New London. Hartford. New Haven. *Bridgeport.	*New Orleans. See also Rivers.
NEW YORK (10)	SABINE (21)
*New York. Albany. Newark. Perth Amboy.	*Port Arthur. Beaumont. Lake Charles, La.
PHILADELPHIA (11)	GALVESTON (22)
*Philadelphia. Wilmington.	*Galveston. Houston.
MARYLAND (13)	SAN ANTONIO (23)
*Baltimore. Annapolis. Crisfield. Cambridge. Washington.	*San Antonio. Corpus Christi.
VIRGINIA (14)	PUERTO RICO (49)
Alexandria. Reedville. *Newport News. *Norfolk. Cape Charles.	*San Juan.
NORTH CAROLINA (15)	VIRGIN ISLANDS
Elizabeth City. Washington. Beaufort. *Wilmington.	*St. Thomas.
	WESTERN RIVERS
	NEW ORLEANS (20)
	*New Orleans. Baton Rouge. See also Gulf.
	TENNESSEE (43)
	*Memphis. Nashville. Chattanooga.

MOBILE (19)	ROCHESTER (8)
*Mobile. See also Gulf.	Oswego. *Rochester.
KENTUCKY (42)	BUFFALO (9)
*Louisville.	*Buffalo.
ST. LOUIS (45)	OHIO (41)
*St. Louis. Kansas City.	Erie. *Cleveland. Sandusky. Toledo. See also Rivers.
OMAHA (46)	MICHIGAN (36)
*Omaha.	*Detroit. Port Huron. Sault Ste. Marie. Grand Haven.
DAKOTA (34)	CHICAGO (39)
*Pembina.	*Chicago. See also Rivers.
MONTANA AND IDAHO (33)	WISCONSIN (37)
*Great Falls.	*Milwaukee. See also Rivers.
IOWA (44)	DULUTH AND SUPERIOR (36)
*Des Moines.	*Duluth. See also Rivers.
MINNESOTA (35)	PACIFIC COAST
*Minneapolis.	SAN DIEGO (25)
DULUTH AND SUPERIOR (36)	*San Diego.
*Duluth. See also Lakes.	LOS ANGELES (27)
WISCONSIN (37)	*Los Angeles. Port San Luis.
*Milwaukee. See also Lakes.	SAN FRANCISCO (28)
CHICAGO (39)	*San Francisco. Oakland. Eureka.
*Chicago. Peoria. See also Lakes.	OREGON (29)
INDIANA (40)	Marshfield. Astoria. *Portland.
*Indianapolis. Evansville.	WASHINGTON (30)
OHIO (41)	Tacoma. *Seattle. Bellingham. Port Townsend. Port Angeles. Aberdeen.
Cincinnati. See also Lakes.	ALASKA (31)
PITTSBURGH (12)	Ketchikan. Hyder.
*Pittsburgh.	
NORTHERN LAKES	
VERMONT (2)	
*St. Albans. Burlington.	
ST. LAWRENCE (7)	
Rouses Point. *Ogdensburg. Cape Vincent.	

Wrangell. Petersburg. Eagle. *Juneau. Sitka.	Skagway. Cordova.
	HAWAII (32)
	*Honolulu.

NOTE.—The grand divisions are printed in capitals, the district names in small capitals, with the numbers enclosed in parentheses, and the ports in roman with asterisks (*) to indicate the headquarters ports. Marine documents are not issued at the headquarters ports of San Antonio, Indianapolis, and St. Albans, nor in the districts of El Paso (24), Arizona (26), Colorado (47), and Utah and Nevada (48).

†Marine documents may be issued at the port of Washington, N. C. Washington is a customs station, but not a port of entry.

A duplicate of each marine document issued to a vessel, together with the surrendered original, if there is one, should be sent to the headquarters port for review. All duplicates, surrendered originals, and copies of lost originals must be forwarded from the headquarters port to the Director of the Bureau of Marine Inspection and Navigation at the end of each day.

A license may be renewed by endorsement by the collector at the headquarters port or by any deputy collector within that particular district, but a notice of such renewal, Cat. No. 1302, must be sent to the port at which the license was issued, to the port of last previous renewal, and to the home port.

Additional ports will be designated as ports of documentation when this action is required by the exigencies of the service.

2. *General definitions.*—(a) The word "vessel", within the meaning of the Tariff Act of 1930, includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

(b) The word "vessel", within the meaning of the navigation laws, includes every description of water craft or other artificial contrivance used or capable of being used as a means of transportation on water, but does not include seaplanes or other aircraft. (R. S. 3, 1 U. S. C. 3; 44 Stat. 572, 49 U. S. C. 177.)

(c) The term "marine document" includes registry, enrollment and license, and license. (41 Stat. 1000, 46 U. S. C. 911.)

(d) The term "documented" means registered or enrolled and licensed or licensed under the laws of the United States, whether permanently or temporarily. (Ibid.)

(e) The term "port of documentation" means the home port of a vessel. It does not include a port in which a temporary document is issued. (R. S. 4141, 46 U. S. C. 17; 43 Stat. 948, 46 U. S. C. 1012; 41 Stat. 1000, 46 U. S. C. 911.)

(f) The term "vessel of the United States" means any vessel documented

under the laws of the United States. (41 Stat. 1000, 46 U. S. C. 911.)¹

(g) The term "load line" means a line or mark to indicate the maximum depth to which a vessel may be loaded safely. (45 Stat. 1492, 46 U. S. C. 85.)

(h) The term "mortgagee", in the case of a mortgage involving a trust deed and a bond issue thereunder, means the trustee designated in such deed. (41 Stat. 1000, 46 U. S. C. 911.)

3. *Vessels entitled to documents.*²—

(a) Vessels of 20 net tons and upward may be registered or enrolled and licensed. Vessels of 5 net tons and less than 20 net tons may be licensed (except on the Great Lakes) or registered.

(b) Any vessel of the United States navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed. (Commerce Form 1273.) (See art. 70, C. R. 1937.)

(c) The following classes of vessels are entitled to receive documents under existing laws:

Class 1.—Those built in the United States, wholly owned by citizens or by an incorporated company of the United States.

An American-owned and American-built vessel, which by sale has become the property of a foreigner, will be entitled to a new marine document upon afterward becoming American property, but cannot engage in the coastwise trade.

Class 2.—Those purchased from the Maritime Commission by persons who are citizens of the United States. (See art. 72, C. R. 1937.)

Class 3.—Those built in the United States, in whole or in part under foreign ownership and recorded, on becoming wholly owned by a citizen or citizens of the United States, and never before documented. (See art. 76, C. R. 1937.)

Class 4.—Those captured in a war to which the United States is a party, by a citizen or citizens thereof, lawfully condemned as prizes, and wholly owned by a citizen or citizens of the United States.

Class 5.—Those which have been adjudged to be forfeited for a breach of the laws of the United States, when wholly owned by citizens thereof. This does not include vessels, not otherwise entitled to documents, sold under a decree of admiralty for debt or seamen's wages.

Class 6.—Those sold by the United States Government to citizens, if built in the United States. Foreign-built ves-

¹For the purposes of the Ship Mortgage Act, a yacht licensed under the provisions of R. S. 4214 as amended may be included in this definition.

²For statutory provisions, see R. S. 4132 as amended, 46 U. S. C. 11; 39 Stat. 730 as amended, 46 U. S. C. 808; R. S. 4180, 46 U. S. C. 54; R. S. 4184, 46 U. S. C. 57; R. S. 4136 as amended, 46 U. S. C. 14; 41 Stat. 997, 46 U. S. C. 13; 21 Stat. 44, 46 U. S. C. 332; R. S. 4385, 46 U. S. C. 335; 18 Stat. 31, 46 U. S. C. 336; 24 Stat. 81, 46 U. S. C. 319; 49 Stat. 442, sec. 1, 46 U. S. C., Sup. III, 833.

sels bought or chartered by the Government are entitled to documents on sale to a citizen or citizens on compliance with the requirements for class 9.

Class 7.—Those authorized by special act of Congress to be documented.

Class 8.—Those wrecked on the coasts of the United States or its possessions or in adjacent waters, when purchased by a citizen or citizens of the United States and repaired in a shipyard in the United States or its possessions.

It must be proved to the satisfaction of the Secretary of Commerce, through a board of three appraisers appointed by him, if necessary, that the repairs put upon such vessel are equal to three times the appraised salved value thereof. The expense of such appraisal shall be borne by the owner of the vessel.

If any of the material facts sworn to or represented by the owner, or at his instance, to obtain documents of any vessel are not true, such vessel is liable to forfeiture.

Class 9.—Seagoing vessels, whether steam or sail, wherever built, when wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or any State thereof, the president and managing directors of which are citizens of the United States. (See art. 72, C. R. 1937.)

Foreign-built vessels registered in accordance with the foregoing provisions of class 9 shall engage only in trade with foreign countries or with the Philippine Islands, the islands of Tutuila, Guam, Wake, Midway and Kingman Reef. They shall not engage in the coastwise trade, except as provided by sections 18 and 22, Merchant Marine Act, 1920.

(d) Vessels described as follows, if falling within the provisions of the foregoing classes, may be documented:

Barges, lighters, and other boats provided with sail or internal motive power, whether such power is generally used or not.

Barges and boats without sail or internal motive power of their own, engaged in trade with Canada, or employed upon the navigable waters of the United States.

Barges and boats without sail or internal motive power of their own, carrying passengers.

4. Provisional registers.—(a) Consular officers of the United States, and such other persons as may be designated by the President for the purpose,² are authorized to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in section 4132, Revised Statutes, as amended. (46 U. S. C. 11.)

²The collector of customs of the Philippine Islands, the captains of the ports of Cristobal and Balboa, Canal Zone, and the Governor of Guam were designated by Executive Order of Apr. 17, 1915.

(b) Such provisional certificates shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands, American Samoa, and the island of Guam, until the expiration of six months from the date thereof, or until 10 days after the vessel's arrival in a port of the United States, and no longer. On arrival at a port of the United States the vessel shall become subject to the laws relating to officers, inspection, and measurement, as amended by the act of August 18, 1914. (46 U. S. C. 11.)

(c) Such provisional certificates shall be issued and surrendered in exchange for certificates of registry under regulations prescribed by the Secretary of Commerce.

(d) To cover American-owned ships now in foreign ports until their return to the United States for permanent registry, the Department has arranged with the State Department for the issue of provisional registers by Consuls.

When bills of sale covering such cases are presented to a collector, he will proceed as follows:

(1) The bill of sale will be filed with him.

(2) The vendee will execute an affidavit as to the bona fides of the transfer of title and the citizenship of the vendee, which the collector will file with the bill of sale.

(3) If the vendor or his duly authorized representative be present, he should also sign the affidavit.

(4) The collector will then communicate with the Director of the Bureau of Marine Inspection and Navigation (by telegraph at the expense of those concerned, if desired) a statement that a bill of sale has been filed with him and the proper affidavit executed of the sale, giving names, and, if a corporation, particulars of the vendor and of vendee, respectively, of the (rig of vessel) called (name of vessel) of ----- gross, ----- net tons. He will also state the foreign port where the vessel is at the time, so the proper Consul may be instructed.

(5) On receipt of the papers or telegram from the collector, the Director of the Bureau of Marine Inspection and Navigation will award signal letters to the vessel and through the usual channels promptly advise the State Department. The State Department will then cable at the expense of the parties concerned instructions and data for the issue of the provisional register by the American Consul at the port where the vessel is stated to be.

5. Yachts entitled to documents.—Yachts measuring 16 gross tons or over, used exclusively as pleasure vessel, otherwise entitled to be documented, may be licensed, and if so licensed, may proceed from port to port within the United States without entering or clearing, and to foreign ports without clearing at the customhouse. Such yachts must enter at the customhouse on arrival from foreign ports.

6. Vessels exempt from documentation.⁴

7. Vessels required to have certificate of award of number.⁵

8. Marine documents, kinds of.—(a) Marine documents consist of certificates of registry, enrollments, and licenses.

(b) Marine documents are of two descriptions—permanent, granted to vessels at their home ports, and temporary, granted to vessels at ports other than their home ports.

(c) These two classes of documents should be distinguished by plainly writing the word "permanent" or "temporary" in the margin immediately above the number, and the same rule should be observed in respect to the copies and records.

(d) Registers and enrollments are valid for any length of time until a contingency arises requiring their surrender. (See art. 48, C. R. 1937.) Licenses are valid for one year only, but may be renewed or changed at any time during the year for which they are granted. Care should be taken that only one license, and for one employment, be granted to a vessel for the same time.⁶

(e) No enrollment and license or license shall be considered in force longer than the vessel to which it is granted is owned as stated therein, nor shall it be valid if the description of the vessel is changed, or if the vessel engages in any business or employment other than that for which the document was granted.

9. Marine documents, execution of.—(a) All marine documents must be signed and sealed by the collector before being issued.

(b) The certificate of registry must bear the seal of the Department of Commerce, attested by the Director of Marine Inspection and Navigation.

10. New marine documents.—When a new marine document is issued in lieu of one surrendered, such new document must in all cases cite the previous document by number, date, and port of issue, carry any notation of the authority for documentation or of the existence of unsatisfied preferred mortgages as appearing on the surrendered document, and give the cause of surrender of the old document. A certificate of the builder or a surveyor's certificate of measurement will not be required unless some change of tonnage has taken place since the time of the previous document.

⁴See provisions in 21 Stat. 44, 46 U. S. C. 332; R. S. 4385, 46 U. S. C. 335; 18 Stat. 31, 46 U. S. C. 336; Merchant Marine Act of 1920, sec. 27, as amended, 46 U. S. C., Sup. III, 883; 24 Stat. 81, sec. 7, 46 U. S. C. 319.

⁵See 40 Stat. 602 as amended, 46 U. S. C. and Sup. III, 288 and Part I, Sec. 63 post.

⁶For statutory provisions, see R. S. 4190, 46 U. S. C. 61; R. S. 4191, 46 U. S. C. 62; R. S. 4138, 46 U. S. C. 16; R. S. 4315, 46 U. S. C. 255; R. S. 4327, 46 U. S. C. 269; R. S. 4324, 46 U. S. C. 266.

⁷A license may be issued for the "coasting trade and mackerel fisheries."

⁸For statutory provisions, see R. S. 4158, 46 U. S. C. 28; 46 U. S. C. 274; 46 Stat. 740, 19 U. S. C. 1523.

tation. (See arts. 48, 53, and 55, C. R. 1937.)

11. *Marine documents to include dimensions and tonnage.*⁹—The marine document of every vessel shall express her length, breadth, and depth, and the height under the third or spar deck; the number of decks and masts; the tonnage under the tonnage deck; that on the between decks above the tonnage deck; that of the poop or other inclosed spaces above the deck, each separately; it shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage.

12. *Registers.*¹⁰—(a) Certificates of registry are requisite for vessels of the United States engaged in the foreign trade, and are permitted to such vessels engaged in the domestic trade, under the requirement of entering at the customhouse at every port of arrival. Blank forms (commerce Form 1265) attested under the seal of the Department of Commerce, will be furnished to collectors. (See art. 56, C. R. 1937.)

(b) Foreign-built vessels, though documented, may not engage in the fisheries. (See art. 14, class 9, C. R. 1937.)

13. *Enrollment and license, coasting trade and fisheries.*¹¹—(a) Vessels of 20 tons net or more enrolled and having a license in force, or, if of 5 tons net and less than 20 tons net, not enrolled but having a license in force, may be employed in the coasting trade and fisheries.

(b) Vessels engaged exclusively in the "cod fishery" should be so licensed. Vessels engaged in taking fish of any other description should be licensed for the "mackerel fishery." Vessels engaged in the whale fishery should be licensed for the "whale fishery." Vessels which engage in both the coasting trade and the fishery (other than the "whale fishery") may be licensed for the "coasting trade and mackerel fishery." Vessels engaged in taking out fishing parties are not fishing vessels and should be licensed for the coasting trade unless they intend to proceed to foreign ports, in which case a certificate of registry is required (art. 26, C. R. 1937). See article 70, C. R. 1937 for vessels on the Great Lakes.

(c) Vessels enrolled and licensed may engage in trade with the Canal Zone.

14. *Builder's certificates.*¹²—(a) In order to document a vessel of class 1 not before documented it is necessary to produce a certificate (commerce Form 1261) from the builder under whose direction the vessel was built that she was so built, stating the place, time, person or persons for whom built, number of decks

and masts, length, breadth, depth, and tonnage, and such other particulars as are usually descriptive of the identity of a vessel. This certificate will be sufficient to authorize the removal of a new vessel, if in ballast only, from the district where she may have been built to another district in the same or an adjoining State where the owner or owners actually reside. The collector may require the production of a certificate of acknowledgment by the builder before an officer having a seal.

(b) Any certificate in which the requirements of the law are fairly and fully complied with may be accepted; and where from any cause it is found impracticable to obtain the certificate of the builder, other competent evidence establishing the particulars and facts required to be certified by him may be accepted, with the approval of the Director of Marine Inspection and Navigation.

(c) The place of build is where the hull was built. The time of build is the year of completion. Both must appear in all marine documents.

15. *Measurement of vessel.*¹³

16. *Official number and signal letters.*—(a) Every documented vessel is required by law to have an official number awarded by the Director, Bureau of Marine Inspection and Navigation. Application therefor shall be made on commerce Form 1320 by the owner himself or by some person duly authorized by him to act in his behalf, through the collector of customs. In the case of corporate ownership, the application should be signed in the corporate name, by a corporate officer or authorized agent. In case of a firm or partnership, the firm or partnership name must be signed either by a member of the firm or one of the partners, or by a duly authorized agent. In the case of individual ownership by two or more persons, one of the owners may sign in his own name as "managing owner" provided there is filed with the collector a written authorization for him to act in that capacity, signed by all the owners. In addition to the information therein required, the application must state the name of the former owner, if any, and that the bill of sale has been examined by the collector of customs, or has not, as the case may be.

(b) All seagoing vessels of 100 tons or over, in addition to an official number, may have signal letters awarded. Signal letters may also be awarded to seagoing vessels of less than 100 tons where special application is made therefor through the collector.

17. *Marking of official number and net tonnage.*¹⁴

18. *Evidence as to marking official number, etc.*—(a) Marine documents will not be issued until proper evidence

is produced that the official number and net tonnage have been marked upon the vessel's main beam, and that her name has been marked upon both sides of her bow and her name and hailing port have been marked upon her stern as required by law (commerce Form 1322).

(b) If the vessel is out of the district, the owner may make affidavit as to the above facts; but as soon as she arrives at a place within the home district, where the inspection certificate of a customs officer can be procured, such certificate must be required by the collector of customs of the district.

(c) If the vessel is at a place in the home district which is not readily accessible to a customs officer, an affidavit that the law has been complied with may be submitted by the owner or agent.

19. *Marking of draft of registered vessels.*¹⁵—The draft of every registered vessel shall be marked upon the stem and sternpost, in English feet or decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line. If all the figures indicating the draft of registered vessels can not be placed on the sternpost they may be continued upward on the adjacent part.

20. *Name and home port on documented vessel.*¹⁶—(a) The name of every documented vessel (yachts excepted) shall be marked in full upon each bow and upon the stern, and the home port shall also be marked in full upon the stern. These names shall be painted, or carved, or gilded, in Roman letters in a light color on a dark ground, or in a dark color on a light ground, and must be distinctly visible. The letters used shall not be less than 4 inches high. If any vessel of the United States is found without these names so marked, the owner or owners shall be liable to a penalty of \$10 for each name omitted. Every steam vessel of the United States must, in addition, have her name conspicuously placed in distinct, plain letters of not less than 6 inches high on each outer side of the pilot house, if it has such, and in case the vessel has side wheels, also on the outer side of each wheel house, under the same penalty as provided above.

(b) On vessels called "double-enders" the letters prescribed by the statute may be placed on the parts corresponding to the bow and stern, and on vessels with sterns not affording sufficient space for letters they may be placed on the adjacent parts, in both cases so as to conform to the law as closely as possible, and so that the hailing port shall be marked at one end of the vessel.

(c) Scows, barges, or other vessels "scow-built" or with square bow may be marked on the bow instead of the side

⁹ For statutory provisions, see R. S. 4150, 46 U. S. C. 74; R. S. 4153 as amended, 46 U. S. C. 77.

¹⁰ For statutory provisions, see R. S. 4132 as amended, 46 U. S. C. 11, 41 Stat. 997, 46 U. S. C. 13.

¹¹ For statutory provisions, see R. S. 4311, 46 U. S. C. 251; R. S. 4321, 46 U. S. C., Sup. III, 263; 24 Stat. 81, 46 U. S. C. 319.

¹² For statutory provisions, see R. S. 4147, 46 U. S. C. 24; R. S. 4148, 46 U. S. C. 71; R. S. 4149, 46 U. S. C. 72; R. S. 4180-84, 46 U. S. C. 54-57.

¹³ See Rules and Regulations, Admeasurement of Vessels, 4th Ed. Jan. 2, 1925.

¹⁴ See Rules and Regulations, Admeasurement of Vessels, 4th Ed., Jan. 2, 1925.

¹⁵ For statutory provision, see 26 Stat. 766 as amended, 46 U. S. C. 48.

¹⁶ For statutory provisions, see R. S. 4178 as amended, 46 U. S. C. 46; R. S. 4495, 46 U. S. C. 493; 23 Stat. 58, 46 U. S. C. 47; R. S. 4214 as amended, 46 U. S. C. 103.

where such marking would be speedily obliterated by chafing against other vessels, spiles, or docks.

(d) The hailing port or port to be marked on the stern may be either the port where the vessel is permanently documented, or the place in the same district where the vessel was built or where one or more of the owners reside.

(e) Documented yachts are required to have their names and hailing ports placed on some conspicuous part of their hulls.

21. *Home port, definition, change of:*¹⁷—(a) A vessel's home port is that port of documentation which has been fixed and determined by the owner with the approval of the Director of Marine Inspection and Navigation. It is also the port at which a vessel's permanent documents issue but it must appear in all documents whether they are permanent or temporary.

(b) It is desirable that the home port be at or nearest the place where the vessel business of the owner is conducted but it need not be in the State where the owning company is incorporated.

(c) If the owner desires to have the home port elsewhere, an application accompanied by a detailed statement setting forth the reasons therefor shall be forwarded to the Director of Marine Inspection and Navigation for his approval.

22. *Citizen ownership of corporation, partnership, or association:*¹⁸—(a) No corporation, partnership, or association shall be deemed a citizen of the United States, within the meaning of the Shipping Act, 1916 and the Merchant Marine Act, 1920, unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof. The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or if the majority of the voting power in such corporation is not vested in citizens of the United States; or if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or if by any other means control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

¹⁷ For statutory provisions, see 43 Stat. 947 as amended, 46 U. S. C. 18; R. S. 4214 as amended, 46 U. S. C. 103; R. S. 4141, 46 U. S. C. 17.

¹⁸ See footnote 2, sec. 44.

¹⁹ For statutory provision, see 39 Stat. 729 as amended, 46 U. S. C. 802. See also sec. 25, post.

(b) In the case of a vessel operating in the coastwise trade, the amount of interest in the corporation, association, or partnership required to be owned by citizens of the United States shall be 75 per cent.

(c) In the case of corporate ownership the applicant for documents will furnish a satisfactory certificate as to the organization of the corporation and the names of its president and managing directors. The citizenship of the president and managing directors must be established to the satisfaction of the collector.

(d) The proofs submitted to establish the above facts, as well as the proofs of the percentage of stock held by citizens free from foreign control should be filed in the office of the collector.

23. *Evidence of citizenship of owners and officers:*¹⁹—In addition to the oaths of citizenship specified, a collector of customs may require the production of such further evidence as may be necessary to satisfy him that the person is a citizen of the United States and a proper notation of the evidence produced should be made on the papers retained in the collector's office, such as the number, date, and office of issue of an officer's license or a seaman's passport or a citizen's passport, or the same data as to birth certificate or a naturalization certificate, or a continuous discharge book, or certificate of identification.

24. *Forms of oath:*²⁰—The oath of ownership required for the registry of any vessel or for the enrollment and license or license of a vessel shall be, as near as possible, in the following forms:

Oath of Owner

(a) If the vessel be of 20 tons or more, the owner's oath for license shall be as follows (commerce Forms 1262, 1270):

I, _____, of _____, in the county of _____ and State of _____, do swear (or affirm), according to the best of my knowledge and belief, that the vessel called the _____, of _____, official number _____, of _____ gross, and _____ net, was *built in 19____, at _____; that I am a citizen of the United States, and that the said vessel is wholly the property of _____ citizen _____ of the United States of America, owning and residing as follows: _____; and that no subject or citizen of any foreign power is, directly or indirectly, by way of trust, confidence, or otherwise, interested therein, or in the profits or issues thereof, and that _____, the present master thereof, is a citizen of the United States.

Sworn to and subscribed before me, this _____ day of _____, _____ Collector.

(b) If the vessel be of less than 10 tons net, the owner's oath for license

¹⁹ For statutory provisions, see R. S. 4142, 46 U. S. C. 19; R. S. 4144, 46 U. S. C. 22.

²⁰ For statutory provisions, see R. S. 4142, 46 U. S. C. 19; R. S. 4320 as amended, 46 U. S. C. 262; R. S. 4132 as amended, 46 U. S. C. 11; R. S. 4144, 46 U. S. C. 22; R. S. 4312, 46 U. S. C. 252.

shall be as follows (commerce Form 1284):

I, _____, of _____, in the county of _____ and State of _____, swear (or affirm), according to the best of my knowledge and belief, that the vessel called the _____, of _____, official number _____, of _____ gross, _____ net, is wholly the property of _____ citizen _____ of the United States of America, viz: _____

Sworn to and subscribed before me, this _____ day of _____, _____ Collector.

(c) If the vessel is owned by an incorporated company, the ownership oath for the foreign trade shall be as shown on commerce Form 1263 and for the coasting trade as shown on commerce Form 1263 b.

(d) If the vessel be of the fourth class, the following clause must be substituted for the portion in brackets marked *:

On the _____ day of _____, 19____, captured in war by a citizen (or citizens) of the United States and lawfully condemned as a prize by a decree, sentence, or judgment of the _____ court of _____, an authenticated copy of which I now produce.

(e) If of the fifth class, the following: Adjudged to be forfeited, for a breach of the laws of the United States, by a decree, sentence, or judgment of the _____ court of _____, an authenticated copy of which I now produce.

(f) If of the sixth class, the following: Formerly the _____ purchased from the United States (or from an officer, naming him and his office).

(g) If of the seventh class, the following:

Authorized to be documented by act of Congress and by the Director of Marine Inspection and Navigation by letter under date of _____, an authenticated copy of which I now produce.

(h) In all cases where there is more than one owner the name and place of residence of each owner and the proportion owned by him must be inserted in the appropriate space.

Oath of Master

(i) The oath of master required for the registry of a vessel shall be as follows:

I, _____, master of the _____, called the _____, official number _____, do swear that I am a citizen of the United States, having been * [born within the limits thereof].

(j) For the enrollment and license of a vessel the master's oath shall be as follows:

I, _____, master of the _____, called the _____, official number _____, do swear that I am a citizen of the United States, having been * [born within the limits thereof], and that the license bearing date _____, granted to said vessel by the collector of customs for the district of _____, shall not be used for any other vessel, or for any other employment than (the coasting trade, the fisheries, or for pleasure, as the case may be), or in any trade or business whereby the revenue

of the United States may be defrauded. So help me God.

(k) If the master is not a native of the United States a statement as to how he became a citizen must be inserted in lieu of the clause in brackets marked * as follows:

Naturalized in the State of _____
on the _____ day of _____
by virtue of decree or order of the _____
court of _____, and the oath of allegiance according to law.

(l) For the issue or renewal of a license to a vessel of less than 20 net tons the master's oath shall be as follows:

I, _____, master of the vessel described in these proceedings for license, swear that I am a citizen of the United States of America, and that the license bearing number _____, and date _____ for carrying on the (coasting trade, or fisheries, or for pleasure, as the case may be), granted for the said vessel by the collector of customs for the district of _____, shall not be used for any other vessel, or for any other employment than the coasting trade, the fisheries, or for pleasure, as the case may be, or in any trade or business whereby the revenue of the United States may be defrauded. So help me God.

25. *Owner's oath before collectors.*²²—

(a) Previous to the granting of a register, license, or enrollment and license to any vessel, an owner's oath must be taken before the collector on one of the forms set forth in article 39, C. R. 1937.

(b) If the vessel be owned by one individual, the oath must be taken by him or by his duly authorized agent.

(c) If the vessel be owned by several individuals or a firm or unincorporated company, the oath may be taken by one of the owners, who must specify the names, places of abode, and proportions of the vessels owned by each of the others and also certify to their citizenship.

(d) If the vessel be owned by a corporation, the oath may be taken by the president, secretary, or any other officer or agent thereof, duly authorized in writing, attested by the corporate seal, to act in its behalf.

(e) On the death, removal, or resignation of the president or the secretary of an incorporated company owning any vessel and whose name appears on the documents of such vessel, a new document must be obtained.

(f) If the master of the vessel be within the district where the registry is to be issued, he must take oath or make affirmation as to his citizenship. In all cases of enrollment and license or license the master's oath must be taken.

(g) In all cases where there is more than one owner, the proportions owned by each must be stated in the oath.

(h) If any of the matters of fact contained in the oath or affirmation be

false, within the knowledge of the party so swearing, there shall be a forfeiture of the vessel, her tackle, furniture, and apparel, or the value thereof to be recovered, with costs of suit, from the person taking such oath or making such affirmation; but if that portion relating to the citizenship of the master prove false, the master or other person in charge so falsely swearing or affirming shall himself forfeit the sum of \$1,000.

26. *Owner's oath before State officer.*²³—In the case of an application for enrollment and license or license, the requirement that the owner's oath be taken before the collector may be waived, and the oath may be taken before an officer authorized by the laws of the State to administer oaths generally and may be mailed to the collector.

27. *Master's oath on licensing vessel.*²⁴—(a) Previous to the granting or renewing of the license of any vessel the master shall swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or for any other employment than that for which it was specially granted, or in any trade or business whereby the revenue of the United States may be defrauded.

(b) This oath may be taken before any officer authorized by the laws of the State to administer oaths, and may be mailed to the collector, together with the marine document, whereupon action may be taken as if the oath had been administered by the collector.

28. *Change of master.*²⁵—(a) When the master of any documented vessel, except a licensed ferryboat, is changed, the owner or the new master must report the change to the collector at the port where the same shall take place, or where the vessel shall first arrive thereafter, and produce to him the documents and take oath (commerce Form 1311) that the new master is a citizen of the United States, stating whether he is a native or is naturalized, and, if naturalized, how he became a citizen. The collector will then indorse upon the document the name of the new master.

(b) The oath required to be taken by the new master previous to the indorsement of the change of master on an enrollment or license may be taken before any officer authorized by the laws of the State to administer oaths, and may be mailed to the collector, together with the marine document, whereupon action may be taken as if the oath had been administered by the collector.

(c) If the change of master be reported to the collector or deputy collector at a port other than that at which the document was granted, the officer making the indorsement must transmit a notice

(commerce Form 1420) thereof to the officer by whom the document was granted, and the latter shall make the change in his record. If the change of master be not reported, or if the oath aforesaid be not taken, the document will be void, and the master subject to a fine of \$100 for a registered vessel and \$10 for a licensed vessel.

(d) Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This does not apply where there is a valid written agreement subsisting by virtue of which such master would be entitled to possession.

29. *Issue and record of marine documents.*²⁶—(a) The provisions of the law having been complied with, the collector shall issue a register, enrollment and license, or license to the vessel. Care should be taken to insure the insertion of the required notation on documents issued to foreign-built vessels. An exact copy of each document issued shall be placed in a permanent record kept for that purpose and a proper index made thereof. This record shall be kept open to public inspection during office hours.

(b) Copies of all marine documents issued shall be transmitted to the Director of Marine Inspection and Navigation each day except as provided in paragraph (c). Notation of the Specific address of the owner or managing owner shall be made on the transmitted copies.

(c) When a vessel is documented at a port other than a headquarters port, a duplicate of the marine document issued, together with the surrendered original, if there is one, must be sent by the deputy collector to the collector at the headquarters port for review and transmittal to the Director of Marine Inspection and Navigation. Should the headquarters port desire additional duplicates of vessels' documents, deputy collectors may be so instructed.

(d) When a document is surrendered for any cause, or when proof of loss, destruction, or mislaying is received, or the document has ceased to be valid, an indorsement accurately stating the place, date, and cause of surrender shall be made on the surrendered document or on the copy if the original has been lost, citing the new document issued, if any. The place and date of surrender should be the place and date of issue of the new document.

(e) When a vessel is lost, abandoned as unfit for service, sold to an alien, or sold to the United States, an indorsement will be made in like manner, stating the date, place, and circumstance of such disaster, abandonment, or sale.

(f) Any alteration or change made in the original document after issue shall be noted on the retained copy.

²⁶ For statutory provisions, see R. S. 4164 as amended, 46 U. S. C. 34; R. S. 4329 as amended, 46 U. S. C. 271.

²² For statutory provisions, see R. S. 4314 as amended, 46 U. S. C. 254; R. S. 4142, 46 U. S. C. 19; R. S. 4139 as amended, 46 U. S. C. 20; R. S. 4138, 46 U. S. C. 16; R. S. 4315 as amended, 46 U. S. C. 255; R. S. 4144, 46 U. S. C. 22; R. S. 4320 as amended, 46 U. S. C. 262; R. S. 4143, 46 U. S. C. 21; R. S. 4163, 46 U. S. C. 33.

²³ For statutory provision, see R. S. 4320 as amended, 46 U. S. C. 262.

²⁴ For statutory provision, see R. S. 4320 as amended, 46 U. S. C. 262.

²⁵ For statutory provisions, see R. S. 4171 as amended, 46 U. S. C. 40; R. S. 4335, 46 U. S. C. 276; R. S. 4250 as amended, 46 U. S. C. 227.

(g) When a document is surrendered, notation of the fact, cause, date, etc., of such surrender shall be made in appropriate records at the port of issue.

(h) When a new document is issued, an indorsement shall be made on the record of the former document showing the kind and number of the new document, place and date of the new document, and cause for its issue.

(i) At the time application is made for a new document the former document of the vessel must be surrendered to the collector to whom the application for such new document is made. And if the former document is not surrendered, unless it has been lost, destroyed, or unintentionally mislaid, and an oath there-of has been taken, the owner of the vessel becomes liable to a penalty of \$500.

(j) On proof that any vessel has been sold or transferred by process of law and that her marine document is retained by the former owners the collector of the district to which the vessel belongs may, with the approval of the Director of Marine Inspection and Navigation, grant a new document, but the owners shall not be required to produce and surrender the canceled document. The issue of the new document does not remove the liability of the holders for failure to surrender the former one.

30. *Permanent enrollment or license or renewal thereof to a vessel absent from home port.*²⁷—(a) Permanent enrollment and license or license may be issued to any vessel absent from her home port upon application to the collector or deputy collector thereof, through the office of the collector or deputy collector at the port at which the vessel may be, where the master's oath should first be taken.²⁸

(b) Whenever it shall become necessary or desirable for any vessel of the United States, in a port other than her home port, to procure a permanent enrollment and license or license, the same proceedings may be had at the port at which the vessel then is as are required by law at the vessel's home port, except the issuance of the document.

(c) The officer before whom such proceedings are taken shall certify the same (commerce Form 1301) to the collector or deputy collector at the vessel's home port, who shall duly document the vessel in the same form as if the application had originally been made in his office, and either deliver the document or forward it by mail to the officer who certified to him the preliminary proceedings, who shall in such case deliver the document to the owner or master of the vessel.

²⁷ For statutory provisions, see R. S. 4328 as amended, 46 U. S. C. 270.

²⁸ The collector at the home port of a vessel may issue a permanent document for that vessel if the owner's and master's oaths are executed at the home port of the vessel even though the vessel may be outside the limits of the customs district within which the home port is situated.

(d) This regulation is not to be construed to change existing forms, except in so far as to enable owners to procure permanent enrollments or licenses without returning their vessels to their home ports.

31. *Renewal of license.*²⁹—(a) A license granted to any vessel must be presented to the collector of the district in which the vessel may then be, within 3 days after its expiration, or, if the vessel be at sea at that time, within 3 days from her first arrival within a district. If the master fails to deliver the license, as herein required, he shall be liable to a penalty of \$10, which shall not be mitigated.

(b) Licenses may be renewed or changed at any time during the year for which they are granted, care being taken that only one license, and for one employment, be granted to a vessel for the same time. However, a license or its renewal may be issued for the "coasting trade and mackerel fishery."

(c) A permanent or temporary license which has been renewed by indorsement need not be renewed again at any port until the expiration of the statutory period after the date of the latest renewal; but a temporary license must be surrendered within 10 days after the arrival of a vessel at her home port. The statutory period is 1 year and 3 days, but if a vessel is absent when the period expires, then within 3 days after her first arrival in any district she must renew her license.

(d) When a renewal is indorsed upon a license, a notice (Commerce Form 1302) must be sent to the port of issue and the home port.

32. *Surrender of permanent documents.*³⁰—Marine documents must be surrendered when a vessel is sold in whole or in part; when a vessel has been lost or taken by an enemy, or otherwise prevented from returning to the port to which she belongs; when a vessel is burnt or broken up; when a vessel is altered in form or burden by being lengthened, shortened, or built upon, or changed from one denomination to another by the method of rigging or fitting; when a vessel changes from one employment to another; when a vessel changes her name; when the president or the secretary of an incorporated company owning a vessel and whose name appears on the documents of such vessel dies, is removed, or resigns therefrom; when a vessel arrives at her home port while under temporary documents; when the managing

²⁹ R. S. 4325 as amended, 46 U. S. C. 267; R. S. 4326, 46 U. S. C. 268; R. S. 4327, 46 U. S. C. 269; 49 Stat. 1367, 46 U. S. C., Sup. III, 263.

³⁰ For statutory provisions, see R. S. 4148 as amended, 46 U. S. C. 23; R. S. 4160, 46 U. S. C. 30; R. S. 4170 as amended, 46 U. S. C. 39; R. S. 4322, 46 U. S. C. 264; R. S. 4325 as amended, 46 U. S. C. 267; Merchant Marine Act of 1920, sec. 30, sub-sec. o (a), 46 U. S. C. 961 (a); 49 Stat. 1987, 46 U. S. C., Sup. III, 1114.

owner of a vessel changes residence from one port to another, either within or without the same customs district, provided there has been no change in ownership of the vessel; and when the vessel is exempt from documentation under the act of April 18, 1874. (18 Stat. 51, 46 U. S. C. 336.) (See section 6.) The approval of the United States Maritime Commission of the surrender of the document of a vessel covered by a preferred mortgage must be obtained except in cases stated in section 37 (f).

33. *Surrender of temporary documents.*³¹—(a) A new document granted by the collector at a port other than the one where the vessel belongs shall be temporary.³²

(b) Temporary documents are to be surrendered to the collector at the port where the vessel belongs within 10 days after her arrival and in all cases in which the surrender of permanent documents is required.

(c) By the term "arrival" is to be understood the voluntary arrival of the vessel at her home port, to which she was destined in the regular course of her employment.

(d) If the master neglects to surrender such temporary document within 10 days he shall forfeit \$100, and the document shall become null and void.

(e) The approval of the United States Maritime Commission of the surrender of the document of a vessel covered by a preferred mortgage must be obtained except in cases stated in section 37 (f).

34. *Revision of tonnage.*³³

35. *Rebuilt vessels.*³⁴—(a) A rebuilt vessel must retain her original name and official number, and her marine documents should give the date and place of original building. The date and place of rebuilding should be noted in the appropriate place in the document. A vessel is rebuilt, if any considerable part of the hull of an old vessel in its intact condition, without being broken up, is built upon. It is new if none of the old timber is left undisturbed or if all of the timber used, whether old or new, is taken up, refitted and reset. It is of little consequence how much of the old timber is reused.

(b) Upon affidavit by a reputable shipbuilder of the United States that an unrigged wooden vessel of the United

³¹ For statutory provisions, see R. S. 4168, 46 U. S. C. 37; R. S. 4160, 46 U. S. C. 30; R. S. 4162, 46 U. S. C. 32; R. S. 4323 as amended, 46 U. S. C. 265; Merchant Marine Act of 1920, section 30, sub-sec. o (a), 46 U. S. C. 961 (a); 49 Stat. 1987, 46 U. S. C., Sup. III, 1114.

³² Under the "Seattle Plan", which is in force in a number of customs districts, a vessel having its home port within the district may secure a permanent document at any other port of the same district from which marine documents issue.

³³ See Rules and Regulations, Admeasurement of Vessels, 4th Ed., Jan. 2, 1925.

³⁴ For statutory provisions, see R. S. 4179, 46 U. S. C. 50; R. S. 4155 as amended, 46 U. S. C. 25; R. S. 4319 as amended, 46 U. S. C. 259; 37 Stat. 189, 46 U. S. C. 63.

States, except those admitted under section 5, Panama Canal Act, as amended (46 U. S. C. 11), has been rebuilt, giving the date and place of such rebuilding, that it is sound and free from rotten or doted wood in structural parts, is properly fastened and calked, and is in strength and seaworthiness as good as new, the Director of the Bureau of Marine Inspection and Navigation shall include in the publication, Merchant Vessels of the United States, a notation to that effect.

(c) When application is made to the collector of customs to note the place and date of rebuild of a vessel on the marine document, the applicant should submit specifications of the rebuild, in affidavit form, through the collector to the Director of the Bureau of Marine Inspection and Navigation who will rule upon all questions regarding the status of the reconstructed vessel with respect to whether it is to be considered a "rebuild" or "new" vessel.

36. *Change of build or rig.*—(a) Whenever a documented vessel is altered in form or burden, by being lengthened, shortened, or built upon, or changed from one denomination to another, by the method of rigging or fitting, the vessel shall be documented anew; otherwise she shall cease to be deemed a vessel of the United States.

(b) When there is a change in the manner or method of propulsion of a vessel,¹ as from steam engine to gas engine, from gas engine to oil engine, or vice versa, or in any other way which may change the description, a new marine document should be issued. The new marine document may have assigned as the cause for its issue, "Engine changed from gas to oil", or as the case may be. An indorsement of a similar tenor should be placed on the surrendered document. Collectors are referred to "Explanations and abbreviations" in "Merchant Vessels of the United States" for the various kinds of engines.

37. *Exchange of documents.*—(a) Any enrolled and licensed or licensed vessel may be registered, and any registered vessel may be enrolled and licensed or licensed upon the surrender of her documents to the collector of any district; but neither enrollment nor license shall be granted to a vessel having on board merchandise brought from a foreign port until it be wholly unladen and the duties paid or secured.

(b) No such documented vessel, shall receive a license, or enrollment and license, or renewal until the collector to

whom application is made is satisfied, from the oath of the owner or master, that all equipments purchased and repairs made abroad within the year immediately preceding such application have been duly accounted for, and the duties accruing thereon duly paid.

(c) When the vessel is at any other port than the one to which she belongs, the collector at such port shall make the exchange on the application of the master and upon his taking oath that the property remains as expressed in the document to be surrendered. A new document thus granted shall be temporary, and shall, within 10 days after the arrival of the vessel at the port to which she belongs, be delivered to the collector thereof for cancellation and for the issue of a permanent document.

(d) If the master neglects to deliver such temporary document within 10 days, he shall be liable to a penalty of \$100.

(e) Forfeiture of vessel and cargo² is imposed by law in case a vessel, enrolled or licensed for the coasting trade by sea, proceeds on a foreign voyage without first surrendering her enrollment and license and taking out a register.

(f) The requirement of the Merchant Marine Act, 1920, section 30 (o) (a) (U. S. C. title 46, sec. 961 (a)), that the documents of a vessel covered by a preferred mortgage may not be surrendered without the approval of the United States Maritime Commission and the mortgagee, does not refer to renewals of licenses or changes of documents incidental to change of trade where the ownership and home port remain the same.

38. *Report of casualty to vessel.*—(a) Whenever a vessel of the United States has sustained or caused any accident involving serious injury or loss of life, or any substantial loss of property, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel shall, within 5 days after the happening, or as soon thereafter as possible, send to the collector of customs of the district wherein such vessel belongs, or of that within which such accident or damage occurred, a report thereof (Coast Guard Form 2692), signed by such owner, agent, or master stating the name and official number of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for; and if he neglects or refuses to comply with the foregoing requirements, after a reason-

able time, he shall incur a penalty of \$100.

(b) Whenever the managing owner or agent of any vessel of the United States has reason, owing to the nonappearance of such vessel, or to any other circumstances, to apprehend that such vessel has been lost, he shall, as soon as convenient, send notice, in writing, to the collector of customs of the port to which the vessel belonged, of such loss, and the probable occasion thereof, stating the name and official number of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall, if possible, furnish such additional information as the collector at such port may request; and if he neglects to comply with the above requirements within a reasonable time, he shall incur a penalty of \$100.

(c) It shall be the duty of the collectors of customs to transmit immediately to the Commandant of the Coast Guard and to the Director of Marine Inspection and Navigation such reports and information as they may receive under the provisions of the two preceding paragraphs, and they shall also report to the Director of Marine Inspection and Navigation any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the requirements thereof.

(d) Loss of property involved in any accident sustained or caused by a vessel of the United States, amounting to less than \$300,³ will not be reported as "substantial" within the meaning of this section, and reports of such casualties, unless involving the loss of life or serious injury to any person, will not be required, except in cases of stranding, reports of which are desirable to aid in determining and locating points of danger to navigation. Reports will, however, be required in all cases of the total loss of vessels, although the amount involved may be less than \$300.

(e) In cases of collisions, reports will be required from both of the colliding vessels where the damage or loss of property of the two together amounts to \$300, notwithstanding one of the vessels may have suffered little or no loss.

(f) Whenever there is a marine casualty or accident, immediate notice thereof by telegram or radiogram or equally prompt means of communication shall be given by either master, owner, charterer or agent of the vessel or vessels involved, to the nearest local office of the Bureau of Marine Inspection and Navigation, Department of Commerce, or to the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C. Such notice shall furnish the names of the vessel or vessels involved, the owner, agent, the nature or cause of the casualty or accident, the locality, the nature of injuries and damage done to property, and such notices

¹For statutory provision, see R. S. 4170 as amended, 46 U. S. C. 39.

²In the event a vessel's engine is changed but there is no change in the type of motive power, no redocumentation will be required unless the installation of the new engine changes the admeasured tonnage of the vessel.

³For statutory provisions, see R. S. 4322, 46 U. S. C. 1264; R. S. 3114 as amended, 49 U. S. C. 257; R. S. 3115 as amended, 19 U. S. C. 258; R. S. 4337, 46 U. S. C. 278; 49 Stat. 1987, 46 U. S. C., Sup. III, 1114.

¹ i. e., imported cargo.

²For statutory provisions, see 18 Stat. 128, sec. 10, 33 U. S. C. 361; 18 Stat. 128, sec. 11, 33 U. S. C. 362; 18 Stat. 128, sec. 12, 33 Stat. 363.

³Under R. S. 4450 as amended, all accidents regardless of the amount of damage involved must be reported in the manner set forth in paragraph (f).

shall be in addition to any other notice required by law. An officer or employee of the United States or any other person having material knowledge or information concerning a marine casualty or accident shall immediately bring such information to the attention of the Bureau of Marine Inspection and Navigation.

39. *Loss of marine document.*⁴¹—When ever the marine document of any vessel is lost, destroyed, mislaid, or withheld from the owner, and the master or other person having the charge or command thereof makes oath (commerce Form 1305) to such fact, the collector of the port where the vessel first arrives after such loss shall issue a new document in lieu thereof, reciting that it was issued in place of the one lost or destroyed. A document is held to be lost when it is wrongfully withheld from the possession of the owner.⁴²

40. *Sale of vessel.*⁴³—(a) When a vessel once registered, enrolled and licensed, or licensed in pursuance of law shall, in whole or in part, be sold or transferred to a citizen of the United States, such vessel must be documented anew; otherwise she ceases to be deemed a vessel of the United States.

(b) A proper bill of sale having been produced to the collector, the former document surrendered, and the regulations governing the issue of marine documents complied with in other respects, a new document may issue.

(c) In order that a vessel of the United States may be sold to an American corporation, partnership or association without the consent of the United States Maritime Commission, a controlling interest (51 per cent) in said corporation, partnership, or association must be owned by citizens of the United States and if the vessel is to engage in the coastwise trade 75 per cent interest must be owned by citizens of the United States as defined in section 2 of the Shipping Act, 1916, as amended by section 38 of the Merchant Marine Act, 1920.

41. *Sale outside of home port.*⁴⁴—(a) A temporary marine document may be granted to any vessel entitled to be documented which becomes the property of a citizen of the United States while at a port other than the one where the new owner usually resides. The temporary marine document must be surrendered within 10 days after the arrival of the vessel within the district to which she belongs or the owner and the master shall severally be liable to a penalty of \$100.

⁴¹ For statutory provisions, see R. S. 4167, 46 U. S. C. 36; R. S. 4326, 46 U. S. C. 268.

⁴² All questions of what constitutes a wrongful withholding must be referred to the Director of the Bureau of Marine Inspection and Navigation for determination.

⁴³ For statutory provisions, see R. S. 4170 as amended, 46 U. S. C. 39; 41 Stat. 994, 46 U. S. C. 808.

⁴⁴ For statutory provisions, see R. S. 4159, 46 U. S. C. 29; R. S. 4160, 46 U. S. C. 30; R. S. 4161, 46 U. S. C. 31.

(b) Should the purchase of a vessel as herein provided be made by the agent of a citizen who resides more than 50 miles from the port at which such purchase is made, the oath of ownership shall be modified (commerce Form 1264) so as to express the fact of such agency.

(c) When a vessel changes ownership while away from her designated home port, a temporary document may be issued expressing the new ownership. The bill of sale on which the temporary document is based may be recorded, if the collector so desires, but no fee should be collected.

(d) The bill of sale, together with a duplicate of the temporary marine document, must be mailed by the issuing collector to the collector at the new home port. The bill of sale, however, should not be recorded at the new home port until there has been furnished to the collector a certified copy of the record of the vessel at the former port of documentation (commerce Form 1331) as provided for by the Ship Mortgage Act, 1920 (U. S. Code, title 46, sec. 926 (c).) The recording fees should be collected at the new home port.

42. *Sale abroad.*⁴⁵—A documented vessel which has been sold or transferred, in whole or in part, to a citizen of the United States while such vessel is without the limits of the United States will, on her first arrival thereafter, be entitled to all the privileges of a vessel of the United States if a new document is obtained within three days after the time entry of the vessel is required at the port of first arrival.

43. *Sale or charter to an alien.*⁴⁶—(a) It shall be unlawful to sell, transfer, or mortgage, or, except under regulations prescribed by the United States Maritime Commission, to charter, any vessel purchased from the board or documented under the laws of the United States to any person not a citizen of the United States, as defined by the Merchant Marine Act, 1920, (41 Stat. 1008, 46 U. S. C. 802), or to put the same under a foreign registry or flag, without first obtaining the Commission's approval.

(b) On the sale or transfer, in whole or in part, of a documented vessel to a subject of a foreign country, even in trust or confidence, the document must be delivered if the vessel is within a district of the United States, to the collector within seven days after such purchase or transfer. But if such sale or transfer happens while the vessel is in a foreign port or place, or at sea, the master or person having the charge or command thereof shall, within 8 days after his arrival, within any district of the United States, deliver the document to the collector of such district. Any master or owner violating the provisions

⁴⁵ For statutory provisions, see R. S. 4166, 46 U. S. C. 35.

⁴⁶ For statutory provisions, see Shipping Act 1916, sec. 9, 39 Stat. 730, as amended by Merchant Marine Act of 1920, sec. 18, 41 Stat. 994, 46 U. S. C. 808; R. S. 4146 as amended, 46 U. S. C. 23; R. S. 4172, 46 U. S. C. 41.

of this article shall be liable to a penalty not exceeding \$500, and the document shall be henceforth void; and if such sale or transfer is not so made known, the vessel, together with her tackle, apparel, and furniture, shall be subject to forfeiture. This forfeiture, however, does not attach to any share of such vessel owned by a citizen of the United States who was ignorant of the sale or transfer.

(c) The United States Maritime Commission has by resolution prescribed that a documented vessel may be chartered to an alien for a period not to exceed 12 months, or where the probable duration of the voyage or voyages will not exceed 12 months, without further action on its part, but its consent must be obtained for the charter of all vessels which have been purchased or chartered from it, or in aid of whose construction or improvement a loan was made by it. All vessels while under charter to aliens must have citizens of the United States as officers.

44. *Preferred mortgages, recording and indorsing.*⁴⁷—(a) In case a mortgage is given to cover documented vessels and vessels in the process of construction and it is desired that the vessels in process of construction shall be covered by a preferred mortgage upon documentation, it is suggested that a supplemental mortgage be given at the time of documentation, the indorsement required by the Merchant Marine Act of 1920, section 30, sub-section D, as amended (49 Stat. 424, 46 U. S. C., Sup. III, 922) to be made at such time. Such mortgages should provide for the separate discharge of the uncompleted vessel at any time prior to its documentation and the recording of the supplemental mortgage hereinabove referred to.

(b) When a preferred mortgage is presented for record the collector shall request two identical copies of such mortgage, and he shall carefully compare these copies with the original before certification. (Merchant Marine Act of 1920, section 30, sub-section E, 41 Stat. 1001, 46 U. S. C. 923).

(c) When a mortgage has been recorded in the customhouse the original is to be returned to the mortgagee and his receipt taken therefor; and two certified copies delivered to the mortgagor.

⁴⁷ For statutory provisions, see Merchant Marine Act of 1920, section 30, sub-section C, 41 Stat. 1000, 46 U. S. C. 921 (Recording of Mortgages); *Ibid.*, sub-section M, 41 Stat. 1004, 46 U. S. C. 953 (Preferred Maritime Liens); *Ibid.*, sub-section H, 41 Stat. 1002, 46 U. S. C. 926 (Conditions Precedent to Record); *Ibid.*, sub-section G, 41 Stat. 1002, 46 U. S. C. 925 (Discharge of Lien); *Ibid.*, sub-section F, 41 Stat. 1002, 46 U. S. C. 924 (Prior and Subsequent Maritime Liens on Mortgaged Vessel); *Ibid.*, sub-section O (a), 41 Stat. 1004, 46 U. S. C. 961 (a) (Surrender of Documents); 49 Stat. 1987, 46 U. S. C., Sup. III, 1114.

⁴⁸ In no event shall bills of sale, mortgages, etc. be accepted for record prior to the receipt of the collector of the approval of the designated home port.

(d) When a preferred mortgage is offered for record it is not incumbent on the collector at the recording office to ascertain whether there is any existing incumbrance at the vessel's present or previous home port. This information should be included in the affidavit provided for by the Merchant Marine Act of 1920, section 30, sub-section D.

(e) The law does not prohibit the placing of an additional mortgage, preferred or otherwise, on a vessel which already is covered by a preferred or non-preferred mortgage.

(f) The affidavit required in case of preferred mortgages by the Merchant Marine Act of 1920, section 30, sub-section D, is to be made by the mortgagor and is to be acknowledged before a notary public or other officer authorized by a law of the United States or of a State, Territory, District or possession thereof to take acknowledgment of deeds.

(g) The preferred mortgage indorsement provided by the Merchant Marine Act of 1920, section 30, sub-section D, shall be made on the document by the collector at the permanent home port of the vessel unless she is in another port, in which case the collector of the home port of the vessel shall direct on the request of the mortgagee such indorsement to be made at the port where the vessel may be.

(h) The collector shall enter on his mortgage record the day, hour, and minute that (a) the indorsement was made on the vessel's document, (b) the mortgage was received for recording, and (c) the indorsement was recorded.

(i) The collector shall require the claim of lien on a vessel covered by a preferred mortgage (Merchant Marine Act of 1920, section 30, sub-section G (a), 41 Stat. 1002, 46 U. S. C. 925) to be in the form of an affidavit which shall be firmly attached to the preferred mortgage record and property indexed.

(j) When the mortgagor presents for record a certificate of discharge of mortgage, such certificate shall be in the nature of a satisfaction of mortgage, similar to that now filed on commerce Form 1363.

(k) (1) In case of a change of home port the collector at the previous home port of the vessel shall furnish the record of title required by the Merchant Marine Act of 1920, section 30, sub-section H (c) (41 Stat. 1002, 46 U. S. C. 926), such record of title to include, in addition to the other data required, any claims of liens upon the vessel filed. For example, if a vessel is permanently documented at New York and while she is at Portland there is a change of ownership requiring her to be redocumented with home port at Seattle, and a new preferred mortgage is placed on her at Portland, the collector at Seattle shall instruct the collector at Portland to indorse the documents, who will forward such mortgage after such indorsement to the collector at Seattle, where such mortgage, together with the bill of sale, is to be recorded together

with a certified copy of the record of title of the vessel furnished by the collector at New York to the collector at Seattle.

(2) Incident to the change of the home port of a vessel, the old document must be surrendered and a new one issued showing the new home port. The approval of the United States Maritime Commission of the surrender of the document of a vessel covered by a preferred mortgage must be obtained prior to surrender of the old document.

(l) When a collector forwards to another port a certified copy of the record of a vessel because of change of home port, he shall permit no further records or liens to be recorded in his office in connection with that vessel, it being necessary that such records and liens be recorded in the new home port.

(m) The provisions of the Merchant Marine Act of 1920, section 30, sub-section H (c), apply in the case of all documented vessels where there is a change of home port and where bills of sale, conveyances, or mortgages are to be recorded.

(n) In case of change of ownership without change of port of documentation, the copy of the record is not required.

(o) Where there is a change of home port of a vessel without a change of title and no bills of sale, conveyances, or mortgages are at that time to be recorded, the certified copy of the record should be filed at the new home port.

(p) When a vessel is sold under order of a court to a private owner, the evidence of ownership by the private owner shall not be recorded at a new home port until the certified copy of the record from the previous home port has been furnished. The same procedure is to be followed where a vessel is sold by a department of the Federal Government to a private owner, provided that while Government-owned the vessel was not documented but was documented prior to being owned by the Government.

(q) When a vessel covered by a preferred mortgage is sold at a United States marshal's sale under the provision of section 961 (c), United States Code, title 46, without intervention on the part of the mortgagee, the vessel is sold free and clear of the preferred mortgage and may be redocumented without indorsement. The court shall however, upon the request of the mortgagee, the libellant, or any intervenor, require the purchaser at such sale to give and the mortgagee to accept a new mortgage of the vessel for the remainder of the term of the original mortgage. The conditions of such new mortgage shall be the same, so far as practicable, as those of the original mortgage and shall be subject to the approval of the court.

(r) When a preferred mortgage is assigned, a notation of the assignment of the mortgage shall be written across the indorsement of the preferred mortgage on the vessel's document.

(s) (1) Assignments of preferred mortgages should be handled in the same way as the original preferred mortgage; namely, by requiring an original and three copies, and after recordation, retaining the file copy for the records of the collector's office and returning the original, together with two certified copies of the same, to the mortgagor and mortgagee. It is not necessary to incorporate a copy of the latest marine document in the preferred mortgage assignment. There should be incorporated in the preferred mortgage assignment a reference to the license or enrollment number and date, port where recorded, etc., as covered by the original preferred mortgage. A copy of the preferred mortgage assignment should be placed on board the vessel covered by the preferred mortgage.

(2) The fee provided by sub-sec. I, sec. 30, Merchant Marine Act of June 5, 1920, for recording a mortgage and furnishing a certified copy thereof may be assessed for the recording of preferred mortgage assignments and the furnishing of certified copies of the same.

(t) A preferred mortgage may not be placed upon a vessel which is not a documented vessel of the United States.

(u) Notice of claim of lien on a vessel shall be received for record only in the event the vessel is covered by a preferred mortgage.

(v) A copy of the complete record at the former home port would, in certain cases, make a voluminous certificate which it would be impracticable to furnish. In such cases collectors may prepare certificates on commerce Form 1331.

(w) A preferred mortgage need not include the recital of the last marine document of the vessel covered by the mortgage. However, all the requirements of sub-sec. C (b), sec. 30 of the Merchant Marine Act of 1920, must be shown in the preferred mortgage, or the collector may refuse to record on ground that he cannot record in accordance with statute.

45. *Certificates and fees.*—(a) In furnishing the certified copy of the record of the vessel at a former port of documentation, collectors will use commerce Form 1331.

(b) The fees collected under subsection I are to be deposited as navigation fees and so reported. The word "folio," as used in that subsection, means 100 words, counting each figure as a word (U. S. Code, title 28, sec. 607). Bulky mortgages in printed or typewritten form submitted for recording need not be copied in the mortgage record book, but may be firmly attached in such book after comparison with the original in accordance with existing practice. Collectors will, however, charge the same fees as if such mortgages had been actually copied in the book.

* For statutory provision, see Merchant Marine Act of 1920, section 30, sub-section I, 46 U. S. C. 927.

(c) In computing fees to be charged for recording bills of sale, mortgages, and satisfaction of mortgages, collectors shall be guided by the following rules in counting the words:

(1) All typewritten, pen-written, and printed words, if not erased (except as provided in (3) below), are to be counted.

(2) All printed words, whether erased or not, if found in the register, enrollment, or license cited (except as provided in (3)), are to be counted.

(3) References to acts of Congress and explanatory words, usually in parentheses or printed as notes, and the printed and written customhouse indorsement under the commerce form provided in (3), are to be counted.

(d) The provisions of sub-section I for the collection of fees apply only to the items covered by the ship mortgage act, which are as follows:

Sub-section C (b). Recording bills of sale, conveyances, and mortgages.

Sub-section E. Furnishing certified copies of mortgage.

Sub-section H (c). Furnishing certified copy of the record at former home port.

Sub-section I (1). Furnishing certificate setting forth the names of the owners, interest held by each owner, the material facts as to each bill of sale, conveyance, or mortgage or lien or incumbrance on the vessel.

Sub-section I (2). Furnishing certified copies of bills of sale, conveyances, mortgages, notices of claim of lien, or certificates of discharge of mortgages or liens. (See Table of Fees, art. 210, C. R. 1937.)

(e) The words "certificate or certified copy" used in subsection I apply only to certificates and certified copies, provided for in the Ship Mortgage Act, 1920.

46. *Vessels on Great Lakes.*⁵²—(a) Vessels of the United States navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea, must receive special enrollment and be licensed before they are employed on those waters in the foreign or coasting trade. Vessels so documented operating on the Great Lakes and their connecting and tributary waters may, without change in the form of enrollment and license engage in the taking within such waters of fish of every description. The enrollment and license shall be in the special form provided for vessels in the domestic and foreign trade otherwise than by sea, viz, commerce Form 1273. Commerce Form 1290 is used on the Great Lakes for all yachts, without regard to size. Registers of American vessels arriving from a foreign port must be deposited in the customhouse, under the provisions of the Tariff Act of 1930, section 434, as amended (19 U. S. C., Sup. III, 1434).

⁵² For statutory provisions see R. S. 4318 as amended, 46 U. S. C. 258; R. S. 4321, 46 U. S. C. 263.

and any marine documents of a vessel in port may be left in the customhouse for surrender and exchange.

(b) Such vessels are not required by law to have certificates of registry, but they are in every other respect liable to the rules, regulations, and penalties in force relating to registered and to enrolled and licensed vessels.

47. *Transfer from lakes to seaboard.*—(a) When a vessel so enrolled and licensed leaves the inland waters of the frontier and engages in trade on the seaboard, she must surrender her frontier papers and take out coasting papers; and if bound on a foreign voyage partly by sea she must take, in lieu of her frontier papers, a certificate of registry (commerce Form 1285). (For procedure for vessels engaged in trade between Great Districts Nos. 1 and 6, see article 199 (d) (2), C. R. 1937.)

(b) If she sails for a frontier port, and it is intended to clear her thence for a port in the United States on the seaboard or for a foreign port, in part by sea, she shall be furnished with a certificate of registry before starting on her voyage. Vessels neglecting these precautions are subject to the penalties and disabilities imposed on vessels engaged in trade without legal documents.

48. *Registry of foreign-built vessels under Revised Statutes 4132, as amended.*⁵³—(a) Application for registry of American-owned, foreign-built vessels under section 5 of the Panama Canal Act (class 9), as amended by the act of August 18, 1914, shall be made to the collector of customs at the proposed home port. Application for official number (Commerce Form No. 1320) in addition to the information therein required will give the name of the former owner and state that the bill of sale has been examined by the collector of customs or not as the case may be.

(b) In lieu of the builder's certificate required for American-built vessels, the application shall be accompanied by the ship's foreign registry and a certified copy of the ship's foreign measurement certificate, if there be one, and a certificate of measurement as required by law. In case of the vessel having been built for the applicant and not having been in foreign registry the builder's certificate executed by the builder must be produced.

(c) Certificates of inspection by the United States local inspectors of steam vessels must be supplied, except as to such sail and other vessels as do not require inspection before registry. Certificates from the local inspectors must, however, be supplied as to the safety of such vessels to carry dry and perishable cargo. (See art. 90 (a), C. R. 1937.)

(d) The ownership and citizenship of owners (vendees) must be established as in the case of vessels built in the United

⁵³ For statutory provisions, see R. S. 4132 as amended, 46 U. S. C. 11; R. S. 4149, 46 U. S. C. 72; Shipping Act of 1916, sec. 2, as amended, 46 U. S. C. 802.

States. In case of corporate ownership, applicant must furnish a certificate satisfactory to the collector as to organization of the corporation, and the citizenship of its president and managing directors. The sale of vessels must be unconditional and complete. Any reservation to the vendor of a right to repurchase the vessel will be sufficient cause for refusal to issue a register. The bona fides of the purchase and the ability to purchase must be established by an affidavit of the vendee.

(e) Foreign-built vessels⁵⁴ owned and documented prior to February 1, 1920, by persons citizens of the United States, and those owned by the United States on June 5, 1920, when sold to and owned by persons citizens of the United States, are unlimited as to documents and trade so long as they continue in such ownership. When a marine document is issued to such a vessel, the following notation must be made thereon:

As amended by section 5 of the Panama Canal Act and by the Act of August 18, 1914, and sections 22 and 38 of the Merchant Marine Act of June 5, 1920. This vessel is 75 per cent American owned as required by law and may engage in the coastwise trade so long as so owned and no longer.

(f) Foreign-built vessels acquired by American citizens subsequent to February 1, 1920 or June 5, 1920, as the case may be, are limited to the foreign trade. When a register is issued to such a vessel, the following notation must be made thereon:

As amended by section 5 of the Panama Canal Act, by the Act of August 18, 1914, and by the Act of May 24, 1938, entitling the vessel to engage only in trade with foreign countries, with the Philippine Islands or the islands of Guam, Tutuila, Wake, Midway and Kingman Reef. This vessel shall not engage in the coastwise trade.

(g) Care should be taken to insure the issuance of the proper document with the appropriate notation in the case of re-documentation.

49. *Foreign-built yachts.*—Any foreign-built yacht purchased by a citizen of the United States may be documented under Revised Statutes 4132, as amended (U. S. Code, title 46, sec. 11). The collector of customs may issue to any such yacht owned by a citizen a consolidated certificate of enrollment and yacht license (commerce Form 1290) or a license of yacht under 20 tons (commerce Form 1288) upon the filing of a bill of sale by the owner and upon compliance with the other usual requirements. Any document issued to such yacht shall have written across its face the legend, "This vessel may not engage in coastwise trade."

50. *Certificate of protection.*⁵⁵—(a) Any foreign-built undocumented yacht purchased by a citizen of the United

⁵⁴ Cannot engage in American fisheries.

⁵⁵ For statutory provision, see R. S. 4190, 46 U. S. C. 61.

States is nevertheless entitled to legal protection as property of a citizen. The collector may issue to any such vessel a certificate that the bill of sale has been recorded and is valid in form and substance. This certificate shall be substantially in the following form:

(b) *Foreign-built American-owned yachts*

I, _____, collector of customs for the port of _____ State of _____, United States of America, do hereby certify that the bill of sale, bearing date of _____ 19____, of the _____ net tonnage, sold and transferred by _____ of _____, in _____ to _____ of _____ State of _____, United States of America, is in form and substance valid and effective in law, and has been recorded in this office; and that the said _____ is a citizen of the United States.
As witness my hand and seal this _____ day of _____, 19____.

[SEAL] (Signed) _____
Collector.

(c) A separate record shall be kept of these foreign-built, American-owned undocumented yachts, and in the tonnage returns they shall be reported under the caption "Foreign-built undocumented yachts owned by citizens of the United States."

51. *Recorded vessels.*—In the documentation of recorded vessels (class 3) the builder's certificate is unnecessary, and the admeasurement also, if the certificate of record correctly indicates the tonnage.

52. *Record of American-built vessels owned by aliens.*⁴⁴—(a) A vessel built in the United States, never before documented, and belonging wholly or in part to an alien, may receive a certificate of record on commerce Form 1316. On being purchased or wholly owned by a citizen she is entitled to documents as a vessel of the United States.

(b) Before the issuance of a certificate of record the collector of the district shall require the builder to swear that the vessel was built by him or under his supervision.

(c) The vessel must be measured and the usual certificate of admeasurement filed before the certificate of record is granted to the master of the vessel.

(d) If the parties clearing new vessels, built in the United States for foreign account, under a certificate of record, fail or refuse to furnish a shippers' export declaration (customs Form 7525) to comply with the requirements of class 7999 of the Statistical Classification of Exports, collectors shall prepare such declaration, ascertaining the gross tonnage and value of the vessels from the best obtainable sources.

(e) If an application is made for marine documents for a vessel built in the United States for foreign account

which was not originally covered by a certificate of record, evidence must be produced to show the date and place of building and builder's name.

(f) Certificates of record are not to be considered as documents similar to certificates of registry, enrollment and license, or license. An undocumented motorboat owned by a resident alien and found on the navigable waters of the United States must be in possession of a certificate of award of number, even though a certificate of record has been issued to it.

53. *Certificates of record.*⁴⁵—Certificates of record shall be regularly numbered; and when recorded vessels are documented as vessels of the United States the certificate must be surrendered, if one has been issued, canceled, and returned to the Director of Marine Inspection and Navigation.

54. *Prizes and forfeited vessels.*⁴⁶—In case of application for documentation of a vessel entitled thereto by reason of having been captured in war by a citizen of the United States and condemned as a lawful prize (class 4) or condemned for a violation of law (class 5), when wholly owned by a citizen, all the requirements relating to documentation, except the builder's certificate, must be complied with, and the collector must be furnished with a properly authenticated copy of the decree of condemnation and the proof of the applicant's ownership. The owner's oath will be modified accordingly.

55. *Inspection of marine documents.*—The papers of a documented vessel, when such vessel is in commission, shall be on board and accessible to the person in charge except when such papers are in the custody of the collector.

56. *Change of name of documented vessel.*⁴⁷—(a) The name of a documented vessel shall not be changed except with the consent and approval of the Director of Marine Inspection and Navigation, under penalty of forfeiture.

(b) The application for change in name shall be executed under oath by the owner of the vessel, addressed to the Director of Marine Inspection and Navigation, and submitted in duplicate to the collector of customs at the home port of the vessel.

(c) The application must state the change desired, the reasons therefor, place and date of build, official number, rig, gross tonnage, and the name or names of the owner of the vessel. It must state in detail a list of all liens, mortgages, etc., on record against the vessel, and the consent of the mortgagee or other beneficiary under each lien or mortgage must be submitted in writing with the application.

⁴⁴ For statutory provisions, see R. S. 4183 as amended, 46 U. S. C. 56; R. S. 4184, 46 U. S. C. 57.

⁴⁵ For statutory provision, see R. S. 4132 as amended, 46 U. S. C. 11.

⁴⁶ For statutory provisions, see R. S. 4179, 46 U. S. C. 50; 41 Stat. 437, 46 U. S. C. 53; 49 Stat. 1987, 46 U. S. C., Sup. III, 1114.

(d) Certificates, commerce Form 1330, from the collectors at each port where the vessel has been permanently documented must also be submitted. If an abstract and certificate of record of title, commerce Form 1331, from each port of permanent documentation since the passage of the Merchant Marine Act, 1920, are on file with the collector at the home port, such collector may issue commerce Form 1330, noting that commerce Forms 1331 are on file.

(e) Application under the new name of the vessel for approval of home port need not be submitted unless there is a change in ownership or a change of home port.

(f) In transmitting the application the collector shall note the date and place of last inspection. In case the vessel is not usually inspected, the local inspectors are authorized to make special examinations and to furnish necessary certificate of seaworthiness.

(g) The collector shall see that there has been compliance with these preliminaries and thereupon forward the application with his recommendation, giving any reasons within his knowledge for or against the change.

(h) If the application is approved by the Director of Marine Inspection and Navigation, the collector shall collect the fee prescribed in article 88, C. R. 1937, deposit it as a navigation fee, inserting in commerce Form 1008 the old name of the vessel, her gross tonnage, and the amount of the fee collected. Permission for change of name is not effective until the fee is paid.

(i) The order for the change in name must be published in some daily or weekly paper at or nearest to the port of documentation, in at least four consecutive issues.

(j) The cost of procuring evidence and of advertising must be paid by the applicant.

(k) Copies of the newspaper in which the advertisement appeared, together with receipt for the payment of the cost thereof, shall be furnished by the applicant to the collector of customs and by him forwarded to the Director of Marine Inspection and Navigation with a copy of the new document issued.

(l) An accurate index of changes of names of documented vessels under old and new names, with dates of authorization, etc., should be kept by the collector.

(m) A vessel formerly documented, sold to the United States, and resold to citizens, shall be redocumented under the old name and official number; but a vessel never before documented and sold by the United States to citizens, may be documented under any name.

(n) Incident to the change of name of a vessel, the old document must be surrendered and a new one issued under the new name. The approval of the United States Maritime Commission of the surrender of a document of a vessel covered by a preferred mortgage must be obtained prior to the surrender of the old document.

⁴⁷ For statutory provisions, see R. S. 4132 as amended, 46 U. S. C. 11; R. S. 4180, 46 U. S. C. 54; R. S. 4181, 46 U. S. C. 73.

57. *Fee for change of vessel's name.*³⁸—When the name of a vessel is changed, the following fees are to be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury by such collectors as navigation fees: For vessels 99 gross tons and under, \$10; for vessels 100 gross tons and up to and including 499 gross tons, \$25; for vessels 500 gross tons and up to and including 999 gross tons, \$50; for vessels, 1,000 gross tons and up to and including 4,999 gross tons, \$75; for vessels 5,000 gross tons and over, \$100.

58. *Yacht privileges and obligations.*³⁹—(a) Licensed yachts are required by law to use the signal prescribed by the Secretary of the Navy, as follows: "The American ensign substituting in the field a white fowl anchor, surrounded by 13 white stars in a circle, in lieu of a star for each State." This ensign shall not be carried by yachts of foreign ownership. Any vessel owned by a citizen of the United States may carry the United States flag. The union jack of yachts should be made up on horizontal rows of stars. Yachts duly licensed shall not transport merchandise nor carry passengers for pay.

(b) For any violation of the provisions of the law under which they are licensed, yachts are liable to seizure and forfeiture.

(c) Masters or other persons in command of yachts must exhibit their marine documents on demand of any officer authorized to enforce the navigation laws.

(d) A commission may be issued by the Secretary of Commerce to a yacht belonging to any regularly organized and incorporated yacht club to identify such yacht and its owner during foreign voyages, upon application of the owner (commerce Form 1250), submitted through the collector of customs. This commission is a token of credit to any United States official and to the authorities of any foreign power, for privileges enjoyed under it.

(e) Such commissions shall be regarded as conclusive evidence of nationality. On the return of such vessels to the United States they are required to make entry at the customhouse and surrender their commissions.

(f) Whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the customhouse thereof and without the payment of any charges for entering or

clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses, the Secretary of Commerce may authorize and direct the customs authorities at the various ports of entry of the United States to allow yachts from such foreign ports belonging to any regularly organized yacht club thereof to arrive at and depart from any port of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce may, in his discretion direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the foregoing provisions to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce may deem proper.

In order to obtain a cruising license or permit it will be necessary for the person desiring such cruising license or permit to file application for the same with the Director of the Bureau of Marine Inspection and Navigation, Department of Commerce, submitting therewith affidavit that he is a member of a regularly organized yacht club of the country in which he is a citizen, together with a written statement of the yacht club of which he is a member to the effect that he is a member in good standing. The statement of the yacht club must be attested to by its president and secretary, respectively. Upon the approval of the duly executed application the Secretary of Commerce will cause a cruising license or permit to be issued. The cruising license or permit is addressed to the several collectors of customs informing them that the yacht named in the license or permit is to be permitted to cruise in American waters for a period of six months from a certain date without the payment of any charges, dues, duty per ton, or tonnage taxes. The cruising license or permit when issued does not exempt the master of the yacht to which it is issued from compliance with section 433 of the Tariff Act of 1930 (19 U. S. C. 1433).

(g) Undocumented yachts, not nationalized, or shown to be yachts, by proper registry, enrollment, or regular marine documents, foreign or otherwise, are subject to tonnage tax and light money under sections 4219 and 4225, Revised Statutes (U. S. Code, title 46, secs. 121 and 128), on entry from a foreign port, in the same manner as other vessels in ballast, which are not licensed as yachts or public vessels. Section 4225, Revised Statutes (U. S. Code, title 46, sec. 128), will not apply if undocumented yachts are actually carrying, on arriving in the United States, a sea letter or certificate under section 4226, Revised Statutes (U. S. Code, title 46, sec. 129), and if oath

is made before the collector of customs as prescribed by that section. No tonnage tax should be imposed under section 36 of the act of August 5, 1909 (36 Stat. 111, 46 U. S. C. 121). Such undocumented yachts, the property of American citizens, are not required to enter or clear or to pay tonnage tax or light money on arriving at or departing from a port in the United States on a coastwise voyage terminating in the same great district. On foreign voyages they must enter or clear, as the case may be.

(h) All yachts, except those of 15 gross tons or under, shall, upon their return from a foreign country, make due entry at the customhouse of the port at which they first arrive, but the master of any yacht arriving from a foreign port with dutiable articles on board shall report to the customs officer at the port or place at which the vessel arrives and shall deliver to the said officer a manifest of all dutiable articles brought from a foreign country in such yacht.

(i) At the first port of arrival of a foreign-built yacht purchased by a resident of the United States the following requirements of law should be observed:

(1) The vessel must be entered under the navigation laws. Undocumented vessels may be subjected to penal tonnage taxes (see R. S. 4219 and 4225 and art. 133, C. R. 1937).

(2) The vessel must be documented or awarded a motor-boat number.

59. *Vessels required to be inspected.*⁴⁰

60. *Vessels not required to be inspected.*⁴¹

61. *License to carry gunpowder.*⁴²—No steam vessel employed in the carriage of passengers shall carry gunpowder without having conspicuously posted on board a certificate issued by the local inspectors authorizing the carriage of such gunpowder. Whenever any passenger steam vessel receives or carries gunpowder on board without having such certificate posted as required, or carries gunpowder in a place or in a manner not authorized by the certificate such vessel becomes liable to a penalty of \$100 for each offense.

³⁸ For statutory provisions, see R. S. 4400 as amended, 46 U. S. C. 362; R. S. 4498 as amended, 46 U. S. C. 496; 36 Stat. 463, 46 U. S. C. 511; R. S. 4427, 46 U. S. C. 405; 41 Stat. 305, 46 U. S. C. 363; R. S. 4417 as amended, 46 U. S. C. 391; 35 Stat. 428, 46 U. S. C. 395; R. S. 4421 as amended, 46 U. S. C. 399; 35 Stat. 428 as amended, 46 U. S. C. 397; R. S. 4498 as amended, 46 U. S. C. 496; R. S. 4423 as amended, 46 U. S. C. 400; R. S. 4499 as amended, 46 U. S. C. 497; R. S. 4500, 46 U. S. C. 498; R. S. 4424 as amended, 46 U. S. C. 402; Merchant Marine Act of 1920, section 26, 46 U. S. C. 882, 49 Stat. 1545, secs. 1, 2, 46 U. S. C., Sup. III, 367; R. S. 4417 a, 46 U. S. C., Sup. III, 391 (a).

⁴¹ For statutory provisions, see 36 Stat. 462, 46 U. S. C. 511; R. S. 4426 as amended, 46 U. S. C. 404; R. S. 4417 as amended, 46 U. S. C. 391; 35 Stat. 426, 46 U. S. C. 395; R. S. 4400 as amended, 46 U. S. C. 362; 38 Stat. 1193, 46 U. S. C. 12; 49 Stat. 1545, secs. 1, 2, 46 U. S. C., Sup. III, 367.

⁴² For statutory provisions, see 38 Stat. 1217, sec. 2, 46 U. S. C. 401; 38 Stat. 1217, sec. 4, 46 U. S. C. 402.

³⁹ For statutory provision, see 41 Stat. 437, 46 U. S. C. 53.

⁴⁰ For statutory provisions, see R. S. 4215, 46 U. S. C. 109; R. S. 4214 as amended, 46 U. S. C. 103; R. S. 4336, 46 U. S. C. 277; R. S. 4217 as amended, 46 U. S. C. 105; 35 Stat. 425 as amended, 46 U. S. C. 104; R. S. 4218 as amended, 46 U. S. C. 106; 46 Stat. 711, 19 U. S. C. 1433; 46 Stat. 712, 46 U. S. C., Sup. III, 1441.

62. *Officers' licenses.*⁶²—(a) Every vessel of the United States must be commanded by a citizen of the United States. Any vessel whose officers are not citizens of the United States shall pay a tax of 50 cents per ton.

(b) All the licensed officers of vessels of the United States shall be citizens of the United States. All the officers of vessels of the United States who have charge of a watch, including pilots, shall be citizens of the United States. The word "officers" includes the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam.

(c) The following officers must be licensed by the local inspectors of the Bureau of Marine Inspection and Navigation, and licenses may not be lawfully issued to any but citizens of the United States.

1. Masters, chief mates, and second and third mates, if in charge of a watch, engineers and pilots of all steam vessels.

2. Masters and chief mates of sail vessels of over 700 gross tons.

3. Masters of all other vessels over 100 gross tons carrying passengers for hire.

4. Masters, mates, engineers, and pilots of seagoing motor propelled vessels of 300 gross tons or over.

(d) Where, on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, a vessel is for any reason deprived of the services of a watch officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to any United States port, without incurring any penalty or penal tax.

(e) Masters and mates may be licensed as pilots also, but where the master of a steam vessel of over 150 gross tons is licensed as a pilot also, the license must be that of a first-class pilot.

63. *Application for certificate of award of number.*—(a) Applications for certificates of award of number must be made by the owner or master to the collector of customs in the district in which the owner resides. Upon the granting of the certificate of the award of number the certificate must be retained at all times on board the vessel for which it was granted and the number so awarded permanently affixed on each side of the bow of the craft.

(b) This law⁶³ does not amend section 14 of the Act of March 4, 1915, (46 U. S. C. 481), requiring the marking of lifeboats.

⁶² For statutory provisions, see R. S. 4131 as amended, 46 U. S. C. 221; R. S. 4219 as amended, 46 U. S. C. 121; R. S. 4438 as amended, 46 U. S. C. 224; R. S. 4440 as amended, 46 U. S. C. 228; R. S. 4443.

⁶³ The act requiring numbering and recording of undocumented vessels: 40 Stat. 602, as amended, 46 U. S. C. 288 and Sup. III 288.

(c) All undocumented vessels coming within the purview of the act⁶⁴ that are equipped with permanently fixed engines must be numbered whether over or under 16 feet in length. The exception in section 1 in favor of "Vessels not exceeding 16 feet in length measured from end to end over the deck excluding sheer, temporarily equipped with detachable motors" is held to apply only to such boats as rowboats and canoes designed and intended for the use of oars or paddles as the ordinary means of propulsion. Boats designed for the use of detachable motors as the ordinary means of propulsion are held to be subject to the act even if not in excess of 16 feet in length.

64. *Enforcement of navigation laws.*—As soon as the collectors receive reports of violations of the navigation laws, they will immediately notify the offender of the penalty incurred, giving full details in each case. The offender shall also be notified by the collector of his privilege of applying to the Secretary of Commerce for relief from the penalties incurred. The application must be sworn to and sent to the collector of customs, and should contain all of the circumstances of the case. If there is a conflict between the statement of the reporting officer and that of the offender, the offender's statement will be submitted to the reporting officer for a further report. All of the papers will then be submitted to the Secretary of Commerce for action.

65. *Revocation of registry, enrollment, license, or numbering of vessels.*—While the law prescribes that the collector of customs may determine the evidence which he deems sufficient that such vessel is being used or is intended to be used illegally, it is the opinion of this Department that in order to secure uniformity and prevent injustice, the collector of customs, before revoking any existing document of a vessel, should present the charges filed with him to the owner of the vessel that he may have an opportunity to reply under oath thereto; except, that in cases before the collector of customs which are supported by evidence that is practically conclusive, and where immediate action is desirable, the collector would be justified in revoking, or in refusing to issue the documents of the vessel subject to an appeal by the owner to the Secretary of Commerce.

Any appeal to the Secretary of Commerce made pursuant to the law shall be in writing and must be sworn to before a notary public or other officer authorized by law to administer oaths generally, and filed in triplicate with the collector, who will retain one copy in his office. The owner should be permitted to submit with his appeal corroborative evidence in the form of affidavits from persons having actual knowledge in the premises, also, if he so desires, a description in detail

and blueprints of the vessel. Such evidence, with two copies of the owner's appeal, should be promptly forwarded to this Department, together with the collector's report, which should present in detail the facts and evidence supporting his action, and also any additional comments he desires to make regarding any facts not before the collector at the time of his original action.

PART II—ENTRY OF VESSELS

1. *Boarding of vessels.*—(1) These regulations shall not apply to a passenger steamship of a regular line, but they shall apply to any other merchant vessel arriving from a foreign port or from a port in another great district (except from a port in an adjoining State) or from Porto Rico, Hawaii, or the Philippines.

(2) It shall not be lawful for any person, with or without the consent of the master, except a pilot, officer of the customs, health officer, agent of the vessel, or consul, to go on board of a vessel not in distress, arriving at any seaport of the United States, until the vessel has been properly inspected by the customs and quarantine officers, and placed in security by being brought to the dock or anchored at the point at which cargo is to be taken or discharged.

(3) It shall not be lawful for the master of any vessel, not in distress, arriving at any seaport of the United States, to allow any person or persons, except a pilot, officer of the customs, health officer, agent of the vessel, or consul, except as provided in regulation 5, to go on board of the vessel, until the vessel has been properly inspected by the customs and quarantine officers, and placed in security by being brought to the dock or anchored at the point at which cargo is to be taken or discharged. The keeper, runner, or any agent of a sailors' boarding house, or any person soliciting seamen for any purpose, shall not in any case be allowed to board any vessel until such dock or anchorage has been reached.

(4) It shall not be lawful for any person in charge of a tugboat, rowboat, or other vessel to come alongside and put any person, except as authorized by law or regulations, on board an incoming vessel heretofore described.

(5) The collector, or other chief officer of the customs, where there is no collector, upon application by the owner or agent of a vessel, is authorized to issue permits in special cases and on satisfactory grounds to persons, other than those above specified, to board such vessel, subject to the master's consent, after it has been properly inspected by customs and quarantine officers, and before it has been placed in security as above provided. In case of emergency, permits to board a vessel before it has been inspected may be issued; but any person to whom such permit may be granted shall be subject to customs and quarantine regulations.

In the case of vessels provided for by the act of 1882 (22 Stat. 186, 46 U. S. C. 151-162), permits shall be issued subject to the limitations provided in section 9 of that act. A permit shall not in any case be issued to the keeper, runner, or any agent of a sailors' boarding house or to any person soliciting seamen for any purpose.

(6) Upon boarding a vessel for customs or quarantine inspection the boarding officers will furnish a copy of these regulations to the master. Copies of the regulations may also be furnished to pilots and masters of tugboats with the request that they be supplied to the masters of incoming vessels in their charge.

(7) Officers boarding a vessel under authority of these regulations shall also ascertain whether any person has boarded the vessel in violation of law, and if so shall report the facts to the principal officer of the customs at the port.

(8) The Coast Guard is specially charged with the enforcement of these regulations, but any officer of the Government may report to the principal officer of the customs any violation of the regulations which comes to his knowledge.

(9) The principal officer of the customs shall report the facts to the United States attorney and also to the Department.

(10) The principal officer of the customs, or the officer commanding a Coast Guard cutter, or the principal officer of the Public Health Service at any seaport, when he deems it desirable and when it is practicable, may detail any person subject to his orders to remain on board a vessel to secure the enforcement of these regulations, until the vessel has been placed in security, as above provided. In the case of deep sea sailing vessels, such detail shall be made whenever practicable.

2. Vessels not required to enter.*

* Sec. 441 of the Tariff Act of 1930, as amended (46 Stat. 712, 19 U. S. C., Sup. III, 1441) reads as follows:

"Vessels not required to enter.—The following vessels shall not be required to make entry at the customhouse:

"(1) Vessels of war and public vessels employed for the conveyance of letters and dispatches and not permitted by the laws of the nations to which they belong to be employed in the transportation of passengers or merchandise in trade;

"(2) Passenger vessels making three trips or oftener a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise: *Provided*, That the master of any such vessel shall be required to report such baggage and merchandise to the collector within twenty-four hours after arrival;

"(3) Yachts of fifteen gross tons or under not permitted by law to carry merchandise or passengers for hire and not visiting any hovering vessel, nor having at any time or, if forfeited to the United States or to a foreign government, at any time after forfeiture, become liable to seizure and forfeiture for any violation of the laws of the United States;

"(4) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, sea stores, or ship's stores and which

3. *Report of arrival of vessels.**—(a) The report of arrival required by sec. 433 of the Tariff Act, 1930 must be filed within 24 hours after the arrival.

(b) The report must be made in every case unless the vessel has been boarded by a duly authorized customs officer assigned for the purpose, or for the purpose of accepting preliminary entry.

(c) In the case of vessels described in paragraph 4 of section 441 of the Tariff Act, 1930, the report may be filed by either the master, owner, or agent, and shall be in the form and give the information required by that statute. (See art. 107, C. R. 1937.)

(d) Vessels may depart at the option of the master after report and before the expiration of 24 hours.

(e) Any person bringing in a derelict vessel may take the master's oath.

(f) In the case of car ferries falling within the purview of Sec. 441 (2) 46 Stat. 712 (Tariff Act of 1930); 19 U. S. C., Sup. III, 1441 (2), report shall be made as provided for in articles 107 (b) and 212, C. R. 1937.

(g) All penalties incurred by masters for failure to make report of arrival should be reported to the Secretary of Commerce, through the Bureau of Marine Inspection and Navigation, and all applications for relief should be addressed to that officer and sworn to before an officer authorized to administer oaths.

4. *Preliminary entry, nights, Sundays, holidays.**—(a) Vessels in the foreign trade arriving for the sole purpose of taking on domestic cargo may be granted a permit for that purpose on customs Form 3171 when preliminary or formal entry of the vessel has been made. When the vessel is in ballast, or has no foreign residue cargo on board, or if the vessel has foreign residue cargo on board but has previously given bond at another port, no bond is required unless it is desired to have the vessel boarded at night or on a Sunday or holiday for the pur-

pose of making preliminary entry, or overtime services of officers are required to supervise such lading, in which event an application therefor and bond should be required in accordance with paragraphs (e) and Art. 112 (e), C. R. 1937. Such vessels should not be cleared in any event until the provisions of articles 173, 174, 1305, and 1306 of C. R. 1937 have been complied with.

shall depart within twenty-four hours after arrival without having landed or taken on board any passengers, or any merchandise other than bunker coal, bunker oil, sea stores, or ship's stores: *Provided*, That the master, owner, or agent of such vessel shall report under oath to the collector the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, sea stores, or ship's stores taken on board; and

"(5) Tugs enrolled and licensed to engage in the foreign and coasting trade in the northern, northeastern, and northwestern frontiers when towing vessels which are required by law to enter and clear."

* Whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of the same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of the vessel, such acts will have the same force and effect as if performed by the masters of the vessels. However, the masters are not thereby relieved of the penalty or liability provided by any statute relating to the entry or clearance of vessels.

* See Part V, section 19.

(b) The term "at night" shall include the hours from 5 p. m. of any day to 8 a. m. of the following day.

(c) The term "holidays" shall include only national holidays, viz, January 1, February 22, May 30, July 4, and the first Monday in September, Thanksgiving day (when designated by the President), and December 25, and such other days as may be made national holidays.

(d) Services in connection with the entering of vessels, within the meaning of Sec. 451 of the Tariff Act 1930 (19 U. S. C. 1451) include the boarding of vessels for the purpose of preliminary entry thereof. Requests pursuant to this section of the Tariff Act shall be made in writing on customs Form 3853-A and the required bond shall be on customs Form 7567 or 7569. In the case of vessels belonging to an established line operating on a regular schedule, requests for services may be made monthly, provided the required term bond is on file.

(e) Bonds are not required for vessels of the United States Maritime Commission under its "Operating Agreement, 1935" and its "Temporary Operating Agreement, 1937."

5. *Entry of American vessels.*—(a) The oath on entry shall be on customs Form 3251.

(b) The master shall account for the ship's crew by the following indorsement on the crew list:

I, _____, master of the _____, do solemnly and truly swear that all of the above-named crew have returned with me in said vessel to this port except those who failed to join vessel before sailing and those noted below:

I further swear that those shipped after clearance as substitutes or otherwise, have all returned in the vessel except as otherwise stated.

_____ Master.
Sworn to before me this _____ day of _____

_____ Deputy Collector.

(c) On entry the master shall also report to the collector the equipment purchased or the repairs made in the foreign country, making oath on customs Form 3415 or 3417, as the case may be.

(d) The master shall also present on entry the pratique issued by the United States Public Health Service on its Form 1940A or 1940B; and shall pay the tonnage taxes, the prescribed fees, and any penalties incurred.

(e) Vessels arriving under the condition set forth in Sec. 441 (4), 46 Stat. 712 (Tariff Act of 1930), 19 U. S. C., Sup. III,

* Armistice Day a national holiday.

1441 (4)¹⁰ must make formal entry if the stay of the vessel in port is extended more than 24 hours. If said vessel arrives at a port other than that to which she is bound, the boarding officer or collector will endorse the facts on the inward manifest and notify the collector at the port of ultimate destination.

6. Production of crew list and crew.—

(a) The master of every vessel of the United States returning from a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew (shipping Form 710A) to the first boarding officer at the first port in the United States at which he arrives on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be "to examine the men with such list" (commerce Form 1431) and to report the same to the collector.

(b) Boarding officers will also muster destitute American seamen, if any should be on board, in order to verify the consular certificates.

7. Copy of crew list transmitted to port of original sailing, penalty for failure to produce member of crew.—

The collector at the port of arrival, if it is not the port from which the vessel originally sailed, will transmit a copy of the crew list so reported to him, or a certificate as prescribed by the Department of Commerce (commerce Form 1432), to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew, the master and owner are severally liable to a penalty of \$400, but such penalties are not incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consular officer there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service, of which satisfactory proof shall also be exhibited to the collector.

8. Carriage of destitute seamen in United States vessels.—(a) Masters of vessels of the United States, homeward bound, are required, under a penalty of \$100 for each refusal, to receive on board, at the request of consular officers, any destitute seamen, and to carry them to the port of the vessel's destination, on the terms specified by law; but no vessel

¹⁰ Sec. 1441 (4) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, sea stores, or ship's stores and which shall depart within twenty-four hours after arrival without having landed or taken on board any passengers, or any merchandise other than bunker coal, bunker oil, sea stores, or ship's stores: *Provided*, That the master, owner, or agent of such vessel shall report under oath to the collector the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, sea stores, or ship's stores taken on board.

shall be obliged thus to transport, on one voyage, more than one such seaman for each 100 tons burden, nor to receive any person having a contagious disease. If any seaman be so carried who is unable to perform duty, the Comptroller General may allow an additional compensation to the vessel.

(b) On arrival of the vessel, the consular voucher for transportation (consular Form 24) must be presented, together with the seamen named therein, to the boarding officer or inspector of customs, who will certify thereon to the seaman's arrival, his physical condition, and whether service was performed on the voyage.

(c) This indorsement serves as a basis for the collector's official record and his further certification as to other facts required.

(d) The certificate, after certification by the collector, is to be returned to the agent of the vessel for forwarding to the Bureau of Accounts, Department of State, Washington, D. C., for final adjustment and payment of claim for the transportation of the seaman.

(e) The name of the seaman must appear on the vessel's manifest and the passenger list filed on entry of the vessel.

9. Entry of foreign vessels.—(a) The master of any such vessel shall exhibit his register to the collector on or before the entry of the vessel. After the net tonnage has been noted, the master may deliver it to the consul of the nation to which such vessel belongs, in which event he shall file with the collector the certificate provided by law. If not delivered to the consul, the register must be deposited in the customhouse.

10. Record of entrance and clearance of vessels.—Permanent records will be kept at every customhouse of the entrance and clearance of vessels, foreign (commerce Form 1404) and coastwise (commerce Form 1405), and shall be open to public inspection.

11. Simultaneous vessel transactions or movements.—(a) Vessels may move between coastwise ports engaged in several transactions or movements simultaneously, i. e.:

(1) To discharge residue cargo or passengers for domestic ports, under article 150, C. R. 1937.

(2) With foreign cargo destined for foreign ports, to be retained on board under article 151, C. R. 1937.

(3) To lade domestic cargo for foreign ports, via another domestic port, under article 183, C. R. 1937.

(4) American vessel on a coastwise voyage, under article 198, C. R. 1937.

(5) American vessel to a port in non-contiguous United States territory, under article 199 (a), C. R. 1937.

(6) American vessel on an intercoastal voyage, under article 199 (b), C. R. 1937.

(b) In all cases care should be exercised to indicate all the movements of the vessels on commerce Form 1385.

(c) A vessel with foreign cargo destined for several domestic ports, and for a foreign port or ports, will proceed from domestic port to domestic port on commerce Form 1385, and foreign clearance will be granted at the last domestic port.

(d) Any vessel proceeding from port to port with residue cargo may also lade cargo at each port for export, as outlined in article 183, C. R. 1937, and the manifest and statistical requirements should be met at each port. American vessels only, so proceeding, may lade cargo for delivery at coastwise, intercoastal, or noncontiguous American ports.

(e) The inward foreign voyage will be completed at port of final discharge. The outward foreign voyage begins at the port where cargo was first laden for export.

(f) Where a vessel is engaged in simultaneous transactions or movements, but one fee should be exacted.

PART III—TONNAGE DUTY AND LIGHT MONEY

1. Tonnage duty or tax.—(a) Tonnage duty accrues on the entry of all vessels from foreign ports, except vessels in distress or not engaged in trade. It should be imposed on the net tonnage given in a vessel's certificate of registry or other national paper, except where the tonnage is manifestly wrong or where the net tonnage has been changed by an appendix attached to the document, showing a tonnage ascertained under the so-called British rules or those of a foreign country which have been accepted as substantially in accord with the American rules, in which case the date of such change should be noted in the records.

(b) A tonnage duty of 2 cents per net ton, not to exceed in the aggregate 10 cents per net ton in any one year, is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, Newfoundland, or the coast of South America bordering on the Caribbean Sea (considered to include the mouth of the Orinoco River), and a duty of 6 cents per net ton not to exceed 30 cents per net ton per annum, is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port.

(c) The tonnage year is to be computed from the date of the first payment without regard to its rate, and expires on the day preceding the corresponding date of the following year. There may be five payments at the maximum (6 cent) and five at the minimum (2 cent) rate during a tonnage year, but there should not be more than five at the same rate. The maximum assessment of tonnage duty may, therefore, amount to 40 cents per net ton for the tonnage year of vessels engaged in alternating trade. Tonnage duty will be suspended, in whole or in part, whenever the President, by proclamation, shall so direct.

¹⁰ See section 5 (e).

(d) Tonnage tax should be imposed at 6 cents per net ton on a regularly documented foreign vessel entering from the Philippine Islands, and reported under "Philippine Islands Fund."

(e) Tonnage tax and fees should be imposed on a vessel which enters a port of the United States from a foreign country in ballast either through the Canal Zone or direct.

(f) Tonnage tax should be imposed on a vessel which enters a port of the United States for orders.

2. *Exemptions from tonnage duty.*¹—Tonnage tax shall not be imposed on—

(1) Vessels arriving in distress, even when required to enter.

(2) Vessels not engaged in trade—

(a) Vessels of war; public vessels employed for the conveyance of letters and dispatches, and vessels carrying fuel for war vessels, if they do not carry passengers or merchandise in trade.

(b) Yachts and other pleasure vessels, if they do not carry passengers or merchandise in trade.

(c) Vessels coming in for bunkers (fuel or water for the vessel), sea stores, or ship's stores. If such vessels remain more than 24 hours, their masters must make entry, but tonnage tax should not be imposed unless cargo or passengers are taken on or landed, or other acts done which usually require payment of tax.

(d) Vessels engaged exclusively in scientific activities.

(e) Vessels engaged exclusively in laying or repairing cables.

(f) Vessels engaged in whaling or other fisheries, even though they may have entered a foreign port for fuel or supplies, if they did not carry passengers or merchandise in trade.

(3) Passenger vessels making three trips or more a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise.

(4) Tugs enrolled and licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers (Great Lakes) when towing vessels which are required by law to enter and clear.

(5) Vessels which enter otherwise than by sea (Great Lakes) from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States, shall be exempt from the tonnage duty of 2 cents per ton.

(6) Vessels owned by citizens of the Philippine Islands and documented by the Philippine Government, and Ameri-

can vessels coming direct from these islands.

(7) Vessels entering direct from the Virgin Islands of the United States, the Canal Zone, the United States Naval station at Guantanamo (Cuba), American Samoa, or the islands of Guam and Wake.

(b) In case of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessels by the officers of the United States except upon the first clearing of such vessels in each year.

3. *Light money.*—A duty of 50 cents per ton, to be denominated "light

money", shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light money shall be levied and collected in the same manner and under the same regulations as the tonnage duties: Provided, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States, nor for a vessel owned by a citizen or citizens of the Philippine Islands when documented by the Government of said islands.

4. *Rates of tonnage duty.*—(a) The following table shows the rates of tonnage duty and "light money" to which the several classes of vessels are liable:

Classes of vessels	Under what law	Rates per net ton
Vessels of the United States:		
1. Whose officers are citizens ¹ .	Act of Aug. 5, 1909, sec. 36.	\$0.02 or \$0.06
And, in addition, if any officer is not a citizen.	R. S. 4219.	.50
Vessels not of the United States:		
1. Not built in the United States, but belonging to citizens thereof, and provided with sea letters or other customhouse documents proving the vessels to be American property. (See sec. 4225, R. S.) ²	Act of Aug. 5, 1909, sec. 35.	.02 or .06
And, in addition, if the owner or master refuses to take the oath required by section 4226, R. S.	R. S., 4225, "Light money"	.80
2. Vessels not of the United States.	(When under treaty and proclamation, the same as vessels of the United States.)	.02 or .06
3. Belonging wholly or in part to subjects of foreign powers, and not having privileges under treaties and proclamations:		
(a) Built in the United States, etc.	Act of Aug. 5, 1909, sec. 36.	.02 or .06
	R. S. 4219.	.30
	R. S. 4225, "light money"	.50
(b) Not built in the United States.	Act of Aug. 5, 1909, sec. 36.	.02 or .06
	R. S. 4219.	.30
	R. S. 4225, "light money"	.50
(c) Wherever built, which enter from a foreign port or place where vessels of the United States are not ordinarily permitted to enter and trade (to be collected on each entry from such port or place).	Act of Aug. 5, 1909, sec. 35.	.02 or .06
	R. S. 4219.	2.00
	R. S. 4225, "light money"	.50
4. Without documents—		
(a) Built in the United States, etc. (the same as vessels of class 3a).	Act of Aug. 5, 1909, sec. 36.	.02 or .06
	R. S. 4219.	.30
	R. S. 4225, "light money"	.50
(b) Not built in the United States (the same as vessels of class 3b).	Act of Aug. 5, 1909, sec. 36.	.02 or .06
	R. S. 4219.	.30
	R. S. 4225, "light money"	.50

¹ The duty prescribed by R. S. 4219 is not to be collected provided the vessel is registered under the act of Aug. 18, 1914.

² The duty prescribed by R. S. 4219 and 4225 on a vessel owned by a citizen of the United States is not to be collected provided the vessel after entering an American port shall, before leaving, be registered as a vessel of the United States.

(b) Foreign-built yachts owned or chartered by American citizens the title to which was acquired subsequent to February 5, 1897, are subject to tonnage tax on entry from foreign ports under section 4219, Revised Statutes (U. S. Code, title 46, sec. 121), and light money under section 4225, Revised Statutes (U. S. Code, title 46, sec. 128), unless exempted from the latter by section 4226, Revised Statutes (U. S. Code, title 46, sec. 129). An unrecorded bill of sale is not such a document as will exempt a vessel from the payment of light money under section 4225, Revised Statutes, and the recording of such bill of sale after the arrival of the vessel is not sufficient to relieve it from the payment of the tax.

(c) The decision of the Director of Marine Inspection and Navigation is final on all questions of interpretation relating

to the collection of tonnage tax and to the refund of such tax when collected erroneously or illegally, and collectors should, when in doubt, refer questions for his consideration and instructions.

5. *Certificate of payment.*—A certificate on Commerce Form 1002 will be issued by collectors to every master showing the date and number of each and every payment made by him during the tonnage year, which will constitute the official evidence of such payments. In the absence of such certificate, evidence of payment of tonnage duty must be obtained from the Director of Marine Inspection and Navigation.

6. *Application for refund of tonnage duty.*—(a) On account of the expense and difficulty of obtaining a refund of money excessively or erroneously collected, customs officers are instructed to

³ For statutory provisions see Sec. 441, 46 Stat. 712, 19 U. S. C. Sup. III 1441; R. S. 4220, 46 U. S. C. 122; R. S. 4214, 46 U. S. C. 103; R. S. 2792, 46 U. S. C. 124; 36 Stat. 234, 46 U. S. C. 132; Sec. 2, 35 Stat. 70, 46 U. S. C. 127; Sec. 1, 39 Stat. 286; 46 U. S. C. 130; R. S. 4221, 46 U. S. C. 113 and 125.

place in special deposit, if such course is practicable, money collected under protest or where there is reason to believe that application for refund will be made immediately.

(b) If, however, it is found necessary to deposit collections to the credit of the Treasurer of the United States on account of fiscal regulations, or for any other reason, and refund is asked, collectors may notify the payor to prepare an application requesting refund of the amount which he alleges was excessively or erroneously collected. In the preparation of this application the following instructions will be observed:

(1) The application must be in duplicate, each signed, addressed to the Director of Marine Inspection and Navigation, and submitted through the collector of customs.

(2) It must be a direct request for the refund of a definite sum, showing concisely the reasons therefor, the nationality, rig, and name of the vessel, and the date, place, and amount of each payment for which refund is asked. A protest against a payment will not be accepted as an application for its refund.

(3) It must be made within 1 year from date of the payment. A protest against a payment will not alone be sufficient to bring a claim within the statute.

(4) The application and its duplicate should be forwarded to the Director of Marine Inspection and Navigation by the collector of customs after all statements which are of record in his district have been verified, and with such comments as he may choose to make.

(5) A certified statement, also in duplicate (commerce Form 1086), should be carefully prepared and forwarded to the Director of Marine Inspection and Navigation after the collector has been so authorized. In preparing this statement the collector should bear in mind that it must be signed by the owner or charterer of the vessel, whose name and address must be given in every instance as the payee, even when the money to be refunded had been paid by an agent or representative, as the Comptroller General has held that such payer must look to his principal for repayment.

7. Vessels in the domestic trade.¹³—(a) Tonnage duty accrues generally on the arrival at any port of the United States of any registered vessel which, while bound on a voyage from one domestic port to another, has entered at any foreign port, unless such entrance was made in distress or only for bunker coal or fuel oil.

(b) Vessels enrolled and licensed for trade in the waters of the northern frontiers, entering direct from a foreign

port, must pay tonnage tax, except as otherwise directed; but if such vessels clear from a port in one collection district for a port in another collection district and complete the voyage to the port of destination, they are not required to pay tonnage tax, although during the voyage they may touch at intermediate foreign ports and receive on board dutiable goods.

(c) Foreign steam tugs employed in towing coastwise vessels are liable to pay 50 cents per ton on the measurement of the vessel towed unless the towing is done in whole or in part within or upon foreign waters or when the tugboat is owned by a foreign railway company whose cars enter into the United States by means of such transportation.

8. Alien officers on vessels of the United States.¹⁴—There will be collected from every vessel of the United States of which an alien shall be an officer a duty of 50 cents per ton, unless such alien shall have supplied a vacancy occurring during a foreign voyage or a voyage between Atlantic and Pacific ports, in any place below the rank of master; but such alien shall not act as officer after the return of the vessel to any United States port. In all such cases the collector will report the facts to the Secretary of Commerce for instructions before imposing the duty.

PART IV—CARRIAGE OF PASSENGERS

1. Passenger vessels, restrictions, penalties.—(a) A passenger, within the meaning of the steamboat inspection laws, is any person carried who is not connected with the vessel, her navigation, ownership, or business.

(b) Passenger vessels of the United States or United States vessels carrying passengers are subject to all the provisions of the laws governing the manning and inspection and equipment of vessels.

(c) It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection.

(d) Foreign vessels carrying steerage passengers are subject to the provisions of the Passenger Act of 1882, and such vessels carrying passengers (cabin and steerage) from the United States are also subject to some of the inspection laws of the United States.

(e) Cargo vessels of the United States may carry not to exceed 16 persons in addition to the crew, provided the laws, rules, and regulations respecting life-saving equipment, lifeboat accommodations, radio laws, etc., are complied with and the persons to be carried have been notified of the presence on board of any dangerous articles or of any condition or circumstances which would constitute a

risk of safety for passengers or crew.¹⁵ (See art. 168, C. R. 1937.)

(f) This privilege is extended in so far as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

(g) The master will be required to make oath on commerce Form 1375 or 1376 as to the number of such persons he proposes to carry.

(h) A vessel carrying passengers to and from a foreign country should be furnished with the same customs and navigation forms as a vessel carrying cargo, e. g., a vessel taking passengers at an American port for a foreign destination, intending to stop at another domestic port en route, should be cleared under article 183, C. R. 1937 on a permit to proceed coastwise to land for a foreign port (commerce Form 1385), and inbound passenger vessels should be treated in the same manner under articles 149 and 150, C. R. 1937 (commerce Form 1385).

(i) Collectors do not certify the legal capacity of vessels for the carriage of passengers, except as prescribed in the Passenger Act of August 2, 1882.

(j) The inspectors of steam vessels issue to steamers for excursion trips a special permit in which is stated the number of passengers that may be carried and the number and kind of life-saving appliances to be provided for their safety, and also, in their discretion, limit the route for such excursions. (Commerce Form 1463.)

(k) Any vessel and the owner and master thereof carrying more passengers than are permitted, or failing to have on board the number and kind of life-saving appliances prescribed by the inspectors of steam vessels, will be subject to the penalties prescribed therefor in chapter 2 of title 52 of the Revised Stat-

¹³ Statutory provision is found in Sec. 26, Merchant Marine Act of 1920, 41 Stat. 998, 46 U. S. C. 882. The International Convention for the Safety of Life at Sea 1929, defines a passenger ship to be "A ship is a passenger ship if it carries more than 12 passengers." The Bureau of Marine Inspection and Navigation in Circular Letter #179, Nov. 3, 1937, held that the provision in Sec. 26, Merchant Marine Act, 1920, requiring that when any cargo vessel as defined therein, carries persons other than members of the crew, the owner, agent, or master must first notify such persons of the presence on board of any dangerous articles as defined by law, as well as of any other condition or circumstance which would constitute a risk of safety for passengers or crew, is also applicable to cargo vessels carrying not more than 12 passengers when engaged on international voyages.

The Bureau in Circular Letter #191 January 5, 1938, further held that "The only cargo vessels to which section 26 of the Merchant Marine Act of 1920 applies, authorizing 16 persons to be carried in addition to the crew, are those engaged in voyages from a port within the United States to another port within the United States except cargo vessels engaged in intercoastal voyages."

¹⁴ For statutory provisions see R. S. 2793, 4221, 46 U. S. C. 111, 123 and 125; R. S. 4370, 46 U. S. C. 316.

¹⁵ For statutory provisions see R. S. 4219, 46 U. S. C. 121; and R. S. 4131, 46 U. S. C. 221.

utes, as amended (46 U. S. C., Chapter 15).

2. *Masters in foreign trade must deliver, with manifest, list of passengers.*—The master of every vessel arriving at a port of the United States from any foreign place (ports and places in territory contiguous to the United States excepted) shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver, with his manifest of cargo on entry, a correct list (commerce Form 1440), signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying the name of each passenger, age (if a child of 8 years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the manner, age, and cause of death of each deceased passenger. For a violation of this law the master will be liable to a fine of \$1,000.

3. *Requirements for the carriage of steerage passengers.*—It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take them from any port or place in the United States, unless the compartments, spaces, and accommodations prescribed by the Passenger Act of 1882 (U. S. Code, title 46, secs. 151-162) have been provided, allotted, maintained and used for and by such passengers, during the entire voyage, unobstructed by cargo, stores, or goods.

4. *Examination of vessels with steerage passengers.*—The collector, or the surveyor where there is one, of the port at which any vessel carrying steerage passengers arrives shall direct an officer to make an examination of the vessel, and to admeasure the compartments or spaces occupied by passengers other than cabin passengers during the voyage; and such admeasurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of passengers found on board with the list of passengers (commerce Form 1440) furnished by the master to the collector; and the officer will make a report on commerce Forms 1461 and 1462 to the surveyor, if there be one, by whom it will be forwarded to the collector at the end of each month. The collector will transmit it to the Secretary of Commerce.

5. *Deaths of passengers.*—(a) The master, owner, or consignee of any vessel bringing steerage passengers from a foreign country, except foreign territory contiguous to the United States, must,

under a penalty of \$50, pay to the collector, within 24 hours after entry, \$10 for every death by natural disease occurring during the voyage on board his vessel among such passengers over 8 years of age. (Commerce Forms 1461 and 1462.)

(b) The money so collected is to be deposited to the credit of the United States subject to the directions of the Secretary of the Treasury.

(c) The voyage referred to in this section terminates with the arrival of the vessel within a collection district.

6. *Copies of law to be on board.*—Vessels propelled in whole or in part by steam, carrying passengers, must have on board two copies of title 52 of the Revised Statutes entitled "Regulations of steam vessels," (Laws governing Marine Inspection) which will be furnished by the department through steamboat inspectors, upon application. A master who neglects to have said copies on board, or who unreasonably refuses to exhibit them to a passenger, becomes liable to a fine of \$20.

PART V—FOREIGN CLEARANCES

1. *Requirements of clearance.*—(a) A vessel bound for foreign port or ports must be cleared for definite port or ports in the order of its itinerary, but an application to clear for a port of place "for orders" (instructions to masters as to destination of vessel) may be acted upon favorably if the cargo is to be discharged in a port of the same country as the port to which the vessel is to be cleared.

(b) In the event that departure is delayed beyond the second day after clearance the fact of detention should be noted on the certificate of clearance and on the official record of clearance. If, after clearance, the proposed voyage is canceled, the reason therefor should be reported in writing and the certificate of clearance surrendered.

(c) Collectors may permit vessels to proceed to sea to adjust compasses, try out new machinery, clean tanks, etc., without requiring formal clearance, but the provisions of the oil pollution act must be strictly complied with.

(d) A new vessel built in the United States for foreign account should be cleared under a certificate of record (commerce Form 1316), and a shipper's export declaration must be furnished by the agents or prepared by the collector for statistical purposes.

(e) A shipper's export declaration should likewise be furnished for an American vessel sold foreign upon her first departure from the United States.

(f) Before a clearance certificate (commerce Form 1378) is issued to a vessel bound to a foreign port collectors will verify the compliance with the following requirements as set forth in the succeeding articles:

- (1) Accounting for inward cargo.
- (2) Verifying nationality and tonnage.
- (3) Verification of inspection.

- (4) Cattle-carrying vessels.
- (5) Meat and meat food products—inedible fats.
- (6) Fumigation.
- (7) Radio apparatus and operators on steamers.
- (8) Outward foreign manifests.
- (9) Shippers' export declarations.
- (10) Vessel properly documented for foreign trade.
- (11) Crew list, certified copy of.
- (12) Shipping articles and enforcement of seamen's act.
- (13) Observance of neutrality—Exportation of arms and munitions.
- (14) Inspection and fees under State laws.
- (15) Port sanitary statements.
- (16) Record of clearance of vessels—Record of manifest.
- (17) Foreign vessels proceeding coastwise.
- (18) Vessels clearing foreign via domestic ports.
- (19) Clearance fees.
- (20) Carriage of United States securities.
- (21) Carriage of mail matter.
- (22) Medicine and slop chest requirement.
- (23) Load line regulations.

2. *Accounting for inward cargo.*—Inward cargo discrepancies must be accounted for and adjusted by post-entry, affidavit, or both, but the vessel may be cleared and the adjustment deferred if the discharging officer's return has not been received.

3. *Verifying nationality and tonnage.*—Nationality and tonnage of a vessel should be verified by production of the certificate of registry or other national papers. If these documents are not submitted when tonnage tax is imposed and it is afterward found that the amount collected was too small, additional tax should be collected, and a separate tonnage tax receipt should be given.

4. *Verification of inspection.*—(a) Collectors will ascertain whether the certificate of inspection, as provided for in article 90, C. R. 1937, is still in force.

(b) Masters of all vessels required to be inspected, clearing without passengers, are required to make oath to that effect, as prescribed in commerce Form 1376.

(c) An application to carry persons on cargo vessels in addition to the crew should be made in time to permit an inspection for the purpose of ascertaining whether or not the vessel's life saving equipment is sufficient for the entire company.

(d) When a permit is issued for a certain number of such persons it will not be necessary to renew the application or the permit for successive voyages so long as it remains in force unless it is desired to carry a greater number up to the limit of 12, when the vessel must be again visited. If the vessel is found to be equipped with life saving appliances sufficient for the additional number of persons, a permit may be issued therefor.

(e) The master on clearance should be required to subscribe to commerce Form 1375.

5. *Cattle-carrying vessels.*—The Bureau of Animal Industry, Department of Agriculture, inspects animals for export and notice of the inspection must be filed for vessels carrying horses, mules, asses, cattle, sheep, swine, goats, and live domestic poultry.

6. *Meat and meat-food products, inedible fats.*—(a) All meat and meat-food products except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or for distribution, when shipped to Great Britain or Ireland or any of the countries of continental Europe or to Canada, Venezuela, Argentina, Peru, Colombia, Japan, Cuba, Algeria, or the French Antilles shall be accompanied by export meat-inspection certificates issued by the United States Department of Agriculture. Export meat-inspection certificates are not required for meat and meat-food products exported to countries other than those named.

(b) The duplicate copies of export meat-inspection certificates are required to be delivered by the shipper to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water or to the chief officer of the vessel on which the export shipment is made. The chief officer of the vessel shall file such duplicate with the United States customs officer at the time of filing the master's manifest or the supplemental manifest. No clearance shall be given to vessels containing meat and meat-food products destined to the countries named unless the meat and meat-food products are accompanied by export meat-inspection certificates handled as indicated.

(c) No tallow, stearin, oleo oil, or other rendered fat derived from cattle, sheep, swine, or goats that has not been inspected, passed, and marked by the United States Department of Agriculture shall be exported unless the shipper files with the collector of customs at the port from which the export shipment is made an affidavit by the exporter on his export declaration that such article is inedible.

7. *Fumigation.*—(a) Proof should be required that the vessel has been fumigated if same was ordered by the Public Health Service.

(b) In instances where the quarantine officer remands a vessel to another American port for fumigation, a notation "this vessel to be fumigated at the next United States port" must be placed on the face of the permit to proceed.

8. *Radio apparatus and operators on steamers.*¹²

9. *Outward foreign manifest.*—(a) Before or at the time of clearing for a foreign port the master should file with the collector a manifest (commerce Form

1374) of the complete lading of the vessel, but if that be impracticable collectors are authorized to grant clearance on an application on customs Form 7301 and execution of the bond on this form and the filing of a manifest of a few items of merchandise, preferably cargo, upon which advance statistical reports are published.

(b) Bonds are not required for vessels of the United States Maritime Commission under the United States Maritime Commission's "Operating Agreement 1935" and its "Temporary Operating Agreement 1937."

(c) When a vessel with meat or meat food products as cargo clears for ports in Great Britain or Ireland or any of the countries of continental Europe, or to Canada, Venezuela, Argentina, Peru, Colombia, Japan, Cuba, Algeria or the French Antilles, the master should be required to file an affidavit as follows:

I, _____ do solemnly, sincerely, and truly swear that I am the master of the steamship or vessel called the _____ for which clearance is this day requested, and that no meat or meat food products, as defined and classified by the Department of Agriculture, are or will be included in the cargo of the said steamship or vessel, unless such meat or meat food products are duly marked "U. S. Inspected and Passed," and that the certificates covering the same, required by the regulations of the Bureau of Animal Industry, Department of Agriculture, known as Regulation 25 of B. A. I. Order No. 211, have been obtained from the Department of Agriculture and are herewith filed with the master's manifest, or will hereafter be filed with the supplemental manifest of the cargo of said steamship or vessel.

_____ Master.
Subscribed and sworn to before me this _____ day of _____, 19____.

Deputy Collector.

(d) The certificate of clearance (commerce Form 1378) granted by a collector for a vessel and its cargo need not specify the particulars thereof, unless required by the master or other person in charge or command of the vessel.

(e) The complete manifests, together with the duplicate shippers' export declarations, must be filed within four days after clearance of vessels, and when received should be numbered consecutively. The customhouse number of the shippers' export declaration for each item of lading must be indicated and the manifests verified by comparison with the shippers' export declarations to verify completeness. Therefore, agents should not accept merchandise for shipment unless accompanied by shippers' export declarations.

(f) Copies of outward manifests will be certified on request at 20 cents per copy.

(g) The following oath must be taken by agent filing final manifest:

I, _____, attorney for the agent of the _____ which cleared from this port _____ do truly swear to the best of my knowledge and belief that the within manifest is a true statement of all the goods, wares, and merchandise laden on board said vessel and

that the values of the separate items are as stated in the shipper's export declarations, duplicates of which are filed herewith.

Sworn to before me this _____ day of _____.

Deputy Collector.

10. *Shippers' export declarations.*—

(a) The shippers and consignors of merchandise should deliver to the collector, before clearance of the exporting vessel is granted, verified declarations in duplicate, on customs Forms 7525, of the portions of the cargo to be shipped by them. The declarations may be verified on oath before the collector, his representative, or before notaries public or other persons authorized by law to administer oaths.

(b) On presentation the declarations should be scrutinized carefully to insure compliance with the requirement that the merchandise be correctly described, that the quantities be given in the units called for by the statistical schedule, and that values be correctly stated.

(c) When the declarations are accepted they should be numbered, the duplicates returned to the shippers for delivery with merchandise to the steamship company, and the originals filed in numerical order. (See art. 1261 et seq. C. R. 1937 for preparation of shipper's export declarations.)

11. *Vessels properly documented for foreign trade.*—(a) Vessels of the United States in the foreign trade must be documented therefor before being cleared for a foreign port and are required to operate under a certificate of registry. (Commerce Form 1265.) A vessel is in the foreign trade as soon as cargo is laden for a foreign port, whether sailing foreign direct, or via a domestic port or ports.

(b) Every enrolled or licensed vessel, unless enrolled and licensed for the coasting and foreign trade on the northern, northeastern, and northwestern frontiers otherwise than by sea, commerce Form 1273, which proceeds on a foreign voyage without being registered is liable to seizure and forfeiture, together with her tackle, apparel, and furniture, and the merchandise so imported therein.

(c) Vessels may engage in trade with and transit the Canal Zone under enrollment and license.

12. *Crew list, certified copy of.*—Crew lists must be filed at the port of final departure for vessels of the United States clearing for foreign ports or engaged in the whale fishery. A vessel's crew list (commerce—shipping service Form 710A) must contain the names, places of birth, and residence, and personal description of the ship's company, and the names and addresses of their next of kin, to which list the oath of the master shall be annexed that the statements are correct as far as he can ascertain them. The list must be presented in duplicate without erasure or interlineation, and the collector shall certify one copy and deliver it to the master,

¹² See Rules Governing Ship's Services, Rules and Regulations, Federal Communications Commission.

who shall surrender the list and account for the persons named therein to the collector at the first port in the United States touched at on the return voyage.

13. *Shipping articles and enforcement of seamen's act.*—(a) Shipping articles (commerce—shipping service Form 705a) in triplicate must be presented at the port of final departure for every vessel of the United States bound to a foreign port, or for any such vessel of 75 tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, and the collector will certify (commerce Form 1455) the triplicates of the articles before a clearance is granted.

(b) These articles of agreement shall be entered into before a United States shipping commissioner if such an officer is at the port or before the collector who is authorized to act at any port in which no shipping commissioner shall have been appointed.

If any seaman, who is required to sign articles in the presence of a shipping commissioner (except as provided in R. S. 4503, 46 U. S. C. 543), is signed on articles without the presence of a shipping commissioner, the statutory penalty prescribed by R. S. 4514, 46 U. S. C. 567, will be incurred. However, replacements occasioned by desertion or casualty (R. S. 4516, 46 U. S. C. 569) may be reported to the United States Consul at the first port at which the vessel may arrive. If such action be taken, no penalty is incurred.

(c) The masters of vessels of the United States engaged in trade between the United States and British North America, or the West Indies or Mexico, or of vessels engaged in the coastwise trade, or lake-going vessels that touch at foreign ports, or of vessels where the seamen are by agreement entitled to share in the profits of voyage, are, however, not required to enter into agreements with their seamen before a United States shipping commissioner unless they so desire. They shall, however, obtain a copy of the shipping articles certified by the collector on commerce Form 1435 when bound on any foreign voyage, other than on foreign voyages enumerated in this subsection.

(d) The Seamen's Act of March 4, 1915, provides that no clearance shall be granted any American or foreign vessel until the requirements of section 11, 38 Stat. 1168, 46 U. S. C. 599, respecting advances and allotments of wages, and also provides that no clearance shall be granted any American vessel until the requirements of section 13, 38 Stat. 1169, 46 U. S. C. 672, regarding the language test and number of able seamen have been complied with but the requirements of section 11, 38 Stat. 1168, 46 U. S. C. 599, apply to foreign vessels only when American seamen are shipped at American ports.

(e) When an American vessel, clearing foreign and subject to the Act, applies for clearance, the collector shall examine the shipping articles (commerce—shipping service Form 705a) and satisfy

himself that they carry notations of allotments of wages, if any, and that the vessel has as members of its unlicensed deck crew the required percentage of able seamen, i. e., 65 percent of the deck crew must be of a rating not less than Able Seaman.

(f) Collectors are authorized to accept consuls' certificates that there have been no advances of wages to or for the account of persons signed on in port as members of crews of foreign vessels, nor allotments to any one other than the relatives specified in the Act.

(g) A statement as follows, should be made a part of the outward manifest sworn to by the master, of all vessels, American and foreign, clearing for foreign ports:

I, _____ master of the within-named vessel do certify that to the best of my knowledge and belief the provisions of the Seamen's Act of March 4, 1915, as amended, have been fully complied with.

Master.

(h) A collector may, upon his own motion, and shall, upon sworn information of any reputable citizen filed at least 6 hours before a vessel of the United States departs or is scheduled to depart, cause a muster of the crew to determine whether 75 per cent of the crew can understand any order given by the officers of such vessel and if 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen.

13A. *Port sanitary statements.*—(a) Port sanitary statements, United States Public Health Service Form 1964, are issued by medical officers of the United States Public Health Service to vessels departing from United States Ports.

(b) At ports where Public Health Service officers are not available, the port sanitary statements will be issued by collectors of customs.

14. *Record of clearance of vessels, record of manifest.*—Records of clearance of vessels and outward manifests shall be made in accordance with article 125, C. R. 1937.

15. *Foreign vessels proceeding coastwise.*—(a) A foreign vessel can not, without incurring a penalty, carry merchandise or passengers from point to point or from port to port in the United States, or for any part of the voyage even though the voyage may be temporarily broken by a clearance for a foreign port and arrival there.

(b) A foreign vessel may, however, proceed from one domestic port to another domestic port in ballast, and should be cleared as follows: Subdivisions (4) and (5) on the reverse side of commerce Form 1385 in duplicate should be used. The original should be filed by the collector issuing the permit to proceed and the copy delivered to the master on which to enter at the next port. Upon arrival at destination the vessel should be entered by making use of the entrance oath subdivision (6) provided

on this form. Such movements should be recorded as foreign transactions. A foreign vessel may also proceed from port to port in the United States for the purpose of unloading foreign cargo and/or passengers (art. 150, C. R. 1937), retaining foreign cargo on board (art. 151, C. R. 1937), and/or loading domestic cargo for foreign ports (art. 183, C. R. 1937). Such movements should be recorded as foreign transactions.

If a vessel, bound and cleared from one domestic port to another domestic port is diverted by radio while enroute to a port other than that to which cleared and specified in the permit, the operators should immediately notify the chief officer of customs at the port of clearance of such diversion who should in turn at the expense of the operator notify the chief officer of customs at the port to which the vessel had been diverted. This notification may be accepted as a supplemental permit to proceed to the port to which diverted and should be filed with the entry.

(c) The transportation of passengers by foreign vessels from a port in the United States through domestic and foreign waters, sometimes touching at a foreign port and returning them to the port of departure, is not in violation of the first paragraph of this section.

(d) Foreign vessels can not engage in the American fisheries.

(e) It has been held that the coastwise laws have not been extended to the Canal Zone, and consequently foreign vessels may engage in trade therewith.

16. *Vessels clearing foreign via domestic ports.*—(a) Any vessel may proceed from port to port to lade cargo for export and/or take passengers for foreign ports. When merchandise is to be laden at several ports the vessel should be cleared at the first port for the foreign port or ports of destination via the domestic port or ports on manifest (commerce Form 1374), in duplicate, itemizing the entire cargo laden at that port. Such movements should be recorded as foreign transactions.

(b) The procedure regarding incomplete manifests outlined in article 173, C. R. 1937, may be followed.

(c) The oath on the reverse side need not be executed, but a permit to proceed (commerce Form 1385) should be attached to each copy of the manifest and one copy given to the master to be used in entering his vessel at the next port of lading and the original copy filed. The shipper's export declarations for the cargo laden at each port should be filed thereat.

(d) On arrival at the second domestic port the master will enter his vessel within 24 hours by making oath on commerce Form 1385 and filing the manifest and permit issued at the first port. This procedure should be followed at all intermediate ports and collectors should specify on outward manifests the domestic ports at which cargo was laden for export. In case of a diversion by radio to a port other than that cleared for,

the procedure provided for in sec. 15 (b) should be followed.

(e) The direct foreign clearance of the vessel on commerce Form 1378 will be granted at the final port of departure.

(f) A manifest of a vessel's complete lading must be filed at the final port of clearance. This manifest should consist of certified copies of the complete manifests, filed at each preceding port, and the obligation to prepare, present for certification, and forward the copies to the final port rests with the vessel's agents at each port.

(g) A notation as follows should be made by rubber stamp or otherwise on the outward foreign manifest forms, delivered by the master at each port:

Manifest ----- complete (or incomplete). Shippers' export declarations and export requirements have been, or will be, met at port of lading and certified copies of complete manifest will be forwarded by vessel's agents to the final port of departure in the United States.

(h) If it becomes necessary to substitute one American vessel for another, collectors may grant an application from a regularly established company and issue an order to transfer the cargo and/or passengers. Notice of the abandonment of the voyage and the name of the substituted vessel must be furnished by the collector granting the application to the collector at the port where the cargo was laden.

(i) Vessels proceeding to American ports in noncontiguous territory to lade or unlade should be entered and cleared in the same manner as vessels proceeding from port to port on the mainland, except that a certificate of clearance (commerce Form 1378) appropriately modified, should be issued to such vessels at the last port of departure.

(j) Any vessel proceeding from port to port to lade cargo for export may also discharge residue foreign cargo, as outlined in article 150, C. R. 1937. American vessels, excepting those not authorized to engage in the coastwise trade, so proceeding, may also lade cargo for delivery at coastwise ports.

(k) On clearance from each port the master shall present a copy of the store list or extract therefrom showing all articles not released from customs acquired abroad by officers and members of the crew, together with all liquor and tobacco remaining on board. The collector shall certify such list, noting thereon any other sea or ship stores which may be unusual in character or quantity, and attach it to the vessel's clearance papers for presentation at the next port.

17. *Carriage and mail matter.*—A master bound for a foreign port must make oath (commerce Form 1374) that he will not receive nor convey any letters or other packets which have not been regularly posted and received from the post office at the port of departure, except letters or letter packets relating to the cargo and addressed to the owner or consignee of the vessel and letters or let-

ter packets inclosed in United States stamped envelopes of sufficient denomination to cover the postage. It is the duty of the collector to require from the master, as a condition of clearance (commerce Form 1378), an oath or affirmation (commerce Form 1374), that he has not under his care, or within his control, and will not receive or convey any letters or letter packets in violation of this provision. (See art. 121, C. R. 1937.)

PART VI—COASTWISE CLEARANCE AND ENTRANCE

1. *Coastwise trade and fisheries limited to American vessels.*—(a) The coastwise trade and fisheries of the United States are limited to vessels documented under the laws of the United States.

(b) Foreign vessels, and American vessels with limited registration (registered for foreign trade only) may proceed from one domestic port to another domestic port or ports to complete discharging inward cargoes (art. 150, C. R. 1937), retaining on board cargo for foreign ports (art. 151, C. R. 1937), or to complete lading of outward cargoes, or for both purposes (art. 183, C. R. 1937), but if such vessels proceed in ballast they must be cleared on commerce Form 1385, as outlined in article 182, C. R. 1937.

(c) Barges equipped for harbor transportation must be owned by citizens of the United States.

2. *Great districts.*—(a) The seacoasts and navigable waters of the United States, Alaska, Hawaii, and Puerto Rico are divided into six great districts: The first to include all the collection districts on the seacoast and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Puerto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii; and the sixth to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Maquette River, New York.

(b) The navigation of the Yukon, Stikine, and Porcupine Rivers is governed by special regulations.¹⁸

¹⁸ (a) *Navigation Yukon River:* Small American river steamers may be carried in sections from Dyea or the Stikine River to the head waters of the Yukon River, to be assembled there free of Canadian customs duty, and may carry cargo and passengers from customs stations at those head waters to Circle City and other places in Alaska. Such steamers cannot engage in the coasting trade from one place to another in Canadian territory.

In navigating the Yukon River in Canada the usual Canadian customs regulations are to be observed. These permit only vessels of British registry to carry passengers and

3. *Clearance and entrance of vessels coastwise.*—(a) Vessels licensed for the coasting trade, and wholly laden with domestic products or in ballast, may proceed from port to port or from place to place within the same great district without reporting their departures or arrivals, but such vessels may be entered and cleared if the owners or agents so desire.

cargo from one place in Canada and land the same at another place in Canada. If the river steamers transported into the Yukon have American registers, they may clear with passengers and cargo from a customs station on the Yukon in Canada for ports in Alaska and vice versa. In cases of emergency, pending the receipt of registry, a clearance may, however, be granted to any of these steamers without certificate of registry on board for the first voyage down the Yukon to Alaska, but not for a subsequent voyage. (T. D. 18926.)

(b) *Vessels in sections.*—American stern-wheel steamers built in sections and transported by way of the Stikine River to Lake Teslin will be dealt with in the same manner and under the same regulations as in the case of similar vessels transported in sections by the Dyea route.

The regulations are embodied in (a) above, and provide that small American river steamers may be carried in sections from Dyea, etc., to the head waters of the Yukon River, to be assembled there free of customs duty, and may carry cargo and passengers from customs stations at those head waters to Circle City and other places in Alaska, but cannot engage in the coasting trade from one place to another in Canadian territory. (T. D. 19172.)

(c) *Navigation of the Stikine River and its connecting rivers and lakes.*—A. *Transfer of cargoes and passengers at Wrangell.*—1.

(a) The transfer of cargo or passengers from a vessel from any port in the United States (except another port or place in Alaska) or from any foreign port to a vessel destined by way of the mouth of the Stikine River to any port or place on the Stikine River or its connecting rivers and lakes, and (b) the transfer of cargo or passengers from a vessel, destined by way of the mouth of the Stikine River from any port or place on the Stikine River, or its connecting rivers and lakes, to any American port or place (except to another port or place in Alaska) or any foreign port, shall be permitted only at the port of Wrangell under the supervision of officers of the customs.

2. Officers of the customs at Wrangell, when they deem it necessary, shall board any vessel bound to the United States within four leagues of the coast of the United States for the purpose of demanding its manifest and enforcing the laws and regulations of the United States.

3. Vessels entitled by law to engage in the coasting trade of the United States may proceed from one port or place in Alaska to another port or place in Alaska in the manner prescribed by law for the entry and clearance of vessels within the same customs district.

B. *Entry and clearance at Wrangell.*—1. *American vessels.*—Any vessel entitled by law to engage in the coasting trade of the United States, in ballast, or with passengers or cargo, or both, that are destined from a port or place in the United States (elsewhere than in Alaska) or from a foreign port for any port or place on the Stikine River or its connecting rivers and lakes, shall enter at Wrangell in the manner prescribed by law.

Such vessel may then (a) proceed to her place of destination; or (b) transfer her cargo and passengers, if destined for a port or place in Alaska, to another American vessel, which may proceed according to laws governing the entry and clearance of vessels in the same customs district; or (c) transfer her cargo and passengers, if des-

(b) Vessels carrying merchandise in bond are required to be cleared and entered at ports of lading and destination of the bonded merchandise, but not at intermediate ports.

(c) Registered vessels moving coastwise and enrolled and licensed vessels proceeding between ports in different great coasting districts are required to be entered and cleared.

(d) Neglect to comply with the foregoing requirements subjects the master or other person in charge or command to a penalty of \$100.

(e) The foregoing provisions concerning vessels in the coastwise trade shall not be held to include vessels exclusively engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans.

tinged to a port or place in British Columbia or the Northwest Territory, to an American or British vessel which shall clear from Wrangell in the manner provided by law.

2. *Foreign vessels.*—Any foreign vessel, in ballast, or with passengers or cargo, or both, that are destined from a foreign port or place to a port or place on the Stikine River or its connecting rivers and lakes, shall enter at Wrangell in the manner prescribed by law.

A British vessel may then (a) proceed to her place of destination; or (b) transfer her cargo and passengers, if destined to a port or place in Alaska, to an American vessel, which may proceed according to the law governing the entry and clearance of vessels in the same customs district; or (c) transfer her cargo or passengers, if destined to a port or place in British Columbia or the Northwest Territory, to an American or British vessel, which shall clear from Wrangell in the manner prescribed by law.

3. Article XXVI of the treaty of 1871 between the United States and Great Britain, so far as applicable to the Yukon, Porcupine, and Stikine Rivers, provides:

The navigation of the rivers Yukon, Porcupine, and Stikine ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

This article creates a reserved privilege for a reciprocal equivalent, and the general favored-nation clause of treaties, which covers only gratuitous favors, does not, therefore, apply. The navigation privileges reserved by Article XXVI of the treaty to American citizens and British subjects are not extended to the citizens and vessels of other nations.

C. *Arrival of vessels at Wrangell from ports or places in British Columbia or the Northwest Territory.*—1. A vessel descending the Stikine River from ports or places in British Columbia or the Northwest Territory, in ballast, or with cargo or passengers, or both, shall come to at Wrangell, or such port near the boundary between Alaska and British Columbia or the Northwest Territory as may hereafter be designated, and shall report in compliance with law. (Note: The last part of this regulation originally read "and shall report in compliance with the provisions of Section 2772 of the Revised Statutes." R. S. 2772 relative to report of entry by master of every vessel bound to a port of delivery was repealed by Section 641 of the Tariff Act of 1922, 42 Stat. 989. Section 433 of the Tariff Act of 1922, 42 Stat. 951 provided for the report of arrival of vessels and the duty of the master. It in turn was repealed by the Act of June 17, 1930, chapter 497, Title 4, Section 651 (a)

4. *Coastwise clearance and entrance procedure between ports in the same great district.*—(a) The master of a vessel clearing from one coastwise port to another coastwise port in the same great district will deliver to the collector verified duplicate manifests on commerce Form 1381 of the cargo laden at that port for the other domestic port of discharge. If the vessel is light or in ballast, the reverse side of commerce Form 1385 should be used in lieu of the manifest. The collector will return to the master one copy of commerce Form 1381 or 1385, as the case may be, with the permit to proceed thereon, which the master, upon his arrival at the port of destination, will present for entry purposes.

(b) If cargo is laden at one domestic port for more than one other domestic port, the master will deliver to the collector verified duplicate manifests (commerce Form 1381) representing the lading at that port for each such other port, and the collector will return one copy for each such other port with permit to proceed thereon. Cargo other than bonded goods need not be itemized—a general statement being sufficient.

(c) Where bonded goods are carried covered by transportation entries, the merchandise should be so manifested as to show that it is bonded and the transportation entry numbers quoted. The

(1), 46 Stat. 762. Section 433 of the Tariff Act of 1930, 46 Stat. 711, 19 U. S. C. 1433 provides as follows: "Report of Arrival. Within twenty-four hours after the arrival of any vessel from a foreign port or place or of a foreign vessel from a domestic port, or of a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, at any port or place within the United States at which such vessel shall come to, the master shall, unless otherwise provided by law, report the arrival of the vessel at the nearest customhouse under such regulations as the Secretary of Commerce may prescribe." (See also Section 601.3.)

2. *American vessels.*—A vessel, entitled by law to engage in the coastwise trade of the United States, may then (a) proceed on her voyage in compliance with the laws governing the coasting trade of the United States; or (b) enter at Wrangell and there transfer her cargo and passengers, if destined to a port or place in the United States, to an American vessel, as transfers are provided for in section A of these regulations; or (c) enter at Wrangell and there transfer her cargo and passengers, if destined to a foreign port or place, to an American or foreign vessel.

3. *British vessels.*—A British vessel may then enter at Wrangell and there transfer her cargo and passengers, as such transfers are provided for in section A of these regulations: (a) if destined to an American port, to an American vessel; or (b) if destined to a foreign port, to an American or foreign vessel.

D. *Supervision of vessels ascending and descending the Stikine River.*—The collector of customs of Alaska, under the direction of the Secretary of the Treasury, shall from time to time station deputy collectors and inspectors of customs at such places on the Stikine River as he may deem necessary for the enforcement of the laws of the United States. Such officers shall be compensated at rates to be fixed by the Secretary of the Treasury.

E. *Privileges.*—British vessels plying on the Stikine River may touch at places in Alaska

names and addresses of shippers and consignees need not be quoted.

(d) If bonded goods are loaded after the master has cleared the vessel at the customhouse, the master may make proper notations on the copy of the manifest in his possession before he presents it for entrance of the vessel at the port of destination, and he should notify the collector at port of clearance, furnishing the necessary details.

(e) Collectors at intermediate ports should not take up manifests not pertaining to the cargo destined for such ports, nor should they require masters, upon clearance, to furnish duplicate manifests covering other than the cargo or ballast laden at their particular ports.

(f) The entry of a vessel coastwise consists of delivering to the collector within 24 hours after arrival the sworn manifest of cargo certified to on commerce Form 1381 or 1385, and obtaining from the collector a permit to discharge on customs Form 3169.

(g) If there be no cargo on board the master must produce the coastwise clearance and permit granted by the collector at the port of departure.

5. *Coastwise clearance and entrance procedure between ports in different great districts.*—(a) *Trade with noncontiguous territories of the United States.*—(1) While the trade between continental United States and Alaska, Puerto Rico, and Hawaii is strictly coastwise, for statistical purposes, American vessels clearing to and from ports in noncontiguous territories of the United States must file

for the purchase of fuel or supplies, or in distress, under the supervision of an officer of the customs.

Said officer of the customs may, in his discretion, issue permits for the temporary landing of passengers, but if any passenger fails to return to a vessel before her departure the vessel shall become liable to the penalty prescribed by law. (T. D. 19324)

(d) *Navigation of the Yukon and Porcupine rivers between Dawson and Rampart.*—(1) A vessel from Dawson or Rampart, and destined by way of the Yukon and Porcupine rivers through Alaska for another place in the Northwest Territory, shall report at the support nearest the point at which such vessel shall enter the waters of the United States, there pay tonnage dues and other legal charges, and enter as prescribed by law.

(2) The deputy collector of customs at such support shall then issue a special permit for such vessel to proceed to the support nearest to the point at which it is about to depart from the waters of the United States.

(3) Such vessel shall come to and report at the support nearest the point at which it is about to depart from the waters of the United States, and upon satisfying the deputy collector of customs that it has complied with the laws and regulations may clear to its destination.

(4) These regulations shall not be construed to deprive an American vessel of any of the privileges of the coasting trade to which it is entitled by law.

(5) Until other supports have been established on the Porcupine River and on the upper Yukon, the report subsequent to entry into the waters of the United States, and prior to the departure therefrom, prescribed above, may both be made at Circle City. Such supports will be established, however, as soon as practicable. (T. D. 19435)

complete manifests (or incomplete manifests—customs Form 7301), together with shippers' export declarations as described in article 173, C. R. 1937. Bonded merchandise should be manifested as prescribed in article 193, C. R. 1937.

(2) Where the cargo is to be transhipped in another customs district, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States for transportation to a foreign country or noncontiguous territory of the United States, the shippers' export declarations (customs Form 7525) should be filed only with the collector of customs at the port where the merchandise is last laden for its final destination.

(3) A certificate of clearance (commerce Form 1378), appropriately modified by striking out "to a foreign port" and substituting "to noncontiguous territory of the United States" should be issued to such vessels.

(4) Upon arrival the master should surrender the modified clearance (commerce Form 1378); present an itemized manifest (commerce Form 1381) in triplicate, subscribing to the coastwise entrance oath thereon; furnish a passenger list (commerce Form 1440),¹⁷ and comply with the requirements of the Public Health Service regarding bills of health and quarantine inspection.

(5) One copy of the manifest should be filed as coastwise entrance; and when covering merchandise subject to internal-revenue tax, another copy should be sent by the collector of customs to the collector of internal revenue indicating the merchandise subject to such tax; and the third copy should be attached to the coastwise permit to land goods (customs Form 3169) which should bear the following notation: "You will deliver to the collector of internal revenue all merchandise subject to internal revenue tax and obtain his receipt for same on back hereof."

(b) *Special procedure for vessels engaged in intercoastal trade exclusively.*—

(1) American vessels in trade between Atlantic and Pacific ports will be cleared on commerce Form 1382, "Intercoast permit for an American vessel to proceed from port to port on the Atlantic or the Pacific coast to lade for a port or ports on the opposite coast", and on manifest formed of as many parts as there are ports of discharge, i. e., the lading for each port on the opposite coast shall be manifested on uncertified separate sheets, in duplicate, in such detail as to show the quantity in long tons of 2,240 pounds, and description of each commodity carried, but commodities in quantities of less than 10 tons each may be combined and designated as "General cargo."

(2) Original manifests, or parts thereof, will be filed at port of lading, and copies will go forward with vessels to the respective ports of discharge.

(3) Excepting the cargo reports provided for in article 193, C. R. 1937, no

¹⁷ Form 1440 not required, except in cases of vessels entering from foreign ports.

statistical reports of coastwise cargoes are required at the port of departure. If a vessel (not engaged in a simultaneous foreign transaction as described in article 201, C. R. 1937) continues to load cargo after clearing, corrected uncertified sheets showing all the cargo loaded may be prepared by the agents after departure of the vessel and forwarded by overland mail, to be substituted before entrance for the sheets presented on clearance.

(4) To provide for the master's oath on clearance and entrance between intermediate ports, when proceeding from the first port of lading to the last port of discharge, duplicate manifests on commerce Form 1381 will be used, on which a notation as follows should be made in lieu of specifying the cargo on board.

Cargo laden at _____ (name first and each subsequent port)

 _____ (Pacific coast ports or vice versa)
 as per manifest(s) filed at each port on clearance.
 No local cargo loaded at _____ (That port of departure)
 _____ for
 _____ (next intermediate port)
 (Or cross out and specify local cargo, if any was carried.)
 The oath and permit on the reverse side will be used.

(5) On arrival at the first intermediate port of lading the master will enter his vessel on the returned copy of commerce Form 1381 and will deposit the coastwise permit to proceed, commerce Form 1382, and the manifests of cargo laden at preceding port. This permit with attached manifests will be returned to the master on clearing, together with a copy of the manifest of the cargo laden at that port, which copy should be attached to the appropriate sheets; and the vessel will be cleared on duplicate commerce Form 1381 to the next intermediate port.

(6) On arrival at the second and subsequent ports the procedure outlined will be followed.

(7) At final port of lading the vessel will be cleared for the first port of discharge on the opposite coast on the same permit, commerce Form 1382, and on duplicate commerce Form 1381.

(8) On arrival at the first port of discharge (on the opposite coast) the master will enter on the returned copy of commerce Form 1381 issued on clearance at the last port, the duplicate and triplicate part manifest of the cargo destined for that port, and the permit to proceed, commerce Form 1382. The triplicate manifest should be attached to customs Form 3169 for the use of the discharging inspector. He will also deposit with the collector the part manifests of the cargo destined for other ports. On completion of unloading the vessel will be cleared on duplicate commerce Form 1381, and the collector will return the manifests of the cargo des-

tinued for other ports attached to commerce Form 1384, "Coasting trade permit allowing American vessel to proceed to another port with residue of cargo under original coasting manifest."

(9) On arrival at the second and at subsequent ports of discharge the vessel will be entered on the returned copy of commerce Form 1381, issued at the preceding port, and the permit, commerce Form 1384, and the part manifest of the cargo destined for that port. The master will deposit with the collector the part manifests of the residue cargo not destined for that port.

(10) On clearing from second and subsequent ports the procedure outlined will be followed.

(c) *Special procedure for the shipment of other than bonded merchandise on an American vessel between any two ports of the United States or its island possessions via the Panama Canal, to be transhipped in the Canal Zone to another American vessel.*—(1) When other than bonded merchandise, shipped on an American vessel between ports of the United States, including its island possessions, via the Isthmus of Panama, is to be transhipped to another American vessel in the Canal Zone, a special manifest shall be prepared in triplicate on commerce Form 1381, and certified by the collector of customs at the port of departure, Form 1381, to be modified to meet the circumstances and to harmonize with the forms provided for in article 236, C. R. 1937, as follows:

Special Coastwise Manifest of Merchandise To Be Transhipped in the Canal Zone
 Customs District No. _____ Port of _____

We certify that the above-described merchandise (other than bonded goods) has been laden on the American S. S. _____ at _____ for transportation to _____ to be transhipped at the Panama Canal Zone to _____ another American vessel for carriage to destination.

Inspector.

Deputy Collector of Customs.

Oath on arrival

I, _____, master of the (second vessel) of _____, do swear that the certified manifest which I now exhibit contains a true account of the articles transhipped from the said _____ (first vessel), in the Canal Zone.

Master.

(2) One copy of the manifest shall be filed in the office of the collector at the port of departure, one copy delivered to the master of the vessel to be given to the master of the second vessel for his use in making entry at the port of arrival, and one copy mailed to the collector at the port of destination of the merchandise, same to be attached to the

¹⁸ The oath of arrival on reverse side should be modified so that the Master of the vessel to which transhipped will certify transshipment and sign his name as master of such vessel (naming the vessel to which transhipped).

delivery permit (customs Form 3169) when the second vessel enters at destination.

(3) It will not be necessary to seal the packages or the compartments in which they are shipped, nor will any supervision of the transshipment in the Canal Zone be required. However, upon arrival of the merchandise at the port of destination, the packages will be examined by officers of the customs and compared with the marks and numbers on the manifest. All goods so shipped not corresponding with the manifest, will be held for duty. Baggage of passengers may be manifested in this manner, but will be subject to inspection.

(4) These regulations shall not apply to merchandise shipped in bond.

(d) *Trade between ports in Great District No. 1 (Atlantic and Gulf coasts) and Great District No. 6 (Great Lake ports).*—(1) Vessels proceeding via the St. Lawrence River must operate under certificate of registry (art. 71, C. R. 1937). They are required by Canadian Customs to enter and clear at Montreal, and must comply with foreign entrance requirements (art. 113 C. R. 1937) in addition to the coastwise procedure (art. 201, C. R. 1937). If cargoes are laden or discharged at, or passengers carried to or from, Canadian ports, tonnage taxes and navigation fees should be collected. Foreign manifests in detail (customs Form 7527-B) with appropriate notations are a necessity and the duplicate manifests (commerce Form 1381) of the lading at each coastwise port must be certified by the collectors (art. 201, C. R. 1937). When no passengers or cargoes or supplies are carried to or from Canadian ports, tonnage taxes and navigation fees may be waived.

(2) Vessels proceeding via the Hudson River should operate under Frontier Enrollment and License, commerce Form 1273, which may be issued at seaboard ports. If the vessels are engaged only in the coastwise trade they should follow the procedure for the trade between ports in the same Great District (art. 198, C. R. 1937) and if engaged in the coastwise and foreign trade they should follow the procedure outlined in article 201, C. R. 1937.

6. *Registered vessels in coastwise trade.*—(a) Vessels under register engaged in the coasting trade, bound from one collection district to another, are required to enter and clear, whether they are in ballast or with cargo. The regulations regarding great coasting districts do not affect them.

(b) When a part only of the cargo is discharged, the collector will indorse the articles so discharged on the manifest and will grant a permit to the master to proceed with the vessel to the place of her further destination.

(c) If there be no cargo on board, the master must produce the coastwise clearance and permit granted by the collector at the port of departure.

(d) The register will be deposited with the collector upon entrance, and re-

turned to the master upon clearance. It should be examined to see that the vessel is entitled to engage in the coastwise trade.

7. *Registered vessels in coastwise and foreign trade.*—(a) A vessel with unrestricted registration (i. e., one which may engage in coastwise trade) moving coastwise with inward foreign cargo under article 150, C. R. 1937 and/or proceeding from port to port to lade cargo for a foreign port under article 183, C. R. 1937, may simultaneously engage in the coastwise trade. Under these conditions, both foreign and coastwise clearance and entrance are required.

(b) Such a registered vessel may engage in trade between ports of the United States, with the privilege of touching at one or more foreign ports during the voyage, discharging and receiving merchandise, passengers, baggage, and mails, but must be furnished by the collector of the port in the United States at which cargo is laden, with certified manifests in duplicate setting forth the particulars of the cargo, the marks, numbers of packages, names of shippers, consignees, and destination.

(c) Vessels so employed, and their cargoes, are subject to the provisions of the revenue and collection laws of the United States, and their masters must, on arrival from a foreign port, conform to the laws regulating foreign and coastwise entrance. The duplicate certified coastwise manifest will be sent to the discharging inspector with the permit to land (customs Form 3169) attached.

(d) Merchandise conveyed from one port to another port within the United States, under the provisions of the warehousing laws, and duty-paid goods, are not subject to duty by reason of the vessel having touched at a foreign port during the voyage.

8. *Report of arrival at another port.*—Whenever a vessel which is required to enter and clear in the coastwise trade shall put into a port other than the one to which she is bound, the master must, if she remains 24 hours, report to the collector his arrival, the place whence he came, and whither he is bound, with an account of the lading on board his vessel.

9. *Masters in coastwise trade to keep a count of passengers.*—(a) The master of every passenger steamer of the United States in the coastwise trade shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for.

(b) A correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding 300 miles. Nothing herein shall affect existing laws relative

to vessels running between this country and foreign ports.

(c) The master of any passenger steamer who fails through negligence or design to keep a count or list of passengers as required by the preceding paragraphs shall be liable to a penalty of \$100.

(d) The penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

10. *Fishing vessels touching and trading at foreign places.*—(a) The master of a vessel licensed to carry on the fisheries which is about to engage in a fishing voyage must, if the vessel intends to touch or trade at a foreign port or place, obtain from the collector at the port from which the vessel is to depart a permit (commerce Form 1379) for such purpose. On return to the United States he must make regular entry, surrender the permit to touch and trade, and in all respects conform to the regulations prescribed for vessels arriving from a foreign port. A permit to touch and trade for the purpose of touching at a foreign port or place may not be issued to a vessel licensed for the "coasting trade and mackerel fishery" which is departing on a voyage to engage exclusively in trade. In such a case the vessel must secure a certificate of registry and obtain clearance for the foreign port or place.

(b) Foreign merchandise imported in such vessels is liable to the payment of duties thereon. Vessels licensed for the fisheries found within 3 leagues of the coast with foreign goods of greater value than \$500, and without such permit, will, with such goods, be subject to forfeiture.

11. *Guano trade.*—(a) Commercial intercourse with the guano islands that are bonded in pursuance of law forms a part of the coasting trade of the United States, and the laws relative thereto forbid foreign vessels from engaging in such trade.

(b) Vessels engaged in the guano trade are not required to produce clearances or certified manifests from such islands. The masters of such vessels must have manifests of the cargo, subscribed by themselves, to be produced on demand to officers of the customs for inspection. Entry at the customhouse must be made on arrival at the port of destination in the United States, and the cargo inspected by the customs officers.

12. *Vessels of 5 net tons or over arriving from contiguous foreign countries.*—Vessels of 5 net tons or over arriving from contiguous foreign countries, including such vessels sailing coastwise from a domestic port and touching at a foreign port or ports en route for the purpose of lading or unlading cargo, shall be entered and manifests shall be filed therefor in duplicate on customs Form 7527, in the same manner as in the case of vessels arriving from any other foreign country. (See art. 122 (b), C. R. 1937.)

13. *Domestic vessels touching at foreign ports—departure.*—The master of

every registered or enrolled and licensed vessel departing for a foreign contiguous country shall be required to clear and file a manifest in duplicate on commerce Form 1374 in the same manner as in the case of a vessel departing for any other foreign country.

14. *Foreign vessels—Departure for contiguous foreign countries.*—Foreign vessels departing for a foreign contiguous country are subject to all the laws and regulations governing the departure of vessels for any other foreign country.

PART VII—ACCEPTANCE OF SAFETY CERTIFICATES ISSUED UNDER INTERNATIONAL CONVENTION

1. *Instructions to supervising and local inspectors and collectors of customs.*—Under the International Convention on Safety of Life at Sea signed at London May 31, 1929, provision was made for the issue to vessels of countries signatory or acceding to the Convention, of safety certificates equivalent to our certificates of inspection. These safety certificates can be issued only to vessels which are in full compliance with the provisions of the Safety Convention, and the regulations of that Convention have been found by this Department to be at least as effective in safeguarding life as our existing laws.

You are hereby instructed that vessels carrying such unexpired safety certificates issued under authority of the said Convention shall be subject to no other inspection than necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and lifesaving equipments are as stated in her current safety certificate.

This instruction will apply only to the vessels of countries which have by their laws accorded to the vessels of the United States visiting such countries the same privilege accorded herein to the vessels of such countries visiting the United States.

The countries which have ratified or acceded to the Safety Convention are as follows:

United Kingdom.	Japan for Chosen.
Hong Kong.	Taiwan and Leased Territory of Kwantung.
Straits Settlements.	
Belgium.	Netherlands.
Bulgaria.	Netherlands East Indies.
Canada.	
China.	New Zealand.
Brazil.	Norway.
Danzig.	Panama.
Denmark.	Poland.
Estonia.	Portugal.
Finland.	Roumania.
France.	Soviet Union.
Germany.	Spain.
Hungary.	Sweden.
Iceland.	Burma.
India.	Argentina.
Irish Free State.	Commonwealth of Australia.
Italy.	
Italian Colonies of Libya, Eritrea, Somaliland and Italian Islands in the Aegean.	Egypt.
	Greece.
	United States of America.
Japan.	

¹⁰ See pre-sailing examination of Danish vessels, Department Circular No. 304, April 21, 1938.

PART VIII—SEAMEN'S PROTECTION CERTIFICATES

1. *Applications.*—(a) An application for a seaman's protection certificate (commerce Form 1437) must be in writing, signed and sworn to and presented to the collector by the applicant in person, together with satisfactory evidence that he is a seaman and legal evidence that he is a citizen of the United States.

(b) The application must bear the left thumb print, photograph, and signature of the applicant and be stamped with the same serial number as the corresponding certificate (commerce Form 1436). The signature must be written partly across the seal space and partly across the photograph.

(c) The evidence submitted should be noted on the application and attached thereto, except when it is in the form of certificates from permanent records, in which case proper notations of the records may be made on the application and the certificates returned to the applicant. Affidavits are not of this class and should be retained by collectors and attached to the application.

(d) The applications with attached papers should be filed alphabetically by names of applicants.

2. *Evidence that applicant is an American seaman.*—Licenses of officers, continuous discharge books, certificates of identification, recent discharges from the United States Navy or merchant marine vessels, and certificates from properly authorized persons showing that the applicants have been engaged for service as members of the crews of outgoing American vessels may be accepted as evidences of seamanship. The last-named certificates should be retained and attached to the applications.

3. *Evidence of American citizenship.*—(a) Evidence of citizenship should be of the character described in sec. 23, part I. The applicant should furnish proof that he either was born in the United States, or was duly naturalized as a citizen thereof, or was born of an American father in a foreign country or at sea.

(b) A foreign-born seaman claiming American citizenship through naturalization based upon his own application to a court, or derived through his parent, must furnish a certificate of naturalization issued by the clerk of the court in which the naturalization occurred, or a certificate of citizenship issued by the Commissioner of Immigration and Naturalization, Washington, D. C.

4. *Seamen's protection certificates.*—(a) The certificate (commerce Form 1456) shall contain a full description of the applicant, particular attention being paid to identification marks, and shall issue only to an American seaman who has produced proof in the manner directed by law that he is a native or naturalized citizen of the United States.

(b) Each certificate should bear the left thumb print, photograph, and signature of the person described therein. The signature should be written partly

across the seal space and partly across the photograph.

(c) The collector of customs or his authorized deputy should sign each certificate and impress the seal of his office thereon.

(d) The certificate should bear the same serial number and date as the application (commerce Form 1437).

5. *Duplicate certificates.*—Duplicate certificates on commerce Form 1436, may be issued on presentation of an affidavit as to loss satisfactory to the collector. They shall be issued only by the port which issued the original, and if application is made at any other port the applicant's affidavit accompanied by two photographs of himself should be forwarded to the collector of the port of issue and the duplicate certificate delivered to the applicant when it is received from such port. It should be stamped "duplicate."

6. *General instructions.*—(a) Information concerning seamen, desired by relatives and others, may be given in the discretion of collectors.

(b) No certificate should be issued to an applicant under 17 years of age without the written permission of his parents or guardian, acknowledged before a notary public.

(c) Lost and found certificates received in the mails or otherwise should be forwarded to the port of issue and placed in the files with the applications on which they were issued.

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.
R. S. FIELD,
Director of the Bureau of Marine
Inspection and Navigation.

MAY 28, 1938.

[F. R. Doc. 38-2716; Filed, May 31, 1938;
5:11 p. m.]

Notices

FEDERAL TRADE COMMISSION.

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3432]

IN THE MATTER OF HENRY O. HARR, AN INDIVIDUAL, DOING BUSINESS AS EASTERN TRADING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 17, 1938, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 W. Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent.

The examiner will then close the case and make his report upon the evidence. By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-2939; Filed, October 6, 1938;
11:23 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3433]

IN THE MATTER OF LA PERLA VINEYARD COMPANY, A CORPORATION, AND HARRY EX. AN INDIVIDUAL DOING BUSINESS AS S. GOLDENBERG & COMPANY, RAMSHEAD PRODUCTS COMPANY AND RAMSHEAD DISTILLING COMPANY, AND ALSO AS PRESIDENT OF THE LA PERLA VINEYARD COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 18, 1938, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 W. Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close

the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-2940; Filed, October 6, 1938;
11:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 4th day of October 1938.

[File No. 1-677]

IN THE MATTER OF APPLICATION BY BOARD OF TRADE OF THE CITY OF CHICAGO TO STRIKE FROM LISTING AND REGISTRATION THE 7% GUARANTEED CUMULATIVE PREFERRED STOCK OF ARMOUR AND COMPANY OF DELAWARE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Board of Trade of the City of Chicago, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the 7% Guaranteed Cumulative Preferred Stock of Armour and Company of Delaware; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, November 1, 1938, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Ill., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2941; Filed, October 6, 1938;
12:37 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 4th day of October 1938.

[File No. 7-256]

IN THE MATTER OF ALLEGHENY LUDLUM STEEL CORPORATION COMMON STOCK, \$1 PAR VALUE

ORDER DENYING APPLICATION UNDER SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

Continuance of unlisted trading privileges on the Philadelphia Stock Exchange in the \$1 Par Common Stock of Ludlum Steel Company having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, That the determination sought by said application is not made and the application is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2943; Filed, October 6, 1938;
12:37 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1938.

[File No. 51-12]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION

ORDER REGARDING DECLARATION AND PAYMENT OF DIVIDENDS

Columbia Gas & Electric Corporation, a registered holding company, having filed a supplemental application, pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 promulgated thereunder, regarding the declaration and payment of its regular November 15, 1938 quarterly dividends on its Cumulative 6% Preferred Stock, Series A, its Cumulative Preferred Stock, 5% Series, and its 5% Cumulative Preference Stock;

A hearing having been held on such supplemental application after appropriate notice, and the Commission having considered the record in this matter and having made and filed its opinion and findings herein:

13 F. R. 1354 DI.

It is ordered, That the declaration and payment of said dividends be and the same hereby are approved, subject however to the following terms and conditions:

(1) To the extent that said November 15, dividend requirements may exceed 1938 earnings available at the dividend declaration date, and to the extent that applicant may be required to charge any deficiency to "Surplus at December 31, 1937" applicant shall restore to said surplus account an equivalent amount out of its next available earnings;

(2) To the extent that dividends have been paid to applicant by its subsidiaries during the current year other than out of 1938 earnings or surplus credits applicable to 1938 such excess shall be transferred from income account to "Surplus at December 31, 1937."

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2942; Filed, October 6, 1938;
12:37 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1938.

[File Nos. 32-102 and 43-153]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS COMPANY

ORDER RELATIVE TO ISSUE AND SALE OF
BONDS AND NOTES

Michigan Consolidated Gas Company (formerly Detroit City Gas Company), a subsidiary of American Light & Traction Company, a registered holding company, having duly filed with this Commission an application, and amendments thereto (File No. 32-102), for exemption, pursuant to the provisions of Section 6 (b) of the Public Utility Holding Company Act of 1935, from the provisions of Section 6 (a) of said Act of the issue and sale, through underwriters, of the principal amount of \$34,000,000 of First Mortgage Bonds, 4% Series due 1963, and the principal amount of \$8,000,000 of 4% Serial Notes due August 1, 1939 to August 1, 1948, the issue and sale of such securities having been expressly authorized by the Michigan Public Utilities Commission;

Public hearings on said matter having been held after appropriate notice,¹ and the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That the issue and sale of the aforesaid First Mortgage Bonds and Serial Notes in accordance with the terms and conditions set forth in, and for the purposes represented by, said ap-

¹ 3 F. R. 2164 DI.

plication, as amended, be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions: (a) That Michigan Consolidated Gas Company shall approve and consent, in writing, to the making and issuing by the Commission of an order in this proceeding, pursuant to the provisions of Section 12 (c) of said Act, that unless otherwise ordered by the Securities and Exchange Commission so long as any of said Company's said First Mortgage Bonds 4% Series due 1963 are outstanding under the indenture of mortgage dated September 1, 1938, to City Bank Farmers Trust Company and Ralph E. Morton, Trustees, Michigan Consolidated Gas Company and any successors of said Company as the party of the first part under said indenture shall not declare or pay any dividends (other than dividends payable in shares of its common stock) or make any other distribution on any shares of its common stock unless there shall have been included as charges to operating expenses of said Company on its books of account in each and every calendar year, beginning with that portion of the calendar year from October 1 to December 31, 1938, an aggregate amount for maintenance and repairs to and as provision for reserves for depreciation of the Company's properties equivalent to 2¼% of the average amount during such year of the gross property account of the Company, such charges for the period from October 1 to December 31, 1938, to be equivalent to 11/16% of such average amount. For the purposes of computing such charges the amount of the gross property account of the Company at October 1, 1938, shall be deemed to be \$78,000,000 and the amount of the gross property account at any date subsequent to October 1, 1938, shall be \$78,000,000 plus the original cost to the Company of all property additions made from October 1, 1938, to such subsequent date, less the original cost to the company of all property retired from October 1, 1938, to such subsequent date. The average amount of the gross property account during any year shall be deemed to be the average of the amounts of the gross property account at January 1 and December 31 of such year; (b) that if the express authorization of the issue and sale of such securities by the Public Utilities Commission of the State of Michigan shall be revoked, or shall otherwise terminate, this exemption shall immediately terminate without further order of this Commission, and (c) that within ten days after the issue and sale of such securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application, as amended, and in accordance with the terms and conditions of this order; and

It is further ordered, That, upon the request of Michigan Consolidated Gas Company, that Company's declaration filed, in the alternative, pursuant to Section 7 of said Act regarding the issuance and sale of the securities which have been exempted from the provisions of Section 6 (a) of said Act by this order may be withdrawn.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2945; Filed, October 6, 1938;
12:38 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1938.

[File No. 32-102]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS COMPANY
SUPPLEMENTAL ORDER

Michigan Consolidated Gas Company, a subsidiary of American Light & Traction Company, a registered holding company, having duly filed an application and amendments thereto with this Commission, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act regarding the issue and sale of the principal amount of \$34,000,000 of First Mortgage Bonds, 4% Series due 1963, and the principal amount of \$8,000,000 of 4% Serial Notes due August 1, 1939-1948, the issue and sale of such securities having been expressly authorized by the Public Utilities Commission of Michigan; hearings on such matter having been held after appropriate notice,¹ the record in this matter having been examined; the Commission having made and filed its findings herein; and the Commission having ordered, by its order entered on this 5th day of October 1938, that the issue and sale of the aforesaid Bonds and Serial Notes be and are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject however to certain conditions set forth in said order, one of which conditions is as follows:

(a) That Michigan Consolidated Gas Company shall approve and consent, in writing, to the making and issuing by the Commission of an order in this proceeding, pursuant to the provisions of Section 12 (c) of said Act, that unless otherwise ordered by the Securities and Exchange Commission so long as any of said Company's said First Mortgage Bonds 4% Series due 1963 are outstanding under the indenture of mortgage dated September 1, 1938, to City Bank Farmers Trust Com-

¹ 3 F. R. 2164 DI.

pany and Ralph E. Morton, Trustees, Michigan Consolidated Gas Company and any successors of said Company as the party of the first part under said indenture shall not declare or pay any dividends (other than dividends payable in shares of its common stock) or make any other distribution on any shares of its common stock unless there shall have been included as charges to operating expenses of said Company on its books of account in each and every calendar year, beginning with that portion of the calendar year from October 1 to December 31, 1938, an aggregate amount for maintenance and repairs to and as provision for reserves for depreciation of the company's properties equivalent to 2% of the average amount during such year of the gross property account of the Company, such charges for the period from October 1 to December 31, 1938 to be equivalent to 11/16% of such average amount. For the purposes of computing such charges the amount of the gross property account of the Company at October 1, 1938 shall be deemed to be \$78,000,000 and the amount of the gross property account at any date subsequent to October 1, 1938 shall be \$78,000,000 plus the original cost to the Company of all property additions made from October 1, 1938 to such subsequent date, less the original cost to the Company of all property retired from October 1, 1938 to such subsequent date. The average amount of the gross property account during any year shall be deemed to be the average of the amounts of the gross property ac-

count at January 1 and December 31 of such year.

The matter of the restriction of the payment of dividends having been raised, by consent of the parties at the hearing herein, the Commission having jurisdiction of the matter of payment of dividends by said Company, the record containing evidence with respect to such matter, and Michigan Consolidated Gas Company having previously approved and consented, in writing, to the making and issuing of this order in this proceeding; and

The Commission deeming the making and entry of this order necessary and appropriate to protect the financial integrity of companies in the holding company system of which Michigan Consolidated Gas Company is a part and to carry out the provisions of Section 12 (c) of said Act;

It is ordered, That, unless otherwise ordered by the Securities and Exchange Commission, so long as any of the First Mortgage Bonds 4% Series due 1968 of said Michigan Consolidated Gas Company are outstanding under the indenture of mortgage of said Company, dated September 1, 1938, to City Bank Farmers Trust Company and Ralph E. Morton, Trustees, Michigan Consolidated Gas Company and any successors of said Company as the party of the first part under said indenture shall not declare or pay any dividends (other than dividends payable in shares of its common stock) or make any other distribution

on any shares of its common stock unless there shall have been included as charges to operating expenses of said Company on its books of account in each and every calendar year, beginning with that portion of the calendar year from October 1 to December 31, 1938, an aggregate amount for maintenance and repairs to and as provision for reserves for depreciation of the Company's properties equivalent to 2% of the average amount during such year of the gross property account of the Company, such charges for the period from October 1 to December 31, 1938 to be equivalent to 11/16% of such average amount. For the purposes of computing such charges the amount of the gross property account of the Company at October 1, 1938, shall be deemed to be \$78,000,000 and the amount of the gross property account at any date subsequent to October 1, 1938 shall be \$78,000,000 plus the original cost to the Company of all property additions made from October 1, 1938 to such subsequent date, less the original cost to the Company of all property retired from October 1, 1938 to such subsequent date. The average amount of the gross property account during any year shall be deemed to be the average of the amounts of the gross property account at January 1 and December 31 of such year.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2944: Filed, October 6, 1938;
12:37 p. m.]