

*Definitions and provisions as to application of Act*

742. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say—

“Vessel” includes any ship or boat, or any other description of vessel used in navigation;

“Ship” includes every description of vessel used in navigation not propelled by oars;

“Master” includes every person (except a pilot) having command or charge of any ship;

“Seaman” includes every person (except masters, pilots, and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship;

“Name” includes a surname;

“Port” includes place.

**60. United States of America**

(a) UNITED STATES CODE. <sup>1</sup>

## TITLE 46. SHIPPING

## CHAPTER 2. REGISTRY AND RECORDING

*General provisions as to registry and documents*§ 11. *Vessels entitled to registry; coastwise trade; ocean mail service contracts*

Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and sea-going vessels, whether steam or sail, which have been certified by the Coast Guard as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries, with the Islands of Guam, Tutuila, Wake, Midway, and Kingman Reef, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States, or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this chapter and chapters 3, 4, 5, 6, 7, 8, and 9 of this title. Foreign-built vessels registered pursuant to this section shall not engage in the coastwise trade: *Provided*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under act March 3, 1891, ch. 519, 26. Stat. 830, so long as such vessels shall in all respects comply with the provisions and requirements of said sections.

<sup>1</sup> *United States Code*, 1952 Edition, Title 46, United States Government Printing Office, Washington, 1953, pp. 6559-6740.

§ 12. *Provisional certificates of registry to vessels abroad*

Consular officers of the United States and such other persons as may from time to time be designated by the President for the purpose 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 11 of this title.

(a) Such a provisional certificate shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the islands of Guam and Tutuila until the expiration of six months from its date or until ten days after the vessel's arrival at a port of the United States, whichever first happens, 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.

(b) The Commissioner of Customs shall prescribe the conditions in accordance with which such provisional certificates shall be issued and the manner in which they shall be surrendered in exchange for certificates of registry at ports of the United States.

(c) The form of such provisional certificate shall be prescribed by the Commissioner of Customs and shall include the name of the ship and of the master, time and place of purchase and names of purchasers, and the best particulars respecting her tonnage, build, description, and inspection or survey which the consular officer is able to obtain.

(d) Copies of such provisional certificates shall be forwarded as soon as practicable by the issuing officer to the Commissioner of Customs.

§ 13. *Foreign-built vessels admitted to American registry; coastwise trade*

All foreign-built vessels admitted to American registry, owned on February 1, 1920, by persons citizens of the United States, and all foreign-built vessels owned by the United States on June 5, 1920, when sold and owned by persons citizens of the United States may engage in the coastwise trade so long as they continue in such ownership, subject to the rules and regulations of such trade.

CHAPTER 11. OFFICERS AND CREWS OF VESSELS

§ 221. *Vessels of United States and officers defined; officers to be citizens*

Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed. In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United

States, any such vessel is for any reason deprived of the services of an 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 its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.

CHAPTER 18. MERCHANT SEAMEN

*Protection and relief*

§ 672a. *Nationality of crews—(a) Officers and pilots*

From and after June 25, 1936, all licensed officers and pilots of vessels of the United States shall be citizens of the United States, native-born, or completely naturalized.

*(b) Seamen*

From and after six months after June 25, 1936, upon each departure of any such vessel from a port of the United States, 75 per centum of the crew, excluding licensed officers, shall be citizens of the United States, native-born, or completely naturalized, unless the Commandant of the Coast Guard shall, upon investigation, ascertain that qualified citizen seamen are not available, when, under such conditions, he may reduce the above percentages.

*(c) Vacancies on foreign voyage*

If any vessel while on a foreign voyage is for any reason deprived of the services of any member of the crew, such position or vacancy caused by the promotion of another to such position may be supplied by a person other than defined in paragraph (a) and (b) until the first call of such vessel at a port in the United States where such replacements can be obtained.

CHAPTER 23. SHIPPING ACT

§ 801. *Definitions*

When used in this chapter:

The term "person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

The term "vessel" includes all water craft and other artificial contrivances of whatever description and at whatever stage of construction, whether on the stocks or launched, which are used or are capable of being or are intended to be used as a means of transportation on water.

§ 802. *Corporation, partnership, or association as citizen*

(a) Within the meaning of this chapter no corporation, partnership, or association shall be deemed a citizen of the United States 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, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) 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 (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) 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, (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock 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 (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

§ 842. "Shipping Act, 1916"

This chapter may be cited as "Shipping Act, 1916".

CHAPTER 27. MERCHANT MARINE ACT, 1936

SUBCHAPTER III. AMERICAN SEAMEN

§ 1132. *Citizenship of officers and crew — (a) Vessels documented under laws of United States*

All licensed officers of vessels documented under the laws of the United States, as now required by law, shall be citizens of the United States, native-born or completely naturalized; and upon each departure from the United States of a cargo vessel in respect of which a construction or operating subsidy has been granted all of the crew (crew including all employees of the ship) shall be citizens of the United States, native-born or completely naturalized.

(b) *Passenger vessels granted subsidies*

For a period of one year after the effective date of this chapter upon each departure from the United States of a passenger vessel in respect of which a construction or operation subsidy has been granted, all licensed

officers shall be citizens of the United States as defined above, and no less than 80 per centum of the crew (crew including all employees of the ship other than officers) shall be citizens of the United States, native-born or completely naturalized, and thereafter the percentage of citizens, as above defined, shall be increased 5 per centum per annum until 90 per centum of the entire crew, including all licensed officers of any such vessel, shall be citizens of the United States, native-born or completely naturalized.

*(c) Aliens; conditions of employment*

Any member of the crew, not required by this section to be a citizen of the United States, may be an alien only if he is in possession of a valid declaration of intention to become a citizen of the United States, or other evidence of legal admission to the United States for permanent residence. Such alien, as above defined, may be employed only in the steward's department on passenger vessels.

*(d) Filling vacancies while on foreign voyage*

If any such vessel (as above defined) while on a foreign voyage is for any reason deprived of the services of any employee below the grade of master, his place or a vacancy caused by the promotion of another to his place may be supplied by a person other than defined in paragraphs (a) and (b), until the first return of such vessel to a port in the United States.

*(f) Enforcement; effective date; repeal of other laws*

This section shall be enforced by the Commandant of the Coast Guard, for the purpose of carrying out the provisions of this section, and shall take effect ninety days after June 29, 1936.

*(h) Suspension of section during emergency*

During a national emergency as proclaimed by the President he may, in his discretion, suspend any or all of the provisions of this section.

(b) CODE OF FEDERAL REGULATIONS. <sup>1</sup>

TITLE 19. CUSTOMS DUTIES (REVISED 1953)

PART 3. DOCUMENTATION OF VESSELS

§ 3.1 *General definitions.* For the purposes of this part and Part 4 of this chapter:

(a) The word "vessel" includes every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft.

(b) The term "vessel of the United States" means any vessel documented under the laws of the United States.

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

(d) The term "marine document" includes registry, enrollment and license, and license.

<sup>1</sup> *United States Code of Federal Regulations*, Title 19, Revised, 1953, pp. 58-86.

(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.

(f) 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.

(g) The term "noncontiguous territory of the United States" includes Alaska and all the island Territories and possessions of the United States, but does not include the Canal Zone.

§ 3.2 *Vessels entitled to documents*

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

*Class 1.* Any vessel built in the United States and wholly owned by a citizen.<sup>1</sup> Any such vessel which by sale has become the property of one who is not a citizen or which has been placed under foreign registry will be entitled to a new marine document upon afterward becoming the property of a citizen, but cannot engage in the coastwise trade. (See § 3.43.) The following notation shall be made on the document issued to such a vessel:

As amended by section 27 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the coastwise trade.

*Class 2.* Any vessel purchased from the Maritime Administration or War Shipping Administration by a citizen. (See § 3.42.)

*Class 3.* Any vessel built in the United States in whole or in part for the account of one who is not a citizen and then recorded, which thereafter becomes wholly owned by a citizen and has never before been documented. (See § 3.47.)

*Class 4.* Any vessel captured by a citizen in a war to which the United States is a party, which has been lawfully condemned as a prize and is wholly owned by a citizen.

*Class 5.* Any vessel which has been judicially forfeited for a breach of the laws of the United States when wholly owned by a citizen. This includes a foreign-built vessel, but does not include any vessel not otherwise entitled to documents which has been sold under a decree of admiralty for debt or seamen's wages.

*Class 6.* Any vessel built in the United States and sold by the Government to a citizen. A foreign-built vessel bought or chartered by the Government is entitled to documentation if sold to a citizen and the requirements for class 9 are met.

*Class 7.* Any vessel authorized by special act of Congress to be documented.

*Class 8.* Any vessel wrecked on a coast of the United States or its possessions or in adjacent waters when purchased by a citizen and repaired in a shipyard in the United States or its possessions, provided it be proved to the satisfaction of the Commissioner of Customs, through a board of three appraisers appointed by him if necessary, that the repairs put upon

<sup>1</sup> For the meaning of the word "citizen" in this section, see § 3.19.

such vessel are equal to three times the appraised salved value of the vessel. 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 a document for such vessel is not true, the vessel is liable to forfeiture.

*Class 9.* Any sea-going vessel, whether steam or sail, wherever built, wholly owned by a citizen. A foreign-built vessel of this class shall engage only in trade with foreign countries or the islands of Guam, Tutuila, Wake, Midway, or Kingman Reef. It shall not engage in the coastwise trade, except as specified in sections 18 and 22, Merchant Marine Act, 1920, as amended, nor in the American fisheries. (See § 3.42.)

(d) No vessel shall engage in the coastwise trade if it is owned by a corporation, unless 75 percent of the interest in that corporation is owned by citizens. The appropriate one of the following notations shall be made on the register of any vessel owned by a corporation, except when such register is required by any other provision of this part to bear an endorsement prohibiting the vessel from engaging in the coastwise trade:

(1) "Less than 75 percent of the interest in the corporation owning this vessel is owned by citizens of the United States. It shall not engage in the coastwise trade"; or

(2) "75 percent of the interest in the corporation owning this vessel is owned by citizens of the United States. It may engage in the coastwise trade so long as so owned and no longer".

§ 3.3 *Provisional registers.*<sup>1</sup> (a) Consular officers of the United States and such other persons as may be designated by the President for the purpose are authorized to issue a provisional certificate of registry to any vessel abroad which has been purchased by a citizen, as defined in § 3.19, and which at the time of such purchase is not documented as a vessel of the United States.

(b) Such provisional certificate shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the islands of Guam and Tutuila until the expiration of 6 months from the date thereof, or until 10 days after the vessel's arrival in a port of the United States, whichever first happens, 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.

§ 3.5 *Vessels exempt from documentation.* (a) The following classes of vessels are exempt from documentation:

(1) Boats or lighters not masted, or masted but not decked, used in the harbor of any town or city, and not carrying passengers.

(2) Canal boats, barges, or other boats used in whole or in part on canals or on the internal waters of a State, without sail or internal motive power of their own, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(3) Barges or boats without sail or internal motive power of their own plying in whole or in part on inland rivers or lakes of the United States, not engaged in trade with contiguous foreign territory, and not carrying passengers.

<sup>1</sup> The captains of the ports of Cristobal and Balboa, C.Z., and the Governor of Guam were designated by Executive Order of April 7, 1915.

(4) Vessels plying upon waters which are wholly within the limits of a State and which have no outlet into a river or lake on which commerce with foreign nations or among the States can be carried on.

(5) Vessels of less than 5 net tons.

(b) All other vessels engaged in trade between ports in the United States or engaged in the fisheries, if not registered, shall be enrolled and licensed, or licensed, or will be liable to a penalty of \$30 on every arrival, unless the vessel has not been within a customs district since the expiration of the license.

§ 3.6 *Marine documents; kinds of.* (a) Marine documents are of two descriptions, (1) permanent, granted to vessels at their home ports<sup>1</sup> and (2) temporary, granted to vessels at ports other than their home ports.<sup>2</sup>

(b) A register or enrollment shall be valid until a contingency arises requiring its surrender. (See §§ 3.26, 3.27.) A license shall be valid for one year only, but may be renewed or changed at any time during the year for which it is granted. Care shall be taken that only one license, and for one employment, be granted to a vessel for the same period, except that a license may be granted for the "coasting trade and mackerel fisheries".

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

§ 3.10 *Registers.* Vessels of the United States engaged in the foreign trade shall be registered, except as provided for in § 3.40 with respect to vessels on the northern, northeastern, and northwestern frontiers. Vessels engaged in domestic trade only may be registered.

§ 3.17 *Home port; definition; change of.* (a) A vessel's home port<sup>3</sup> is that port where marine documents may be issued to vessels which has been fixed and determined by the owner with the approval of the Commissioner of Customs, or in special cases with the approval of the collector, assistant collector, or deputy collector in charge of marine work. (See paragraph (e) of this section.)

<sup>1</sup> Under the "Seattle plan", which is in force in a number of customs districts, a vessel having its home port within the customs collection district may secure a permanent document at any other port in the same district at which marine documents are issued.

<sup>2</sup> The ports at which marine documents may be issued are indicated in § 1.1. of this chapter.

<sup>3</sup> "For the purposes of the navigation laws of the United States \* \* \*, every vessel of the United States shall have a 'home port' in the United States, including Alaska, Hawaii, and Puerto Rico, which port the owner of such vessel, subject to the approval of the Secretary of the Treasury, shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment, and license, or license of such vessel, which documents, respectively, are referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force on February 16, 1925, shall be deemed to have been fixed and determined in accordance with the provisions hereof. \* \* \*" (46 U.S.C. 18).



It is the port at which a vessel's permanent documents are issued, but it shall appear in all documents whether they are permanent or temporary.

§ 3.19 *Citizenship; documentation.* (a) Whenever used in this part, the word "citizen" includes the plural as well as the singular. Unless the context requires a different meaning, it means:

(1) In the case of an individual, a native-born, derivative, or naturalized citizen of the United States;

(2) In the case of a partnership, unincorporated company, or association, one whose members are all citizens of the United States;

(3) In the case of a corporation, one which is incorporated under the laws of the United States or of one of the States, and of which the president and all the managing directors are citizens of the United States. If no directors are authorized to act as managing directors, all the directors of the corporation shall be considered to be managing directors for the purpose of this paragraph.

(b) A vessel, although owned and documented by a corporation which is a citizen as defined in paragraph (a) (3) of this section, shall not engage in the coastwise trade unless 75 percent of the interest in the corporation is owned by citizens as specified in section 2 of the Shipping Act, 1916, as amended.<sup>1</sup>

§ 3.29 *Change of build or rig.* (a) When a documented vessel is altered in form or tonnage by being lengthened, shortened, or built upon, or changes

<sup>1</sup> "(a) Within the meaning of this chapter no corporation, partnership, or association shall be deemed a citizen of the United States 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, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

"(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) 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 (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) 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 (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

"(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock 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 (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States." (46 U.S.C. 802).

from one denomination to another by a change in rig or fitting, the vessel shall cease to be deemed a vessel of the United States unless she is documented anew.

(b) When there is a change in the means of propulsion of a vessel as from steam engine to gas engine or any other alteration which may change the description, the marine document of the vessel shall be surrendered.

§ 3.32 *Sale or transfer of vessel; change in membership of owning partnership.*

(a) Except as stated in § 3.35, when a documented vessel is sold or transferred in whole or in part to a citizen, such vessel shall not be deemed a vessel of the United States until documented anew.

§ 3.35 *Sale abroad.* A documented vessel which has been sold or transferred in whole or in part to a citizen while such vessel is outside the limits of the United States shall be entitled on her first arrival thereafter to all the privileges of a vessel of the United States if a new document is obtained within 5 days after she arrives at the first port in the United States.

§ 3.36 *Sale or charter to an alien.* (a) When a documented vessel is sold in whole or in part, even in trust or confidence, to one who is not a citizen, its document shall be delivered (1) within 7 days after the sale to the collector at the port where the vessel is, if it is in the United States, or (2) within 8 days after the first arrival of the master in the United States to the collector at the port of his first arrival, if the vessel is at sea or not in the United States at the time of sale.

(b) The master and all watch officers of a documented vessel chartered to one who is not a citizen shall be citizens.

§ 3.55 *Citizenship of masters of documented vessels.* Every vessel of the United States shall be commanded by a citizen or surrender her document.

## 61. Uruguay

ACT NO. 10,945 (MERCHANT MARINE: GRANT OF NATIONAL FLAG) OF  
10 OCTOBER 1947.<sup>1</sup>

### CHAPTER I

#### *Use of Uruguayan flag*

*Article 1.* Every merchant ship which has obtained permanent registration, or has been furnished with a pass (*pasavante*) by a consular authority of the Republic, in accordance with the succeeding articles shall be entitled to wear the national flag.

### CHAPTER II

#### *Authority competent to grant flag or issue pass*

*Article 2.* The flag shall be granted by decree of the Executive Power on a report of the proper shipping authority that all requirements have been

<sup>1</sup> *Registro nacional de Leyes de la República oriental del Uruguay*, 1947, pp. 1044-1056. Translation by the Secretariat of the United Nations.