

**MINUTES OF USUAL WINTER MEETING OF MARITIME LAW ASSOCIATION HELD AT THE ASSOCIATION OF THE BAR, 42 WEST 44th STREET, DECEMBER 18, 1922, AT 4 P. M.**

The usual winter meeting of the Maritime Law Association of the United States was called to order at The Association of the Bar of the City of New York, 42 West 44th Street, New York City, December 18, 1922, at 4 P. M.

Those present at the opening of the meeting were the President, Hon. Charles M. Hough, the Secretary, Harold S. Deming, and the following members: Messrs. Allen, Atkins, Blodgett, Blymyer, Bradley, Brengle, Burlingham, C. C., Burlingham, C., Cheyney, Conger, Conrad, Crandall, Cutting, Dean, Englar, Fearey, Foster, F., Garvin, Goertner, Gray, Hargrave, Hupper, Hume, Jones, Knauth, Lanning, Little, Long, Lord, Marsh, McGrann, Menkel, Mount, Niles, Oast, Pennell, Purdy, Putnam, Ryan, Sprague, Staley, Stockton, Townsend, Vandeventer, Whip, William and Woolsey.

The reading of the minutes of the preceding meeting was omitted on unanimous consent, the same having been printed and distributed to the members.

The Treasurer submitted an *ad interim* report and upon motion the same was approved and ordered filed. It appears at page 1186.

The President then called for the report of the Committee on the Definition of "Home Ports." In the absence of Hon. Van Vechten Veeder, Chairman of the Committee, and of Mr. John W. Griffin, co-member, the report was read by the Secretary. Upon motion duly made and seconded, the report was accepted, ordered transmitted to the Commissioner of Navigation, and ordered printed as a part of these minutes. It appears at page 1180.

Upon motion duly made and seconded, it was ordered that the report of Mr. Symmers heretofore made to the President upon the subject of the immunity of public vessels in the United States be printed as a part of these minutes. It appears at page 1172.

The meeting then proceeded to the election of new members. The following gentlemen were nominated and duly elected: Ralph G. Brown, Eugene P. Carver, Jr., Paul S. Chapman, Frederic Conger, William Gates, Jr., Horace M. Gray, Robert S. Hume, Edgar W. Hunt, E. Willoughby Middleton, Henry W. Nichols, 3rd, Joseph P. Nolan, James L. O'Neill, Robert Phillips, Max Rockmore, Ralph B. Romaine, James W. Ryan, Carl G. Stearns.

Mr. Arnold W. Knauth and Mr. Emory H. Niles then addressed the meeting upon the subject of a proposed new publication to be known as "American Maritime Cases," designed to furnish the members of the Admiralty Bar and others primarily concerned in shipping matters with maritime reports and digests of current decisions in this country relating to maritime affairs. A dummy of a proposed first issue was submitted to the meeting and considered by the members present. It was explained that it was intended to publish about ten issues a year, bringing out successive issues as the material available should justify,—probably quite frequently in the winter and not at all during the summer months. Certain of the more important decisions would be reported in full, and in addition it was intended that so far as possible every decision, whether merely a memorandum decision or one designed for later inclusion in the official reports, should be at least briefly referred to in the publication.

The dummy contained the heading, "American Maritime Cases Published under the Auspices of the Maritime Law Association of the United States." After a full discussion as to whether or not the Association should approve the use of this heading, the following resolution proposed by Mr. Burlingham and duly seconded was carried:

RESOLVED that this Association approves and endorses the plan to publish American Maritime Cases under the auspices of the Maritime Law Association of the United States, and that the Executive Committee, or any sub-committee thereof duly appointed, be authorized and directed to exercise such supervision over the publication as in its discretion it may deem proper.

Upon a reconsideration of the motion the matter was still further discussed, but the resolution was recarried with only two dissenting votes.

Upon motion duly made and seconded the Secretary was instructed to enter an annual subscription on behalf of the Association to the new publication.

The meeting was then adjourned to reconvene at seven o'clock at the Yale Club.

At 7 P. M. the meeting was reconvened. There were present, in addition to those who had attended the proceedings at the Bar Association, the following additional members: Hon. J. Mayer, L. Hand, Messrs. Ash, Beck, Betts, Campbell, Carpenter, Denman, Elliott, Ferris, Fordham, Gould, Griffin, Haight, Hall, Houston, Inness, Keating, Mattison, L., Miller, Millsaps, O'Neill, Prizer, Pyne, Quantrell, Rouse, Skope, Stearns, Wolfe, Veeder.

After enjoying an excellent dinner which had been arranged for by Mr. Chauncey I. Clark as Chairman of the Dinner Committee, the meeting listened to a report from Mr. Haight concerning the proceedings at the October meeting of the Comité Maritime Internationale at London followed by a report from the President upon the proceedings of the subsequent Diplomatic Conference at Brussels.

The substance of what was said is contained in the official report of Messrs. Hough and Beecher as delegates to Brussels, now on file in the Department of State.

With the conclusion of the reports the meeting adjourned.

HAROLD S. DEMING,  
*Secretary.*

## REPORT ON IMMUNITY OF PUBLIC SHIPS.

To the

INTERNATIONAL MARITIME COMMITTEE.

Answers on behalf of The Maritime Law Association of the United States, to the Questionnaire regarding publicly owned or operated vessels.

1. Does your State own any vessels?

(a) employed by the State for war purposes only;

Answer: Yes.

(b) employed by the State partly for purposes of war and partly for commercial or other purposes of peace;

Answer: Yes.

(c) employed by the State for commercial or other purposes of peace only;

Answer: Yes.

(d) employed by private persons under charter or otherwise?

Answer: Yes.

2. Does your State employ for public services vessels which are privately owned?

Answer: Not in time of peace.

3. Does the law in your country confer any immunity on:

(a) vessels State owned as mentioned above 1, a, b, c, and d;

Answer: Yes.

or

(b) vessels privately owned but employed by the State as mentioned above under 2?

• Answer: Yes.

4. If any such immunity is conferred:

(a) how far does it extend;

Answer: By Statute of March 9, 1920, it is provided that no vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock, or in the possession of the United States or of such corporation, or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall be subject to arrest or seizure by judicial process in the United States or its possessions.

The act, however, expressly does not apply to the Panama Railroad Company, whose stock is owned by the United States Government, and which operates a line of vessels. In view of the above prohibition of the Statute, the Statute itself then provides that in cases where, if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action, a libel *in personam* may be brought against the United States or against such corporation, provided that such vessel is employed as a merchant vessel or is a tug boat operated by such corporation. Such suit must be brought in the District in which the parties suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The Statute further provides that such suits shall be heard and determined in the same manner as admiralty suits between private parties, and if the libelant so elects in his libel, the suit may proceed in accordance with the principles of libels *in rem*, wherever it shall appear that if the vessel or cargo had been privately owned and possessed, a libel *in rem* might have been maintained. Neither the United States nor such corporation shall be required to give any bond or security in such proceeding. The Statute further provides that suits brought under the Act must be brought within two years after the cause of action has arisen.

(b) In what manner is it claimed?

Answer: As explained in answer to preceding question, suit against such vessel is prohibited by Statute.

(c) Upon what principle is it based?

Answer: As to war vessels, it is based on the ancient principle of the immunity of a sovereign. As to other vessels it is based on convenience to the Government.

5. If any such immunity is recognized are you in favor of its abolition or modification as to either:

(a) War vessels?

Answer: No.

or

(b) Any of the other vessels mentioned in questions 1 and 2 above?

Answer: Yes. The Maritime Law Association of the United States has expressed its view in this behalf in a resolution reading as follows:

“RESOLVED that it is the sense of this association that vessels belonging to a sovereign, engaged only in governmental and non-commercial work, should not be subject to attachment or other legal process, either in tort or contract, but the sovereign should be suable *in personam* in the appropriate municipal courts of the sovereign without special governmental action; but that it is the sense of this meeting that all Government-owned or operated vessels, regularly or temporarily engaged in commercial or profit-earning occupations, should be subject to suit, and to the creation and enforcement of maritime liens, in like manner as are vessels privately owned under the maritime law of the sovereign owner.”

6. Does your State claim any immunity in respect of Maritime liabilities as to cargoes which are either:

(a) State owned?

Answer: Yes; to the extent indicated by the Statute above referred to.

or

(b) Privately owned and carried by the State?

Answer: No.

7. Is any further or other immunity, such as exemption from the operation of national revenue laws or any part thereof, conferred by the law of your country upon any of the above vessels trading from or to the shores of your country?

Answer: No.

8. Have you any further observations to offer on this subject?

Answer: The Statute above referred to, which is the present law of the United States, repealed an earlier statute (Act of September 7, 1916) which provided that any vessels purchased, chartered or leased from the United States Shipping Board "while employed solely as merchant vessels, shall be subject to all laws, regulations and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien or other interest therein." Cases illustrating the right to proceed *in rem* by attachment against Shipping Board vessels under the Act of September 7, 1916, are:

*The Lake Monroe* (1919), 250 U. S., 246;

*The Florence H.* (1918 D. C. S. D. N. Y.), 248 Fed. Rep., 1012;

*The Jeannette Skinner* (1919 D. C. D. Maryland), 258 Fed., 768;

*The Nishmaha* (1920 D. C. D. Ore.), 263 Fed., 959.

Under both the earlier Statute of 1916 and the subsequent Statute of 1920, the right to sue,—under the earlier statute *in rem*, and under the later statute *in personam*,—is conditioned expressly on the existence of a maritime lien on the vessel involved. In this connection it should be noted that the United States Supreme Court in *The Western Maid* (Jan. 3, 1922) held that where vessels are owned by the United States Government either absolutely or *pro hac vice*, and are employed for public

and governmental purposes, no lien arises against such vessels for alleged "torts" committed by them during such ownership and employment, consequently such vessels are immune from either attachment or liability even after they come or come back into the ownership of private individuals. It should also be noted that the Act of September 7, 1916, now repealed, and the present Act of March 9, 1920, by their express provisions, deal only with vessels owned or operated by the United States Government, and do not refer even indirectly to vessels owned or operated by foreign governments.

Immunity from seizure of vessels owned by foreign governments is a matter wholly of case law.

It is settled that vessels of war of a foreign government are immune from attachment in the courts of the United States.

*The Exchange* (1812), 7 Cranch, 116.

The Supreme Court of the United States, however, has not yet decided, nor are the inferior Federal courts in accord upon, the question of the status of foreign-government-requisitioned, or foreign-government-chartered, or foreign-government-owned vessels engaged in commerce.

It has been held that government ownership by itself is not sufficient.

*The Johnson Lighterage Co. No. 24* (1916 D. C. N. J.),  
231 Fed., 365,

in which cargo owned by the Russian Government was attached in a suit *in rem* for salvage.

In *The Davis* (1869), 10 Wall., 15, an attachment of cargo owned by the United States Government was upheld in a suit *in rem* for salvage; and in *Long v. The Tampico* (1883 D. C. S. D. N. Y.), 16 Fed., 491, two vessels, the property of the Mexican Government, in charge of an agent who was taking them to Mexican waters, were subjected to an attachment in suits for salvage, it being held that possession by a bailee for a foreign government is not sufficient to prevent attachment.



In *The Attualita* (1916 C. C. A. 4th Circuit), 238 Fed., 909, the Circuit Court of Appeals for the Fourth Circuit, in a suit for damage to the owners of a Greek steamer resulting from collision, declined to exempt from jurisdiction an Italian merchant vessel requisitioned by the Italian Government and employed in the Italian state service, but officered and manned by her private owner.

On the other hand, in *The Maipo* (1918), 252 Fed., 627, and (1919) 259 Fed., 357, the District Court of the United States for the Southern District of New York exempted from seizure in admiralty "a naval transport owned by a foreign government and in its possession through a naval captain and crew, although chartered to a private individual to carry a commercial cargo."

In *The Carlo Poma* (1919 C. C. A., 2nd Circuit), 259 Fed., 369, it was held that a vessel owned by the Italian Government and in charge of a Government master and crew, was not subject to attachment, although the vessel was being used as a merchantman in the carrying of commercial cargoes.

In *The Pampa* (1917 D. C. E. D. N. Y.), 245 Fed., 137, an Argentine naval transport, in charge of commissioned officers of the Argentine navy and with a naval crew, was held immune from attachment in a suit for collision, although at the time of the collision the vessel was carrying a cargo of general merchandise belonging to private persons.

In *The Beaverton* (1919 D. C. S. D. N. Y.), 273 Fed., 539, a vessel privately owned and under charter to the French Government, but not in that government's possession, was held not immune from attachment in a suit for collision.

In *The Pesaro* (1921 D. C. S. D. N. Y.), 277 Fed., 473, a vessel owned by the Italian Government and operated by a civilian crew in the pay of the Italian Government, which vessel was used in the carriage of commercial cargoes, was held by the District Court not immune from attachment in a libel for damage to cargo, on the ground that the vessel, although Government owned, was engaged in a purely commercial service, and on the further ground that it appeared from the evidence that the vessel would not have been accorded immunity from attachment in the Italian courts. It is understood that an appeal will be taken from this decision.

In the case of *Ex parte Muir*, 254 U. S., 522, it was sought to review a decision of the District Court of the United States for the Eastern District of New York permitting the attachment of the steamship "Gleneden," a privately owned British steamship, in a suit for collision. It was asserted by counsel appearing in behalf of the British Embassy in Washington as *amici curiae* that the steamship was an Admiralty transport in the service of the British Government by virtue of requisition; but the Supreme Court, after delaying decision for an unusual time, refused to pass upon the claim of immunity on the ground that the suggestion of Government ownership had not been properly presented, in that neither the British Government nor its Ambassador had appeared as a party to the suit, nor had the claim of immunity been the subject of diplomatic representations to our Government through the usual official channel, to wit, the Executive Department.

In *The Pesaro* (1921), 255 U. S., p. 216, the Supreme Court likewise found it unnecessary to rule upon the validity of a claim for immunity, improperly made (as was held) by way of direct suggestion of the Italian Ambassador to the court of first instance. The previous decision in *Ex parte Muir* was referred to, and the court added:

"What the decree should have been if the matters affirmed in the suggestion had been brought to the Court's attention and established in an appropriate way, we have no occasion to consider now."

Thus it is seen that there is no ruling on this question from our court of last resort. It may be interesting, however, to note that in the case of the *Bank of the United States v. Planters Bank of Georgia* (1824), 9 Wheat., 904, the Supreme Court, speaking by Marshall, C. J., stated:

"It is, we think, a sound principle that when a government becomes a partner in any trading company, it divests itself, so far as concerns the transactions of that company, of its sovereign character, and takes that of a private citizen. Instead of communicating to the company its privileges and prerogatives, it descends to a level with those with whom it associates and to the business which is to be transacted."

And in the case of *The Exchange* (*supra*) the Supreme Court, while without occasion to consider the case of a public ship used for trading purposes, pointed out

“a manifest distinction between the private property of a person who happens to be a prince and the military force which supports the sovereign power and maintains the dignity and independence of a nation. A prince, by acquiring private property in a foreign country, may possibly be considered as subjecting that property to the territorial jurisdiction; he may be considered as so far laying down the prince and assuming the character of a private individual; but this he cannot be presumed to do with respect to any portion of that armed force which upholds his crown and the nation he is entrusted to govern.”

This language, and the decision of the Circuit Court of Appeals in the case of *The Attualita*, would seem to indicate a tendency in the direction of the *dictum* of Sir Robert Phillimore in *The Charkieh* (1873), L. R. 4 A. & E., at p. 99:

“No principle of international law, and no decided case, and no dictum of jurists of which I am aware has gone so far as to authorize a sovereign prince to assume the character of a trader; when it is for his benefit; and when he incurs an obligation to a private subject, to throw off, if I may so speak, his disguise, and appear as a sovereign, claiming, for his own benefit, and to the injury of a private person, for the first time, all the attributes of his character.”

To summarize:

- (1) Vessels of war of foreign sovereignties are accorded the same exemption in our courts as are our own vessels of similar character.
- (2) The question of the status to be accorded to foreign-government-owned or government-controlled vessels engaged in commerce, has not yet been decided by our court of last resort, and whether any such exemption will be accorded, if and when the Supreme Court considers such a case, is uncertain.

September 18, 1922.

JAMES K. SYMMERS,  
for Committee of Maritime Law Association  
of the United States.

## REPORT OF COMMITTEE ON THE DEFINITION OF "HOME PORTS."

In connection with the codification of the Navigation Laws, which the Shipping Board has undertaken by direction of Congress, we are asked to consider the following proposed definition of the term "home port":

"The home port of a vessel shall be that port of documentation nearest to the place at which, at the time of its documentation, the greater part of the owner's business of transportation by water is transacted, or in the case of a yacht, that port of documentation nearest to the place from which, at the time of documentation, the yacht is to be operated; but if the owner of any vessel shall make it appear to the Secretary of Commerce that some other port of documentation would more conveniently and without detriment to the public interest serve as its home port, the Secretary may designate such port as the vessel's home port. All disputed questions of fact upon which the designation of a vessel's home port may depend shall be submitted to the Secretary of Commerce, and his decision thereon shall be final. In the case of any vessel to which the foregoing definition cannot be made to apply, the Secretary of Commerce shall designate its home port."

This definition is to be read in connection with another provision of the code which will require vessels to be documented at their home port, so that the home port will coincide with the port of documentation.

It seems to us that, while the proposed definition is an improvement upon Section 36 of the compiled Navigation Laws insofar as it substitutes the owner's place of business for his residence, its terminology is quite as lacking in precision.

"The place at which, at the time of its documentation, the greater part of the owner's business of transportation by water is transacted"

is no more definite than "the place where the owner usually resides." Having regard to the usual case of corporate ownership, it would be better to employ some established terminology, such

as "principal place of business." We suggest as a substitute the following definition:

"The home port of a vessel shall be that port of documentation nearest the place at which, at the time of its documentation, is located the owner's principal office for the transaction of the business of transportation by water; or, in the case of a yacht, that port of documentation nearest the place from which, at the time of documentation, the yacht is to be operated. The facts necessary to determine the proper port of documentation shall be established by affidavit to be filed with the application for registry."

This definition fixes the home port with reference to the principal place of business; by the restriction to the principal office for the transaction of *shipping business* it covers the case of a railroad owner whose home office is in one place, but whose principal shipping office is in another, as well as that of great industrial companies whose industrial business may center at one place, and shipping business at another; and provides for the case of a vessel owned in shares, since, under the definition, the home port would clearly be the place where the managing owner's office is. This definition seems to be all that is necessary or, indeed, desirable. The proposal to give the Secretary of Commerce the right to fix some other port of documentation may be unobjectionable, but it is not apparent to us what the practical reasons are which lead to such a suggestion. The submission of disputed questions of fact to the Secretary of Commerce does seem to us, however, to be objectionable. It is not apparent how or by whom questions of fact respecting the home port would be likely to be raised. But under such a provision it would apparently be possible for anyone to question the designation of the home port at any time, and if changed, the result might be to cast doubt on the validity of instruments recorded at the erroneous port.

The present laws as to documenting and recording are inadequate, and prevailing practices under them to some extent without statutory sanction. The decision in *White's Bank v. Smith* (7 Wall., 646) long ago settled, for instance, that the provisions as to recording bills of sale and mortgages referred

to the port where the vessel is permanently documented in accordance with the law and not to the port of temporary documenting. The Ship Mortgage Act has apparently not changed this. Some vessels, however, are never permanently documented anywhere, but sail under temporary papers throughout their careers. There have been cases where the home port of large steamers is some interior river or lake port which it would be physically impossible for these steamers to reach in order to obtain permanent documents. This would sometimes prevent indefinitely the recording of a mortgage in the manner expressly provided for by the statute. The Commissioner of Navigation has ruled that in case of sale the bill of sale and any mortgage should be recorded in the port of last permanent documentation, failing permanent documentation at the new home port. For instance, if a vessel be sold and a purchase money mortgage taken back, but the vessel is not at the time in position to obtain permanent documents, the bill of sale and mortgage are to be recorded in the port which was her home port before she was sold. There is no statutory authority for this, however. On the contrary, immediately she is sold, her existing documents must be surrendered, a new home port, the residence of the new owner, placed on the stern, and new documents, temporary or permanent, immediately taken out as of the new home port, at the first United States port the vessel reaches. Immediately upon a sale the existing home port, or the residence of the seller, ceases not only to be the home port of the vessel, but ceases to be her port of existing documentation, since her existing documents are *functus officio* and must be surrendered. Until the vessel is permanently documented in her new home port the bill of sale and mortgage cannot be recorded there in compliance with the statutory requirements. That these requirements intended that the recording should be subsequent to permanent documentation at the new home port is shown by the provisions of U. S. Revised Statutes 4194, where the certificate as to mortgages and bills of sale, which a collector is required to give, is to date only from the issue of the last registry or enrollment of the vessel, so that if the bill of sale or mortgage were recorded prior to such permanent documenting, the Collector's cer-

tificate would fail to disclose it. Section 4194 is repealed by the Ship Mortgage Act, but re-enacted so far as not inconsistent.

Another instance in which the practice is not in accordance with the statute is in the documenting of vessels owned by corporations. Many corporations are organized in states where they have no actual place of business and their vessels are documented in the name of the company in the port where the company does business. The corporation, however, is a resident only in the state where it is organized. There is no statutory authority to document the vessels in the name of the corporation anywhere else. The optional provision is that they may be documented in the name of the president or secretary, where such officer resides, but inasmuch as that means transfer and re-documenting whenever such officer is changed, it is never resorted to. There may be a serious question, therefore, whether these corporation vessels are thus lawfully documented in the name of the company outside of the state of incorporation. If not, mortgages recorded on the assumption that they are properly documented may not be properly recorded.

As explained in the *White's Bank* case, the theory of our law is that the home port on the stern of the vessel serves to locate her present home port; that the last register or enrollment attached to the bill of sale recorded there will reveal her previous home port; and so on indefinitely, thus enabling the investigator to proceed from port to port and ascertain the facts as to title and encumbrances. When these laws were passed United States vessels sailed out of a few ports only. Now when a vessel has been the subject of repeated sales, the successive home ports might carry the investigation pretty well all over the United States. The Ship Mortgage Act provides for filing a certified copy of record at the former port of documentation when a change is made. It does not, however, necessarily require that this certified copy of record shall include the records filed from other ports, so that the accumulated records from all prior ports will be carried forward to each new port, which is the British system.

Under present provisions, moreover, there is no way, so far as federal records are concerned, of determining title ex-

cept where it passes by a bill of sale. Where it passes by descent and the like, it will be necessary to investigate court records in different places. The title to ships is seldom fully investigated. Reliance is placed on possession, the Collector's certificate of ownership, and the known history of the vessel. In view, however, of the large values involved—greater than most realty transactions—a better record title should be provided.

Under the British system the register is intended to be the complete repository of title, and the registrar is required to demand evidence of proper transmission of title, particularly when otherwise than by bill of sale. There is no home port in the American sense, but merely a port of registry, which may be any port selected by the ship owner. The whole system is elaborated far more completely and adequately than our own.

The system of documenting and recording at the home port involves many inconveniences. A simple remedy would be the keeping of the records of registry and enrollment and as to title and liens at Washington, so that when it is necessary to document or re-document a vessel or record an instrument, it could be done, permanently and not temporarily, at Washington, through any port at which the vessel may happen to be. A vessel would thus be always permanently documented, not temporarily. Moreover, a force of registrars could be maintained at Washington competent to handle a more adequate system of recording title, such as the English system, whereas now the matter is handled more or less irresponsibly in the various ports. Information by wire, if necessary, would always be obtainable. Washington is not more remote than many of the home ports, and would obviate the delay often incident to locating the home port and place of recording. This would deprive the question of home port definition very largely of its present importance and significance, so that less would depend upon any uncertainties of fact as to where the home port should be located.

This plan would, however, be certain to excite strong opposition and may not be practicable on that account. Moreover, it must be admitted that it would involve serious inconvenience in many cases. Probably the majority of ship sales are made between persons in the same section of the country, and in most



cases the home port of the vessel, if changed at all, is changed only within narrow geographical limits.

At all events, it is entirely practicable that proper means should be provided for searching the entire record of a vessel's title, without going from port to port. This is satisfactorily accomplished by the English system, whereby, when the port of registry is transferred, the registrar at the old port transmits to the registrar at the new port a complete transcript or at least an abstract of the vessel's past title and encumbrances. There should be provisions, of course, for the registration of new owners who take title otherwise than by bill of sale.

Our navigation laws now provide for four different sorts of documentation of vessels: (1) Provisional registry granted by consuls abroad; (2) temporary registry; (3) permanent registry; (4) enrollment and license. We see no reason why temporary registration and enrollment and license should not be abolished, in the interest of simplicity. Provisional registry is probably necessary, at least where foreign ships are transferred to American registry, since there are objections to authorizing consuls throughout the world to issue permanent registry. When, however, a ship which has been bought by an American is in any American port there is no apparent reason why her permanent registry cannot be issued by the Collector at that place, thereby doing away with the complications with regard to recording of mortgages, etc., which result from the present system of temporary registry. If the port at which such permanent registry is granted is not the proper port of documentation, the Collector issuing the registry should transmit the papers to the proper home port, where they should be recorded. The result would be that the ship would immediately have her permanent papers and her permanent registry duly opened.

VAN VECHTEN VEEDER  
JOHN W. GRIFFIN.

## REPORT OF TREASURER.

Harold S. Deming, as Treasurer of the Maritime Law Association of the United States, submits his *ad interim* report as of December 8, 1922, as follows:

### RECEIPTS:

Balance on hand May 1, 1922, date of annual financial report.....	\$955.01	
\$1,957.51		
Dues received:		
Year 1917-18 from 1 member.....	\$ 5.00	
Year 1918-19 from 2 members....	10.00	
Year 1920-21 from 4 members....	20.00	
Year 1921-22 from 5 members....	25.00	
Year 1922-23 from 186½ members	932.50	
Year 1923-24 from 2 members....	10.00	
		\$1,957.51

### DISBURSEMENTS:

Printing, Hecla Press.....	\$ 10.25	
Printing, Hecla Press.....	6.00	
Printing, Hecla Press.....	44.00	
Postage, Stenographic charges.....	86.04	
Comité Maritime International.....	300.00	
Carfare .....	.10	
Extra Postage .....	5.30	
Room rent, supper room, Association of the Bar and two telephone calls.....	5.10	
Printing, Hecla Press.....	82.65	
Traveling expenses to Washington, D. C., of Harrington Putnam, Esq.....	31.72	
Printing, Hecla Press.....	6.50	
Duty, etc., on two cases of Revue Inter- national Du Droit Maritime.....	18.43	
Stenographic charges.....	23.16	
Stenographic charges.....	22.33	
		641.58

TOTAL RECEIPTS .....	\$1,957.51	
TOTAL DISBURSEMENTS .....	641.58	
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BALANCE ON HAND DECEMBER 8, 1922.....		\$1,315.93

## BACK DUES UNPAID:

Year 1918-19 from 1 member.....	\$ 5.00	
Year 1919-20 from 1 member.....	5.00	
Year 1920-21 from 2 members.....	10.00	
Year 1921-22 from 4 members.....	20.00	
Year 1922-23 from 21 members.....	105.00	
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TOTAL DUES UNPAID.....		\$145.00

Respectfully submitted,

HAROLD S. DEMING.