

LAW OF THE 10th JUNE 1871

CONCERNING THE POLICE OF MARITIME AND RIVER PORTS

The Congress of the United States of Colombia

DECREES:

CHAPTER XII

OF MARINE POLICE

Art. 385. The Police of Maritime Ports consists in the application of the rules established by this law in furtherance of the conservation of said ports, the facility of their navigation, and the security of the vessels that may enter their waters, either with cargo or in ballast, and the conduct to be observed by such vessels during the time of their stay in them.

Art. 2. In the Ports established by Law and free ports of the Union, the dispositions of the Codes of Customs and Commerce of the United States of Colombia shall be observed, and also the executive decrees regarding every point in relation with this branch of administration.

Art. 3. Neither the States, nor any other political entity besides the Union, shall be permitted to have the direction and administration of the coasts and maritime Ports, or of the River and dry Frontier ports, or of those situated on rivers which run between the territories of more than one State, in conformity with clauses 5 and 6 of the 17th. Article of the national constitution. (1863) Art. 202 de la Constitución de 1886.

Consequently, every imposition of contribution, every concession of privilege or monopolies, and every law, decree, ordinance emanating from corporations or authorities other than those of the Union, shall be null and void, insofar as they relate to the traffic of the Coasts maritime river and dry ports, to the navigation of the rivers running between two or more different States, or of those which enter the Territory of a neighbouring Nation (1).

Art. 4. The Captains and crews of all the merchant ships which may enter the Ports of the Union shall be under the obligation of lending mutual assistance, whenever any accident renders it necessary. This assistance shall be required or ordained by the respective chief of

coast-guards whenever any one refuses to lend it, and at the application of an interested party.

Art. 5. It is forbidden to throw into the Ports the ballast or other matter capable of damaging the anchoring ground. The *Chiefs of Coast-guard* (*Jefes de Resguardo*) will previously point out the localities to which every thing which vessels wish to get rid of, must be conveyed.

Art. 6. The Captains of the Vessels lying in the Ports of the Republic are under the obligation of informing the Chief of Coast-guard of every case of severe illness and of the death of any individual of their crew.

Art. 7. Except in cases of extreme urgency the outward traffic of the lawfully established ports of the Union shall be suspended from eight o'clock p. m. to five a. m.

Art. 8. The Captains of the Vessels lying in the Ports shall take care that a lighted lamp shall remain in a conspicuous part of their vessels, from sunset to sunrise.

Art. 9. Every vessel shall have been provided with, or shall provide herself with in the port, the anchors, cables, chains and other effects necessary for maintaining herself at her anchorage.—The Captain of the vessel in which such articles are wanting, shall pay all damages occasioned by such want to the other vessels at anchor in the same harbour.

Art. 10. No vessel shall shift her berth in a Port without express permission of the Chief of Coast-guard (*Jefe de Resguardo*.)

Art. 11. It is absolutely forbidden to take in or to discharge ballast in the ports and harbours lawfully established, as also in such as by reason of their capacity or other conditions may be so established hereafter, for instance Portobelo on the Atlantic and Vaca de Monte on the Pacific.

Art. 12. The Captains of vessels, on leaving ports, and so long as they are still in their waters, shall take the needful nautical precautions so as not to run foul of, graze, or damage in any way other vessels, or the small craft which may be lying at anchor in the port, or entering or leaving it.

Art. 13. When any vessel damages another, the damage shall be paid by the owner or, in his default, by the Captain, always provided that it be not caused by equals or any inevitable accidents, not including in these contrary winds, if the vessel causing the damage hoisted her anchor whilst they were blowing, nor such as arise from bad steering on board the vessel for want of ballast, or bad sailing tackle, or want of power in machinery, or defect of steering power.

Paragraph—The owner shall have a claim on the Captain for the damages he may pay on account of his unskillfulness.

Art. 14. In every legally established or free port of the Union, there shall be a Chief of Coast-guard (*Jefe de Resguardo*) and an official Interpreter, as likewise a look-out man, and the pilots, bogas, and oarsmen and guards which the Executive, in accordance with the law, may appoint.

Art. 15. The Chief of Coast-guard of every legally established or free port of the Union, and the official Interpreter shall be named by

the Executive of the Union. The look-out-man, the pilots and the bogs shall be named by the Chief of Coast-guard. The Guards by the Administrator of the Custom House or by the Principal Agent of National Revenue (1).

Art. 16. The Chief of Coast-guard is in charge of the Port, and exercises and is invested with sufficient authority for the performance of all the dispositions regarding maritime police, proceeding briefly and summarily.

In the same manner he imposes the fines or forfeits appointed for such infractions as may be committed; exacts them peremptorily, consigning their produce in the Chief administration of National Revenue in the respective State.

Art. 17. The Chief of Coast-guard is charged with the duty of taking informations in the port of his appointment, and in the harbour and coasts respectively; in order to investigate cases of infraction similar to those mentioned in the previous articles, which may have heavier penalties assigned to them by the law, and in such capacity shall draw up the respective indictment by way of precaution, and hand it to the proper judge.

Art. 18. The Chief of Coast-guard is charged with the following duties in addition to those recited in the previous articles, namely:

1. To examine and take soundings frequently in his port and harbour, so as to be well acquainted with the bottom and other conditions of the same, establishing buoys, beacons, or other marks which may perfectly point out the shoals and reefs, and save vessels from the risk of getting foul of them;

2. To determine the spot or spots in which vessels must bring up, giving information of the same to the Executive Power, and also notifying it to the Agents or Consignees of the vessels that frequent the harbour, and to the Port Pilots;

3. To make the visit of entry, and to examine if the vessel occupies the berth she ought to do; if she does not, to order the pilot to take her to it immediately; meanwhile the vessel shall not communicate with the land, nor with the Custom House, but shall be considered as outside of the Harbour even for the purposes of unloading and loading, as well as of all other operations with the Custom House;

4. To make arrangements, whenever a vessel is sighted, and the look-out-man signals the fact, for a pilot to go out to receive her, if application is made for him to do so, who will go on board of her, pilot her to her anchorage, and remain on board until the customs or port visit be made to her;

5. To take order that, until this visit is over, no one be allowed to go on board, if she comes in ballast; but if she brings foreign merchandise, or arrives at a port legally established for importation, this going on board shall continue prohibited until her unloading be completed, except in cases where a written leave shall be obtained from the Chief of Coast-guard, or from the Administrator of the Custom House. This prohibition does not extend to the crew of the vessel, nor to the people of the place who may be working on board, nor to those who in case of any conflict or calamity which may happen in the vessel, may go on board to render assistance;

6. To grant permission in writing to take in or discharge ballast in localities pre-arranged, and with the consent of the respective Administrator of Custom House;

7. To fix upon the spot where, without damage to the port or harbour, ballast may be discharged from vessels;

8. To determine the landing-place from which vessels may take in ballast, which shall be charged at the rate of fifty centimes the ton, whatever be its kind, payable into the Treasury in ready cash;

9. To grant express permission to the Captain of a vessel to shift her berth in the harbour or port, if he considers that by so doing, no damage will accrue to other vessels;

10. To prevent soundings from being taken in the channels or inner creeks of the harbour and public anchoring ground without his leave given in writing, and when an attempt is made to do so, he shall first make himself acquainted with the motive for doing so, and shall indicate the limits for such examination.—This leave shall only be given to the Captains of vessels that belong to Colombians;

11. To give written permission to the Captains of ships at anchor in the port, to fire off cannon, to run high and dry, to make fire in their bottom, or to fumigate them when necessary, and when no mischief is likely to ensue from such proceedings;

12. To watch over, or take care that watch is kept over the transhipment of ballast from one vessel to another with his permission;

13. To form and certify the roll of the crews of national vessels, keeping a register of them, to intervene in the contracts and payments of arrears of salaries of said crews as also in the case of advances made. He may also exercise like functions with regard to foreign vessels, on application of the Captain and of the respective interested parties;

14. To settle such slight disputes as may arise between (or among) the crews of the vessels; and in the case of slight misdemeanors, and matters of pure police, he may inflict arrest for a period not exceeding three days.

Paragraph. He proceeds in the same manner, and in the same cases with the persons of national employés, who by reason of their office may happen to be on board of any vessel;

15. To search for and present to the Consul of his respective nationality, any member of her crew whom a foreign vessel may leave in port against his will; said member may also present himself to the Consul, or beg the Chief of Coast-guard to do so;

16. He is also charged with such other duties as may be incumbent on him to perform by virtue of other laws in force, or of decrees of the national Executive;

17. To form the scheme of signals by which the lookouts should indicate the approach of vessels to the port, and the assistance these may require;

18. To form every five years, beginning from the present, a plan of his port representing its most remarkable features, such as shoals, reefs, sand banks, channels, lagoons, islands, fortresses, anchorages, soundings, &c.—One copy of this plan shall be forwarded to the Executive Power, and another shall be preserved in the respective Commandant's office of the Customs Guard.

Art. 19. The duties of every look-out-man are :

1. To obey the orders which may be given him by the Chief of Coast-guard, the Administrator of the Custom House, and the Chief Executive Authority of his respective locality.

2. To give information by means of preconcerted signals, of a sail being in sight, of the course she is lying, and if it is possible to distinguish her flag, of what country she is, and whether she is a merchant-ship or man of war.

3. To give information by means of the respective signal, that the ship in sight asks for a pilot, and to keep such signal fixed until he is sure that the pilot asked for has put off to go on board.

4. To remain constantly at his signal station from five in the morning to six in the evening, to be ready to perform the duties of his office.

5. Whatever others it may be incumbent on him to perform in virtue of Laws, or decrees of the Executive Power of the Union.

6. To be perfectly acquainted with the use of the Compass, in order to signal a ship's course, entering or going outward, with accuracy.

Art. 20. The following are the duties of Pilots:

1. To be perfectly acquainted with the soundings in the different parts of the port, its shoals, rocks, channels, anchorage-grounds, &c.

2. To be perfectly acquainted with the use of the helm, with working a ship, and with the words of command to be executed ;

3. To obey, and execute and cause to be obeyed and executed such orders as may be given by the Chief of Coast-guard, who is his immediate superior, relating to the service of the port, and its shores and harbours respectively ;

4. To go on board the vessel that demands his services, or to which he may be ordered to proceed by the Chief of Coast-guard ; on arriving at the vessel, he shall ask the Captain, his name, that of the vessel, her nationality, her port of departure, and whether she is loaded or in ballast. The Pilot shall transmit in writing the information he has received from the Captain, to the Chief of Coast-guard, who will, if he judge it necessary, communicate it to the Administrator of the Custom House, or his acting substitute ;

5. To steer the vessel to its anchorage, remaining on board till the visit of the Chief of Coast-guard, and the people from the Custom House, as the case may be, shall have been made.

Art. 21. The Pilots shall claim remuneration from the Captains of the vessels who ask for them according to the following tariff:

1. For every sloop or schooner which the pilot may bring in or take out, he shall be allowed two dollars ;

2. For every brig, he shall be allowed three dollars ;

3. For every barque, ship or sailing vessel with three masts, he shall in the same manner be allowed four dollars ;

4. Whenever any of the above specified vessels shall require a pilot outside the waters of the port or harbour, its Captain shall pay double the amounts set down ; and when he wants a pilot to shift his berth, he shall pay the half of the respective amounts.

Art. 22. The Pilot dues shall be paid cash down, before the Pilot quits the vessel.

Art. 23 The duties of the Guards (Guardias del Resguardo) are such as are established by the present Law, and such as may be made incumbent on them in the Customs Codes and Laws.

Art. 24. In the Ports lawfully established there shall be a Customs-Guard appointed, subject to the orders of the Chief of Coast-guard, the Administrator of the Custom House, and the chief executive authority.

Art. 25. The Guards may be suspended at will by the Administrator of the Custom House or the chief officer of the National Revenue, and arrested for a term not exceeding three days, for slight misdemeanors, but for graver ones, they shall likewise be amenable to the common Law.

Art. 26. The Bogas shall obey the orders given them by the Chief of Coast-guard; they shall be prepared to execute the maritime manouevres required of them according to their calling, and shall act as substitutes for the pilots, when called upon so to do, in the temporary absence of the latter.

Art. 27. In the lawfully established ports, and free ports of the Union, in which Chiefs of Coast-guard have been appointed, as also Official Interpreters, and bogas, there shall be a boat or sloop for the service of the port, well found in masts, sails, rigging, cordage, anchor, oars, rowlocks, awning, & rudder, which it shall be the Chief of the Coast-guard's duty to see kept in order, for the purpose of pulling out to sea, & surveying the coast and ports, if need be, at any given moment.

Art. 28. The duties of the Official Interpreters are :

1. To accompany the visit of entry which the Custom House people have to make on board of foreign ships;
2. To translate into Spanish whatever document may be handed to him by the Administrator of the Custom House, the Chief of the Coast-guard, and the Administrator of National Revenue, and the political and judicial functionaries;
3. To attend, when summoned, such law proceedings as may require the exercise of their duties. In civil cases, they shall have the right to allowance from the interested party of fifty cents for every written sheet of translation, and in verbal business, to the same amount for hour spent in the interpretation of conversations, depositions, etc. etc.

Art. 29. Whenever a vessel on leaving the port, or on entering it, or on shifting her berth within it, shall cause damage or mischief in the hull, or masts of another which may be at anchor, or be entering or quitting the Port, the Chief of the Coast-guard shall immediately go on board the damaged vessel, accompanied by her Captain, or some other individual of her crew, or by three Captains, mates or pilots in default of the first named, and shall take all their depositions formally, bearing in view the maritime circumstances of the situation of the two vessels, the weather, wind, & with the object of determining: 1. In what consisteth the damage or mischief; 2. If such damage was culpably occasioned.

ned; 3. The cost of repairing the damage. The chief of the Coast-guard shall retain the originals of these proceedings, which shall have the force which the law may give them in their particular case.

Art. 31. In the damage or loss caused to merchandize or baggage in the lighters or barges used in loading and discharging vessels, whether this be occasioned by fouling, or take place on board such lighters, the Chief of the Coast-guard shall take the depositions of the Captains or masters of the lighters, and of two or three persons competent to declare in the matter, shall state his judgement regarding the responsibility and culpability of the party occasioning the damage or loss; and shall preserve the originals of these proceedings, that they may have the force which the law gives them as the case may be.

Art. 32. In the case of a vessel going down, to the injury of the port, or getting aground, causing a hindrance to other vessels, if her owners shall not take measures adequate to prevent the same, the chief of the Coast-guard shall give intelligence of the occurrence to the nearest Executive officer of highest grade, that he may issue orders for the hauling of, removal, or breaking up of such vessel, and the cost of executing these operations shall be paid by the owner or consignee.

Art. 33. The Captain or consignee of a vessel ready to leave the port, shall ask permission to do so of the first executive authority, accompanying his solicitude with a certificate from the Administrator of the Custom House, and in his default, from the principal Administrator of National Revenue, to the effect that the vessel may hoist her anchor. Without these documents permission shall not be given, unless their absence be satisfactorily accounted for, and the difficulty cleared up which prevented their having been given (4).

Art. 34. Having obtained permission, the Captain shall ask leave of the chief of Coast-guard to hoist his anchor, expressing the hour when he intends to sail.—The Chief of the Coast-guard, having given leave, shall go on board the vessel, deliver to the Captain the documents relative to his dispatch, and shall notify to him that he must now leave the port.

Art. 35. If the Captain, on its being notified to him that he must leave the port, should fail to do so, except in the case of foul weather or any other sudden and unforeseen accident, a guard shall be put on board, such as the Chief of the Coast-guard shall deem sufficient, at the charge of the Captain, or his consignee in reserve.

Art. 36. The forfeits and fines to which Captains or their consignees, in reserve, shall be in future subject, shall be the following:

1. For discharging ballast without the permission of the Chief of the Coast-guard, \$ 100 dollars; (1)

2. For doing this in a locality other than the prescribed one \$ 100 dollars, if ballast is not thrown into the water; throwing \$ 300 (1);

3. For contraventions of the regulations about lights, fires, two dollars (1);

4. For not rendering assistance, personal and otherwise to other vessels, fifty dollars (1);

(1) Law 106 of 1873

5. For throwing rubbish or dirt into the water, \$ 100 dollars; (1)
6. For grounding, for careening purposes, thirty dollars; (1)
7. For firing off cannon without permission, ten dollars;
8. For shifting berth without the respective permission, twenty dollars;
9. For taking in ballast without leave, or from a spot other than the one prescribed, one hundred dollars;
10. For taking in ballast from spots especially prohibited, two hundred dollars;
11. For allowing any person to go on board previously to the visit, or without the leave, of the Administrator of the Custom House, or his substitute \$ 10 to \$ 50 dollars;
12. For disembarking against his will any Colombian, forming one of the crew of a national vessel, in any locality or port other than the ones stipulated in the roll, or hiring-list, three hundred dollars;
13. For sailing in the Harbour, betwne eight-o'clock at night and five in the morning, save in the cases in which it is allowed, twenty dollars;

Paragraph 1. The imposition of these forfeits or fines does not render null the responsibility incurred by the delinquent, according to the laws, nor the compensation for damages and injuries caused to persons and things.

Paragraph 2. The imposition of these forfeits and fines shall be cumulative according to the delinquencies committed. (1)

Art. 37. The national officers treated of in this Law are at liberty to accumulate their toge with the fixed and eventual allowances which they have to receive from the Public Treasury according to the Laws, such emoluments or presents as private parties breound to make to them for services rendered, in the terms of the foregoing articles.

Art. 38. The dispositions of this chapter shall be published in Spanish, English, French, and German, and a copy of it shall be always kept posted up in the Administrations of Customs Houses, and in the offices of the Chiefs of Coast-guard, in the maritime ports.

(1) Law 106 of 1873

A D D E N D A

QUARANTINES

(1) The Government is authorized to organize the sanitary service of the sea ports of the Republic by establishing therein quarantines and lazarets, and by setting forth such measures as it may think proper in case that the public health may be threatened by the invasion of contagious epidemics.

To provide for the expenses that such service may require, the Government is authorized to tax the vessels arriving at the Colombian ports with an extra-duty, the amount and duration of which shall be fixed by the Government (articles 1.º, 2.º, Law 106 of 1892).

CHIEFS OF THE CUSTOM-HOUSE OFFICERS

(2) At such Custom-houses as the Executive Power may think fit another Custom-houses Collectors, shall appoint the necessary officers with a salary not exceeding \$ 30 per month, such officers having the interfere with the stowage and clearing of the goods until they are delivered over to the owner or the consignee thereof. Each package shall be taxed with two cents payable by said owner or consignee, such amount to be written at the foot of the account, to be sent by him to the Custom-house Collector.

Said officer shall be as the other employees of the Custom-house under direct control of the respective chief of the Custom-officers.

The Custom-house Collectors are authorized :

1.º To grant license not exceeding 30 days to the inferior officers of the custom, as well as to the clerks, to fill the vacancies that may occur, provided the Custom is distant from the capital of the Department.

2.º To suspend from their functions after inquiry or investigation the inferior employees of the Custom, when they fail in the execution of their duties, informing the Executive Power at the same time by the next mail.

§. The jurisdiction of the Custom-house chief officer of Panama shall extend in the whole Coast and the islands of the Departement of Panama in the Pacific, and the jurisdiction of the same officer at Colon shall extend to the whole Coast and the islands of the same Departement in the Atlantic (articles 17, 18, 20, Law 109 of 1880).

Should the Executive Power establish any Custom bodies independent of the Custom-houses, the respective chiefs thereof may appoint the employees provided the Executive Power permits, and they will exercise faculty vested the Custom house Collector by the article 412 of this Code.

(3) The chief of the Custom house officers shall deliver the money at the Office of the Custom or at the Administration of the " Hacienda Nacional " if the fine is to be exacted at a place where no Custom-house exists (article 18, Law 109—1880—or article 66 of this Code).

At the free ports the chief of the Custom-house officers shall fix the place to load and unload the vessels.

The dispositions of paragraphs 1.º, 2.º of article 90 of this Code shall also be applied to the free ports (article 10, Law 109—1880—or § additional to article 90 of this Code).

(4) Wherein a judicial or police affair may arise, on account of which the clearing out of any ship should be prohibited the judge or the respective officer shall notice the first executive authority, who shall forbear himself from granting the license alluded to in the present article, until a certificate from said judge or officer shall be produced stating the final resolution of the matter, or that in account of the course it has followed or on account of caution under the law the license may be granted.

The employees shall not percieve any fees for the certificates refered to on this article.

The authorities of the Departement shall not have any right to exact any fees for certificates, signatures nor for legalisation of signatures in matters of national character which should have effect before the national authorities or in foreign country.

Certificacy concerning civil matters only are excepted from the provided by this article (article 15, 21, Law 109 1880) •
