



# WESTERN AUSTRALIA.

ANNO VICESIMO QUARTO

## VICTORIÆ REGINÆ.

NO. V.

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AN ORDINANCE to amend the Laws of the Customs in  
Western Australia.

**W**HEREAS it is expedient to amend the Laws of the Customs in  
Western Australia; Be it therefore enacted by His Excellency Preamble.  
the Governor of Western Australia and its Dependencies by and with  
the Advice and Consent of the Legislative Council thereof, as follows:

I. THAT from and after the first Day of January next this  
Ordinance shall come into Operation, and the Ordinance passed in the Repeal of No. 16 of 1854.  
seventeenth Year of the Reign of Her present Majesty, No. 16 of  
1854, intituled *An Ordinance to provide for the general Regulation of*  
*the Customs in Western Australia*, shall be and the same is hereby  
repealed, save always in so far as it may repeal any former Ordinance

or Ordinances or any Part thereof, and except so far as relates to any Matter or Thing done or commenced previous to the Operation of this Ordinance.

Interpretation of terms used  
throughout Ordinance.

II. THAT in interpreting this Ordinance the several Terms and Expressions following shall be construed respectively in Manner hereinafter directed, that is to say, the Term "Law of Customs" shall be construed to mean this or any other Ordinance at any Time in Force within the Colony relating to Customs, Trade, or Navigation; the Term "Goods" shall be construed to mean all Kinds of Goods, Wares, Merchandize, and other Articles, to which the Provisions of any Law of the Customs may be applicable; the Term "Spirits" shall be construed to mean all Kinds of spirituous Liquors, strong Waters, Cordials, sweetened Spirits, Liqueurs, and Spirits intended to be used as Perfumery; the Term "Ship" shall be construed to mean Ship or Vessel generally, unless such Term shall be used to distinguish a Ship from Sloops, Brigantines, and other Classes of Vessels; the Term "Master" of any Ship shall be construed to mean the Person having or taking the Charge or Command of such Ship; the Term "Owners" and the Term "Owner" of any Ship shall be construed alike to mean One Owner if there be only One, and any or all of the Owners if there be more than One; the Term "Mate" of any Ship shall be construed to mean the Person next in Command of such Ship to the Master thereof; the Term "Seaman" shall be construed to mean alike Seaman, Mariner, Sailor, or Landsman being One of the Crew of any Ship; the term "British Possessions" shall be construed to mean Colony, Plantation, Island, Territory, or Settlement belonging to Her Majesty; the Term "Her Majesty" shall be construed to mean Her Majesty, Her Heirs and Successors; the Term "Collector or other principal Officer" shall be construed to mean the Collector, Sub-Collector, or other principal Officer of Customs of any Port in the said Colony; whenever Mention is made of any public Officer the Officer mentioned shall be deemed to be such Officer for the Time being; the term "Queen's Warehouse" shall be construed to mean any Place provided by the Crown for lodging Goods therein for Security of the Customs, and in which Goods entered to be warehoused upon Importation may be lodged, kept, and secured without Payment of Duty; the Word "Port" or the Word "Place" shall be taken to mean any Harbour, Haven, Roadstead, Bay, Inlet, Creek, or navigable River within the Limits of the said Colony, or within the Jurisdiction thereof at which a Collector or other principal Officer of Customs shall be stationed; the word "Package" shall be taken to mean any Parcel, Bundle, Box, Bale, Truss, Case, or any other Mode, Vessel, Covering, or Enclosure in which Goods, Wares, or Merchandize, liquid or solid, may be packed, enclosed, or contained; and the singular Number and masculine Gender shall be construed to include the plural and feminine, and *vice versa* unless such Construction is repugnant.

III. THAT the Limits of the several Ports of the said Colony shall be as follows: The Port of Fremantle shall include the Waters lying between a Line drawn from the North End of Rottnest Island to the South End of Garden Island and the Coast Line of the Mainland from the Winding Sheet on the North to Cape Peron on the South: The Port of Bunbury shall extend from Point Casuarina on the West to One League North of the Mouth of the Leschenault Inlet: The Port of the Vasse shall extend One League each Way East and West of the Tub Beacon and Three Miles to seaward: The Port of Albany shall include the Waters lying West of a Line between the extreme Point of Bald Head on the South and Bar Point on the North: The Port of Champion Bay shall extend from Point Moore on the South to the Mouth of the River Chapman on the North: And the Port of Port Gregory shall include all Waters within the Ledges forming the Harbour: Provided always that it shall be lawful for the Governor to alter or vary the Limits and Boundaries of any of the said Ports, or to subdivide the same, and to establish any new Port or Ports as to him may seem meet by Proclamation to be published in the Government Gazette.

Limits of Ports defined.

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IV. THAT it shall be lawful for the Governor of the said Colony from Time to Time to appoint by Warrant under his Hand and the Public Seal of the Colony (subject to the Pleasure of Her Majesty) proper Persons to execute the Duties of the several Offices necessary to the due Management and Collection of the Customs, and all Matters concerned therewith, and such Governor shall require and take of such Persons such Securities for their good Conduct therein as he shall deem necessary; and also, as Occasion may require, to remove any such Person or Persons from his or their Office or Offices and appoint another or others in his and their Place and Stead: Provided that the several Persons filling or discharging the Duties of such several Offices at the Time of the Commencement of this Ordinance shall continue to fill and discharge the Duties of and exercise all Authorities connected therewith during Her Majesty's Pleasure.

Appointment of Officers.

Security for good Conduct.

Persons at present filling  
Offices to continue therein

V. THAT every Person employed on any Duty or Service relating to the Customs in the said Colony, or its Dependencies, by the Order or with the Concurrence of the Governor thereof, whether previously or subsequently expressed, shall be deemed to be the Officer of Customs for that Duty or Service, and that every Act, Matter, or Thing required by any Law at any Time in Force to be done or performed by, to, or with any particular Officer nominated in such Law for such Purpose being done or performed by, to, or with any Person appointed by the Governor of the said Colony to act for or in behalf of such

Persons in the employment  
of the Customs deemed  
Officers of such Service,

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particular Officer, the same shall be deemed to be done or performed by, to, or with such particular Officer.

Declaration by Officer.

VI. THAT every Person who shall be appointed to any Office or Employment in the Service of the Customs shall at his Admission thereto make the following Declaration, that is to say:—

“I, A. B., do declare that I will be true and faithful in the Execution to the best of my Knowledge and Power of the Trust committed to my Charge and Inspection in the Service of Her Majesty's Customs, and that I will not require, take, or receive any Fee, Perquisite, Gratuity, or Reward, whether pecuniary, or of any Sort or Description whatsoever, either directly or indirectly, for any Service, Act, Duty, Matter, or Thing done or performed, or to be done or performed in the Execution or Discharge of any of the Duties of my Office or Employment on any Account whatever, other than my Salary, or what is or shall be allowed me by Law, or by any special Order of the Governor of the Colony for the Time being.”

Dismissal of Officer on taking unauthorised Fee.

VII. THAT if any Officer, Clerk, or other Person acting in any Office or Employment in or belonging to the Customs in the said Colony shall take or receive any Fee, Perquisite, Gratuity, or Reward, whether pecuniary or of any other Sort or Description whatsoever directly or indirectly from any Person (not being a Person duly appointed to some Office in the Customs) on account of any Thing done or to be done by him, or in any Way relating to his said Office or Employment (except such as he shall receive under any Order or Permission of the Governor or Collector, or other principal Officer of Customs) every such Officer, Clerk, or other Person so offending shall on Proof thereof to the Satisfaction of the Governor be dismissed from his Office; and if any Person not being a Person duly appointed to some Office in the Customs shall give, offer, or promise to give any such Fee, Perquisite, or Reward, such Person shall for every such Offence forfeit a Sum not exceeding One Hundred Pounds nor less than Ten Pounds.

Officers of Customs exempt from serving certain local Offices.

VIII. THAT no Officer of Customs, or Person employed in the Collection, or Management of, or accounting for the Revenue of Customs or any Part thereof, nor any Clerk or other Person acting under him, shall, during the Time of his acting as such Officer, or of his being so employed as aforesaid, or of his acting as such Clerk or other Person as aforesaid, as the Case may be, be compelled to serve in any other public Office or Employment, Civil or Military, or to serve on any Jury or Inquest, any Law, Usage, or Custom to the Contrary thereof notwithstanding.

Holidays.

IX. THAT no Day shall be kept as a public Holiday by the Customs except Christmas Day, Good Friday, and the Anniversary of the Foundation of the Colony in every Year, and any Days appointed by Order of the Governor of the said Colony; and also such Days as

shall be appointed for the Celebration of the Birthdays of Her Majesty and Her Successors: And the Collector or other principal Officer of Customs, with the Sanction of the Governor, shall from Time to Time appoint Hours of general Attendance of the respective Officers at their proper Offices, or Places of Employment, and from Time to Time require the Attendance of any or every of such Officers either before or after such Hours of general Attendance and during such Time as he may think proper.

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X. THAT in all Cases where Proof, or Evidence on Oath or Affirmation shall be required by any Law of Customs, or shall be necessary in any Matter relating to the Customs, the same may be made before the Collector or other principal Officer of Customs at the Place where such Proof or Affirmation shall require to be made, or before the Person or Persons acting for him, and who is and are hereby authorised and empowered to administer the same.

Collector to administer Oaths, &c.

XI. THAT upon Examinations and Inquiries made by the Collector, or other principal Officer of Customs, or other Person appointed by the Governor of the said Colony to make such Examinations and Inquiries for ascertaining the Truth of the Facts relative to the Customs or the Conduct of Officers or Persons employed therein, any Person or Persons examined before him or them shall deliver Testimony on Oath or Affirmation to be administered by such Collector, or other principal Officer of Customs, or other Person as shall examine such Person or Persons and who are hereby authorised to administer such Oath or Affirmation; and every Person so examined, or who shall make Oath or Affirmation under and in Pursuance of the last preceding Section, who shall be convicted of making a false Oath or Affirmation touching any of the Facts so testified on Oath or Affirmation, or of giving false Evidence on Oath before such Collector or other principal Officer of Customs, or other Person in Conformity to the Directions of this Ordinance shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties thereof.

Collector may examine on Oath.

## REGULATIONS INWARDS.

REGULATIONS INWARDS.

XII. THAT no Goods shall be unladen from any Ship arriving from Parts beyond the Seas at any Port or Place in the said Colony, nor shall Bulk be broken after the Arrival of such Ship within One League of the Coast thereof respectively, before the due Report of such Ship, and due Entry of such Goods shall have been made and Warrant granted in Manner hereinafter directed, and that no Goods shall be so unladen except at such Times and Places and in such Manner, and by such Person or Persons, and under the Care of such Officer or Officers as are hereinafter directed; and that all Goods not duly reported, or which shall be unladen contrary hereto, shall be

General Provision inwards.

REGULATIONS INWARDS.

What deemed illegal  
breaking Bulk.

Officers to be stationed in  
Ships in limit of any Ports  
and to be provided with  
Accommodation.

Ships, &c., to be reported  
on Arrival by the Master.

Master to deliver the  
Manifest, &c.

forfeited; and if Bulk be broken contrary hereto, the Master of such Ship shall forfeit a Sum not exceeding One Hundred Pounds nor less than Ten Pounds; and if, after the Arrival of any Ship within One League of the Coast of the said Colony, any Alteration be made in the Stowage of the Cargo of such Ship, so as to facilitate the Unlading of any Part of such Cargo, or if any Part be staved, destroyed, or thrown overboard, or any Package be opened, such Ship shall be deemed to have broken Bulk.

XIII. THAT it shall be lawful for the Collector or other principal Officer of Customs to station an Officer or Officers on board any Ship within the Limits of any Port in the said Colony, and the Master of every Ship on board which an Officer is so stationed shall provide every such Officer sufficient Room under the Deck in some Part of the Forecastle or Steerage of such Ship for his Bed or Hammock, and in case of Neglect or Refusal so to do, every such Master shall forfeit any Sum not exceeding Twenty Pounds.

XIV. THAT the Master of every Ship arriving from Parts beyond the Seas at any Port in the said Colony, whether laden or in Ballast, shall, within Twenty Four Hours after such Arrival and before Bulk be broken, personally appear at the Custom House of such Port, and there make a Report in Writing in the Form Schedule C to this Ordinance annexed, or in such Form as the Collector, or other principal Officer of Customs shall from Time to Time prescribe, and shall make and subscribe a Declaration to the Truth thereof before such Collector or other principal Officer of Customs, of the Arrival of such Ship, stating the Name, Tonnage, and Country, and the Number and Names of Passengers and Crew, whether laden or in Ballast, and, if laden, the Marks, Numbers and Contents of each and every Package or Parcel of Goods on board, and when the same were laden, and where and to whom consigned, and where and what Goods (if any) had been unladen during the Voyage; and what Part of the Cargo (if any) is intended for Exportation in such Ship to Parts beyond Seas, and what Surplus of Stores or Stock remains on board such Ship, as far as any such Particulars can be so known to him; and the Master shall further answer all such Questions concerning the Ship and the Cargo, and the Passengers, Crew, and the Voyage, as shall be required of him by such Officer, and if any Goods shall be unladen from any Ship before such Report shall be made, or if the Master shall fail to make such Report, or shall make an untrue Report, or shall Answer untruly the Questions required of him, he shall forfeit for each of such several Offences a Sum not exceeding One Hundred Pounds nor less than Twenty Pounds.

XV. THAT the Master of every Ship shall at the Time of making such Report deliver to the Collector or other principal Officer of Customs, the Manifest of the Cargo of such Ship, and if required by the Collector or other principal Officer of Customs shall produce to

him any Bill or Bills of Lading, or a true Copy thereof, for any and every Part of the Cargo laden on board, and the Certificate of Clearance from her last Port of Clearance, duly authenticated by the Collector or other principal Officer of Customs of that Port in all cases where by the Law of Customs of any Country or Colony such Manifest and Certificate are rendered necessary; and if required by the Collector or other principal Officer of Customs shall answer all such Questions relating to the Ship, Cargo, Crew, Passengers, and Voyage, as shall be put to him by such Collector or other principal Officer of Customs; and in Case of Refusal or Failure to produce such Manifest, Bills of Lading, or Copies aforesaid and Certificate of Clearance respectively, or to answer such Questions, or to answer them truly, or if such Manifest, Bills of Lading, or Copies thereof as aforesaid, and Certificate of Clearance respectively, shall be false, or if any Bill of Lading be altered by any Master, or by his Direction, or with his Privity, and the Goods expressed therein shall not have been *bona fide* shipped on board such Ship; or if any Bill of Lading uttered or produced by any Master shall not have been signed by him, or by any Owner of such Ship or by any accredited Agent of any Owner of such Ship, or if any such Copy shall not have been received or made by him previously to his leaving the Place where the said Goods expressed in such Bill of Lading or Copy were shipped, then and in each and every such Case such Master shall forfeit and pay for each and every of such Offences a Sum not exceeding One Hundred Pounds nor less than Ten Pounds: And also that when any Ship shall be wrecked or cast ashore upon any Part of the Coast within the Limits of the said Colony, the Master or Owner thereof shall forthwith make a Report inwards of such Ship and Cargo, so far as it may be possible for him to do so at the nearest Custom House to that Part of the Coast where such Ship shall be wrecked or cast ashore; and if such Master or Owner shall fail to make such Report he shall forfeit a Sum not exceeding One Hundred Pounds nor less than Ten Pounds.

REGULATIONS INWARDS.

In cases of Wreck Master to report at nearest Custom House.

XVI. THAT the Master of every Ship required to have a Manifest on board shall produce such Manifest to any Officer of Customs who shall come on board such Ship, after her Arrival within One League of the Coast of the said Colony, or within the limits of any Port thereof, and who shall demand the same for Inspection; and such Master shall also deliver to any Officer of Customs a true Copy of such Manifest signed by the Master if required so to do, and if such Master shall not in any Case produce such Manifest, or shall not deliver such Copy he shall forfeit and pay for every such Offence any Sum not exceeding Fifty Pounds nor less than Ten Pounds.

Master to produce Manifest to Officer of Customs within Three Miles of Coast and deliver a Copy.

XVII. THAT when any Ship shall arrive within the Limits of any Port in the said Colony, or within One League of the Coast thereof, and shall not bring to on being approached and hailed or otherwise signalled by any Boat belonging to Her Majesty's Customs hoisting

On being hailed Ship to bring to.

REGULATIONS INWARDS.

and carrying the Custom House Flag, the Master of such Ship shall forfeit and pay a Sum not exceeding One Hundred Pounds nor less than Ten Pounds.

Officers to board Ships.

XVIII. THAT it shall be lawful for any Officer or Officers of Customs to board any Ship arriving at any Port in the said Colony or being within One League of the Coast thereof, and freely to stay on board until all Goods laden therein shall have been duly delivered from the same; and such Officer or Officers shall have free Access to every Part of such Ship, with Power to search, rummage, fasten down Hatchways, and to mark any Goods before landing, and to lock-up, seal, mark or otherwise secure any Goods on board such Ship; and if any Place, or Box, or Chest on board of such Ship shall be locked and the Keys be withheld, such Officer or Officers, if he or they be of a Degree superior to Tidewaiters, may open any such Place, Box, or Chest in the best Manner in his or their Power, and if he or they be Tidewaiters, and only of that Degree, he or they shall send for his or their superior Officer who may open or cause to be opened any such Place, Box, or Chest in the best Manner in his Power, and if any Goods liable to Duty be found concealed on board any such Ship, they shall be forfeited; and if the Officer or Officers shall place any Lock, Mark, or Seal upon any Goods on board, and such Lock, Mark, or Seal be wilfully opened, altered, or broken before due Delivery of such Goods, or if any such Goods be secretly conveyed away, or if the Hatchways, after having been fastened down by the Officer or Officers, be opened, the Master of such Ship shall forfeit for each and every such several Offences a Sum not exceeding One Hundred Pounds nor less than Twenty Pounds.

Bill of Entry to be delivered to Collector.

XIX. THAT the Person entering any Goods inwards, whether for Payment of Duty, or to be warehoused upon the first perfect Entry, or for Payment of Duty upon the Taking out of the Warehouse, or whether such Goods be free of Duty, shall deliver to the Collector or other principal Officer of Customs, a Bill of the Entry of such Goods fairly written in Part and fairly printed in Part and in Words at Length according to One of the Forms in Schedule D to this Ordinance annexed, or such other Form or Forms as the Collector or other principal Officer of Customs shall prescribe from Time to Time, and containing the several Particulars indicated or required thereby; and shall pay any Duty which may be payable upon the Goods mentioned in such Entry to such Collector or other principal Officer of Customs, and such Person shall also deliver at the same Time to such Collector or other principal Officer of Customs Duplicates, or Triplicates, as the Case may require, of such Entry, in which all Sums and Numbers may be expressed in Figures, and the Particulars to be contained in such Entry shall be written or partly written and partly printed, and arranged in such Form and Manner, and the Copies of such Duplicates or Triplicates shall be such and so



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many as the Collector or other principal Officer of Customs shall require; and such Entry being duly Signed by the Collector or other principal Officer of Customs he shall forthwith issue his Warrant for the Landing and Delivery of such Goods according to One of the Forms in Schedule E applicable thereto, or in such other Form or Forms as the Collector or other principal Officer of Customs shall from Time to Time prescribe.

REGULATIONS INWARDS.

XX. THAT the Importer of any Goods intended to be warehoused without Payment of Duty on the first Entry thereof, or his Agent shall deliver to the Collector or other principal Officer of Customs a Bill of Entry of such Goods, together with such Duplicates or Triplicates as he may require in the same Manner and Form, and containing the same Particulars as are hereinbefore required on the Entry of Goods to be delivered for home Consumption on landing thereof, as far as the same shall be applicable; and the Name and Description of the Queen's Warehouse in which such Goods are intended to be warehoused, and the Name of the Person in whose Name they are to be so warehoused; and such Bill of Entry when Signed by the Collector or other principal Officer of Customs shall be transmitted to the proper Officer of Customs, and be the Warrant for the due Warehousing of such Goods.

Importer of Goods intended to be warehoused without Payment of Duty to deliver to Collector a Bill of Entry.

XXI. THAT the Importer of any Goods after the Arrival of the importing Ship shall within Twenty-Eight Days if the Ship be above, and within Fourteen Days, if the Ship be under Two Hundred Tons registered Tonnage, make perfect Entry inwards of such Goods, and land the same; and in Default of such Entry and Landing it shall be lawful for the Collector or other principal Officer of Customs to convey such Goods to a Queen's Warehouse; and wherever the Cargo of any Ship shall have been discharged with the Exception only of a small Quantity of Goods, it shall be lawful for the Collector or other principal Officer of Customs or other proper Officer of Customs to convey such remaining Goods, and at any Time to convey any small Packages of Goods to a Queen's Warehouse, although such Twenty-Eight Days, and Fourteen Days shall not have expired, there to be kept waiting the due Entry thereof during the Remainder of such Twenty-Eight Days and Fourteen Days respectively; and if the Duties due upon such Goods be not paid within Three Calendar Months after such Twenty Eight Days and Fourteen Days respectively shall have expired, or within such longer Period as the Collector or other principal Officer of Customs shall in any Case permit, together with all Charges of Removal and Warehouse Rent, the same shall be sold and the Proceeds thereof shall be applied first to the Payment of Duties, next to Freight and Charges, and the Overplus (if any) shall be paid to the Proprietor of the Goods or other Person duly authorised to receive the same: Provided that in the Case of Goods subject to the Performance

If Goods be not entered within a given Time, Officers may land and secure them.

## REGULATIONS INWARDS.

of Quarantine, the Date on which the same shall be released from Quarantine shall be substituted for the Date of the Arrival of the Ship.

Goods remain on board  
longer than Twenty-eight  
Days, Expenses of watching  
to be paid.

XXII. THAT whenever any Goods shall remain on board any importing Ship beyond the Period of Twenty-Eight Days after the Arrival of such Ship, or beyond any such further Period as the Collector or other principal Officer of Customs may allow, such Ship shall be detained by the proper Officer of Customs until all the reasonable Expenses of watching or guarding such Goods beyond such Twenty-Eight Days, or such further Time if any allowed as aforesaid, be paid.

Entry not valid if Goods  
not properly described.

XXIII. THAT no Entry, nor any Warrant for the Landing of any Goods, or for the taking of any Goods out of any Queen's Warehouse shall be deemed valid, unless the Particulars of the Goods and Packages in such Entry shall correspond with the Particulars of the Goods and Packages purporting to be the same in the Report of the Ship and in the Manifest, where a Manifest is required, and in the Certificate or other Document where any is required, by which the Importation or Entry of such Goods is authorised, nor unless the Goods shall have been properly described in such Entry, by the Denominations, and with the Characters and Circumstances according to which such Goods are charged with Duty, or may be imported; and any Goods taken or delivered out of any Ship or out of any Queen's Warehouse, by Virtue of any Entry or Warrant not corresponding or agreeing in all such Respects, or not properly described, the same shall be deemed to be Goods landed or taken without due Entry thereof, and shall be forfeited.

Unauthorised Persons not  
to make Entries.

XXIV. THAT every Person who shall make or cause to be made any such Entry of any Goods, not being duly authorised thereto by the Proprietor or Consignee of such Goods, shall for every such Offence forfeit a Sum not exceeding One Hundred Pounds nor less than Ten Pounds.

Entry inwards by Bill of  
Lading.

XXV. THAT if the Importer of any Goods or his known Agent shall make and subscribe a Declaration before the Collector or other principal Officer of Customs, that he cannot, for want of full Information, make perfect Entry thereof, it shall be lawful for the Collector or other principal Officer of Customs to receive an Entry by Bill of Sight for the Packages of such Goods by the best Description which can be given, and to grant a Warrant thereupon in order that the same may be landed and secured to the Satisfaction of the Officers of Customs, and at the Expense of the Importer, and may be seen and examined by such Importer in the Presence of the proper Officer; and within Three Days after the Goods shall have been so landed, the Importer shall make a perfect Entry thereof, and shall either pay all Duties due thereon, or duly warehouse the same; and in Default of such Entry within such Three Days, such Goods shall be taken to the Queen's

Warehouse, and if the Importer shall not within One Month after such Landing make a perfect Entry of such Goods and pay the Duties due thereon, together with Charges of Removal and Warehouse Rent, such Goods shall be sold by Auction or private Contract for the Payment thereof, and the Overplus, if any, shall be paid to the Proprietor of the Goods, or other Person duly authorised to receive the same.

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XXVI. THAT if the Goods in any Entry be charged to pay Duty according to the Number, Measure or Weight thereof, such Number, Measure, or Weight shall be stated in the Entry; and if the Goods in such Entry be charged to pay Duty according to the Value thereof, such Value shall be ascertained by the Production of the Invoice of the Goods referred to in such Entry, and by the Declaration of the Importer of such Articles or his known Agent in Manner and Form following, that is to say: "I, A. B., do hereby declare that the Invoice now produced is a genuine Invoice, and that the Value of the Articles therein contained is the current Value of the same Articles at the same Place from which the same were imported. Witness my Hand this                      Day of                      18                      . A. B. The above Declaration signed the                      Day of                      in the Presence of C. D., Collector or other principal Officer"; which Declaration shall be written on the Bill of Entry of such Articles, and shall be subscribed with the Hand of the Importer thereof, or his known Agent in the Presence of the Collector or other principal Officer of Customs at the Port of Importation: Provided also, that if it shall appear to the Collector or other principal Officer of Customs that such Articles have been found invoiced below the real and true Value thereof at the Place from whence the same were imported, or if the Invoice Price is not known the Articles may in such Case be examined by Two competent Persons to be nominated and appointed by the Collector or other principal Officer of Customs, and such Persons shall declare on Oath if required before the Collector or other principal Officer of Customs what is the true and real Value of such Articles at the Port of Importation in the said Colony; and the Value so declared shall be deemed to be the true and real Value of such Articles, and upon which the Duties due thereon shall be charged and paid.

Number, Measure, and Weight of Goods.

XXVII. THAT if the Importer of such Goods shall refuse or neglect to Pay the Duties imposed thereon, together with the Charges that shall have been occasioned by such Examination, it shall and may be lawful for the Collector or other principal Officer of Customs, and he is hereby required to take and secure the same with the Packages thereof, and to cause the same to be publicly sold by Auction within the space of Twenty Days at the most after such Refusal or Neglect made, and at such Time and Place as such Collector or other principal Officer of Customs shall by Four or more Days' public Notice appoint for that Purpose, which Articles shall be sold to the best Bidder or at the best

Importer refusing to pay Duty, Goods to be sold.

REGULATIONS INWARDS.

Price, and the Money arising from the Sale thereof shall be applied in the first Place in Payment to the Importer of the Amount in respect of which he was willing to pay Duty upon such Goods, and in the next Place in payment of the said Duties, together with the Charges that shall have been occasioned by the said Sale and Examination, and the Overplus, if any, shall be paid, one Moiety to the Officer of Customs who may have detained the same Goods, and the other to the Collector or other principal Officer of Customs, and carried to Account as Duties of Customs.

Detention of Goods for  
re-Valuation.

XXVIII. THAT if notwithstanding what is hereinbefore provided upon the Examination of any Goods entered for Duty, which are chargeable with Duty upon the Value thereof, it shall appear to the Collector or other principal Officer of Customs that such Goods are not valued according to the true Value thereof, or that they are properly chargeable with a higher Rate or Amount of Duty than that to which they would be subject, according to the Value thereof, as described in the Entry, and after such Goods shall have been examined by Two competent Persons to be nominated and appointed by the Collector or other principal Officer of Customs as aforesaid, and declared by them on Oath if required to be invoiced below the real and true Value thereof, it shall be lawful for such Officers to detain the same, in which Case they shall forthwith give Notice in Writing to the Person entering the same of the Detention of such Goods either by delivering such Notice personally; or by transmitting the same by Post to such Person addressed to him at his usual Place of Abode as stated in his Entry; and the Collector or other principal Officer of Customs shall within Seven Days after the Detention of such Goods determine either to deliver such Goods on the Entry of such Person, or to retain the same for the Use of the Crown, in which latter Case he or they shall cause the Value at which the Goods were so entered together with an Addition of Fifteen Pounds *per Centum*, and the Duties already Paid on such Entry to be Paid to the Person entering the same in full Satisfaction for such Goods, or may permit such Person on his Application for that Purpose to amend such Entry at such Value, and upon such Terms as they may direct: and if the Collector or other principal Officer of Customs shall retain such Goods he shall and may dispose of them by Sale or otherwise for the Benefit of the Crown, and if the Proceeds arising therefrom in Case of Sale shall exceed the Sum so paid, and all Charges incurred by the Crown, One Moiety of such Surplus shall be paid to the inferior Officer of Customs, if any, who may have detained the same Goods, and the other to the Collector or other principal Officer of Customs and carried to Account as Duties of Customs.

Notice of Detention.

Application of Proceeds of  
Sale.

Goods damaged on Voyage.

XXIX. THAT if any Goods which are liable to the Payment of Duty upon the Value thereof shall receive Damage during the Voyage an Abatement of such Duties shall be allowed in Proportion to the

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Damage so received, provided due Proof be made to the Collector or other principal Officer of Customs that such Damage was received after the Goods were shipped in the Ship importing the same, and before they are landed in this Colony; and provided Claim to such Abatement of Duties be made at the Time of the first Examination of such Goods.

REGULATIONS INWARDS.

XXX. THAT the Officers of Customs shall thereupon examine such Goods with reference to such Damage which in their Opinion such Goods have so received, and may make a proportionate Abatement of Duties; but if the Officers of Customs be incompetent to estimate such Damage, or if the Importer be not satisfied with the Abatement made by them, the Collector or other principal Officer of Customs shall choose Two indifferent Merchants experienced in the Nature and Value of such Goods, who shall examine the same and shall subscribe a Declaration stating in what Proportion according to their Judgment such Goods are lessened in Value by reason of such Damage, and thereupon the Officers of Customs may make an Abatement of the Duties according to the Proportion of Damages so declared by such Merchants: Provided always, that it shall be lawful for the Collector or other principal Officer of Customs to authorise or permit the Importer or Proprietor of such Goods to sell the same or any Part thereof by public Auction while in Custody of the Officer of Customs, and to receive Duty on the Price realised at such Sale instead of the Abatement as before provided.

Officers to examine the Damage.

XXXI. THAT no Goods whatsoever shall be unshipped from any Ship arriving from Parts beyond Seas, or shall be landed, or put on Shore from any such Ship, except on Days not being Sundays or Holidays, and within the legal Hours, that is to say, such Goods shall be unshipped between Six of the Clock in the Morning and Six of the Clock in the Afternoon from the first Day of October to the thirty-first Day of March inclusive, and between Seven of the Clock in the Morning and Five of the Clock in the Afternoon from the first Day of April to the thirtieth Day of September inclusive; and such Goods shall be landed or put on Shore between Six of the Clock in the Morning and Four of the Clock in the Afternoon from the first Day of October to the thirty-first Day of March inclusive, and between Seven of the Clock in the Morning and Four of the Clock in the Afternoon from the first Day of April to the thirtieth Day of September inclusive, unless special Authority be given by the Collector or other principal Officer of Customs, and then only upon depositing the Overtime Pay due to the Officer or Officers of Customs attending; nor shall any Goods be so unshipped or landed unless in the Presence, or with the Authority of the proper Officer of Customs, and such Goods shall be landed at some Wharf or Place duly appointed for the Landing of Goods, and no Goods after having been put into any Ship, Boat, or Lighter to be landed shall be removed into any other Ship, Boat, or Lighter previously to their

Time and Place of Landing Goods.

REGULATIONS INWARDS.

being duly landed, without the Permission or Authority of the proper Officer of Customs, and all Goods unladen contrary to this or any Law of Customs shall be forfeited, and all Persons concerned whether directly or indirectly in the Landing of Goods before due Entry be passed and Warrant granted shall severally be subject to a Penalty not exceeding Fifty Pounds nor less than Ten Pounds.

Persons removing Goods &c., previous to Examination to forfeit treble the Value or £100.

XXXII. THAT if any Goods which shall be hereafter imported shall be removed from any Ship, Wharf, or other place, previous to Examination thereof by the proper Officer of Customs, except by an Order of, or with an Authority in writing from such Officer, and for such Purpose as shall be therein expressed, and in due Conformity therewith, every Person who shall assist or be in anywise concerned in such Removal, or who shall knowingly harbour, keep, or conceal, or knowingly permit, or suffer to be harboured, kept, or concealed, any such Goods, or to whose Hands or Possession any such Goods shall knowingly come shall forfeit for each and every of such several Offences either the treble Value thereof or the Penalty of One Hundred Pounds at the Election of the Collector or other principal Officer of Customs.

Goods to be unshipped at Expense of Importer.

XXXIII. THAT the Unshipping, Carrying and Landing of all Goods, and the Carriage and Removal of the same to the proper Place after Landing for Examination or for weighing, and the putting into and taking out of the Scales after weighing, and the Opening and Closing of the same, and the Carriage thereof to the Queen's Warehouse shall be performed by or at the Expense and Risk of the Importer, and the Importer or Person entering any Timber or Wood to be charged with Duty by Measurement, shall, at his Expense, pile, sort, frame, or otherwise place the same in such Manner as the Collector or other principal Officer of Customs may deem necessary to enable the Officers to measure and to take the Account thereof; and in all Cases where the same is measured in Bulk, the Measurement shall be taken to the full Extent of the Pile, and an Allowance shall be made by the Officer on Account of any Interstices, but Battens, Boards, Deals and Planks, not exceeding Twenty One Feet in Length may be measured by the Piece, and the Account thereof taken separately: Provided that Tobacco shall not be landed in Packages containing each a less quantity than One Hundred Pounds Weight, and Cigars in Packages containing each a less quantity than Fifty Pounds Weight, and Spirits in Bulk or Casks containing less than Twenty Gallons, unless the Collector or other principal Officer of Customs shall on special Application authorise the same in Writing, under a Penalty not exceeding Fifty Pounds, and not less than Five Pounds, or Forfeiture of the Goods at the Election of the Collector or other principal Officer of Customs.

Tobacco not to be landed in Packages.

Officers may seal Stores inwards. If Seals be broken, &c., Master to forfeit £50.

XXXIV. THAT if the proper Officer of Customs shall place any Lock, Mark, or Seal upon any Stores on board any Ship arriving

within any Port of the said Colony, and such Lock, Mark, or Seal be wilfully opened, altered, or broken, or if any such Stores be secretly conveyed away either while the Ship remains within such Port, or before she shall have arrived at any other Port within the said Colony to which she may then be about to proceed, the Master of such Ship shall forfeit the Sum of Fifty Pounds.

REGULATIONS INWARDS.

XXXV. THAT if any indecent or obscene Print, Painting, Book, Card, lithographed or other Engraving, or any other indecent or obscene Article shall be imported into the said Colony, the same shall be immediately forfeited and shall and may forthwith be seized by any Officer of Customs, and peremptorily destroyed as the Collector or other principal Officer of Customs shall direct.

Importation of obscene Articles prohibited.

# REGULATIONS OUTWARDS.

REGULATIONS OUTWARDS.

XXXVI. THAT no Goods shall be shipped or waterborne to be shipped on board any Ship in any Port or Place in the said Colony to be carried to Parts beyond the Limits thereof before due Entry outwards of such Ship, and before such Ship shall depart due Entry of such Goods shall be made, and no Goods shall be so shipped except at such Times and Places, and in such Manner and by such Persons as are herein directed, and any Person shipping Goods which shall be shipped, or waterborne to be shipped contrary hereto shall Forfeit and pay any Sum not exceeding Thirty Pounds nor less than Ten Pounds.

General Provision outwards.

XXXVII. THAT the Master of any Ship bound from the said Colony shall, before any Goods be laden therein, deliver to the Collector or other principal Officer of Customs an Entry outwards signed by such Master in the Form in the Schedule F to this Ordinance annexed, or in such other Form as the Collector or other principal Officer of Customs may from Time to Time prescribe: And if any Goods be laden on board any Ship before such Entry be made, the Master of such Ship shall forfeit and pay the Sum of Fifty Pounds, and before such Departure the Master shall deliver to the Collector or other principal Officer of Customs a Content in Writing signed by him in the Form or to the Effect of the Form in the Schedule G to this Ordinance annexed, or in such other Form as the Collector or other principal Officer of Customs may from Time to Time prescribe; and shall make and subscribe a Declaration to the Truth of such Content as far as the Particulars can be known to him; and the Master of every Ship bound from the Colony, whether in Ballast or laden, shall before Departure come before the Collector or other principal Officer of Customs and answer upon Affirmation such Questions concerning the Ship and Cargo (if any), and the Crew, Passengers, and Voyage, as shall be demanded of him by such Officer, and thereupon the Collector or other principal Officer of Customs (if such Ship be laden) shall make out and

Entry outwards.

REGULATIONS OUTWARDS.

give to the Master a Certificate of the Clearance of such Ship for her intended Voyage (Schedule H) containing an Account of the total Quantities of the several Sorts of Goods laden therein, or a Certificate of her Clearance in Ballast, as the Case may be; and if any Ship shall depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer any Question demanded of him he shall forfeit and pay any Sum not exceeding One Hundred Pounds nor less than Twenty Pounds: Provided always that where it shall be necessary to lade any heavy Goods on board any Ship before the whole of the inward Cargo is discharged it shall be lawful for the Collector or other principal Officer of Customs to issue a stiffening Order for that Purpose previous to the Entry outwards of such Ship.

Time of Clearance.

XXXVIII. THAT no Clearance shall be granted unless all the inward Cargo shall have been duly accounted for to the Satisfaction of the Collector or other principal Officer of Customs, and all other Requisites of the Law complied with, and no Clearance shall be demanded unless all official Documents connected with the Ship shall have been deposited with the proper Officer before Three of the Clock in the Afternoon on the Day on which such Clearance is required: Provided that Nothing shall prevent the Collector or other principal Officer of Customs from granting a Clearance on any Day although such Papers shall have been delivered later than Three of the Clock on that Day.

Goods not stated in Entry to be Produce of the Colony not to be so certified.

XXXIX. THAT no Goods shall be stated in such Certificate of Clearance of any Ship to be the Produce of the said Colony unless such Goods shall have been expressly stated so to be in the Entry outwards of the same, and before any Goods shall be shipped for Exportation as being the Produce of the said Colony and upon which any Advantage shall be claimed at the Port of Importation, sufficient Proof shall be made to the Satisfaction of the Collector or other principal Officer of Customs that such Goods are the Produce of the said Colony, whereupon the Collector or other principal Officer of Customs is hereby empowered to grant a Certificate to that effect: Provided that it shall be lawful for the Collector or other principal Officer of Customs to grant Certificates of Produce from neighbouring Colonies upon Proof made to his Satisfaction that such Goods are the Produce of the said Colonies.

Entry outwards. Bill of Entry to be delivered.

XL. THAT the Person entering outwards any Goods, in respect to which no Bond is required, to be exported to Parts beyond Seas from any Port in the said Colony, shall deliver to the Collector or other principal Officer of Customs a shipping Bill of such Goods in the Form in the Schedule I to this Ordinance annexed, or in such Form as the Collector or other principal Officer of Customs shall from Time to Time approve: And such Person shall also deliver at the same Time Duplicates or Triplicates of such Bill, in which all Particulars



shall be written and arranged in such Form and Manner, and so many Copies of such Duplicates or Triplicates shall be delivered as the Collector or other principal Officer of Customs shall require, and such Bill being duly signed by the Collector or other principal Officer of Customs shall be the Warrant for the Shipment of such Goods.

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XLI. THAT before any warehoused Goods or Goods entitled to any Drawback of Customs shall be shipped or waterborne to be shipped for Exportation, or before any Goods be transshipped the Exporter or his Agent shall deliver to the Collector or other principal Officer of Customs a Shipping Bill of such Goods in the Form in the Schedule J to this Ordinance annexed, or in such Form and containing such Particulars as the Collector or other principal Officer of Customs shall from Time to Time approve and require: And such Person shall also deliver at the same Time Duplicates or Triplicates of such Bill in which all Particulars shall be written and arranged in such Form and Manner, and so many Copies of such Duplicates or Triplicates shall be delivered as the Collector or other principal Officer of Customs shall require, and such Bill being duly signed by such Collector or other principal Officer of Customs shall be the Warrant for the Shipment of such Goods.

Entry outward of  
warehoused Goods and  
Goods for Drawback.

XLII. THAT there shall be allowed upon the Exportation of Goods imported into any Port of the said Colony a Drawback of the Duty paid thereon (with the Exception of such Duties as may have been paid on Spirits, Wine, and Tobacco): Provided always that due Proof be made to the Collector or other principal Officer of Customs that the full Duties on Importation at such Port had been paid: And provided also that Bond be given with One or more sufficient Sureties to be approved of by the Collector or other principal Officer of Customs in double the Amount of Drawback claimed, that such Goods shall not be landed in any Port of the Colony: And provided that no Drawback shall be allowed upon any Goods chargeable on Importation with an *ad Valorem* Duty only that are of less Value than Fifty Pounds, nor unless such Goods correspond and can be identified with the inward Entry, and upon which a Value was then assigned, and that no Drawback shall be allowed unless Goods on which the same is claimed be shipped within One Year after the Payment of Duties inwards thereon, and that such Drawback is claimed within One Year from the Day of such Shipment, and Proof given of the due Landing of such Goods at the Port or Place for which they were entered outwards or otherwise satisfactorily accounted for; and that no Drawback shall be allowed upon any Goods which by reason of Damage or Decay shall become of less Value for home Use than the Amount of such Drawback, and any Goods so damaged which shall be entered for drawback, and any Goods which shall be fraudulently packed or produced to any Officer of Customs, or entered for Shipment with Intent fraudulently to obtain such Drawback shall be forfeited, and every Person who shall enter for Draw-

Drawback on Goods  
exported.

REGULATIONS OUTWARDS.

back, or so produce to any Officer of Customs any Goods with Intent fraudulently to obtain any Drawback of Customs shall forfeit a Sum not exceeding One Hundred Pounds, or Treble the Amount of Drawback in such Case at the Election of the Collector or other principal Officer of Customs; and no Drawback shall be allowed upon the Exportation from this Colony of any Goods, unless such Goods shall have been entered in the Name of the Person who was the real Owner thereof at the Time of such Entry, or of the Person who had actually purchased and shipped the same in his own Name and at his own Liability and Risk on Commission according to the Practice of Merchants, and who was and shall have been entitled in his own Right to such Drawback.

Special Drawback, military and naval Officers.

XLIII. THAT a Drawback of the Whole of the Duties of Customs shall be allowed for spirituous and fermented Liquors intended for the Consumption of the Governor of the Colony, and of the Officers of Her Majesty's Troops serving in Western Australia, and of Officers of Her Majesty's Navy on board such of Her Majesty's Ships in actual Service as they shall serve in; or the same may be landed on first Importation, or delivered out of Bond free of Duty, subject to such Regulations as the Governor in Executive Council may from Time to Time in that Behalf appoint.

Goods taken out of Warehouse not exported or if relanded without Entry forfeited.

XLIV. THAT if any Goods which have been taken out of any Queen's Warehouse to be exported from the same shall not be duly exported to Parts beyond the Limits of the said Colony, or shall be relanded therein, such Goods not having been duly relanded or discharged or short shipped under the Care of the proper Officer of Customs, the same shall be forfeited together with the Ship, Boat, or Craft which may have been used in the Relanding or Carrying such Goods, and any and every Person by or through whom such Goods shall have been so taken or charged, or so relanded or carried shall forfeit Treble the Value of such Goods or the Sum of One Hundred Pounds at the Election of the Collector or other principal Officer of Customs.

Time and Place for shipping Goods.

XLV. THAT no Goods shall be put off from any Wharf or other Place or shall be waterborne in order to be exported except on Days not being Sundays or Holidays, and in the Day Time, that is to say, between Sunrise and Sunset, nor except from some Wharf or Place appointed as a landing Place by the Governor of the said Colony: Provided always that no Goods upon the Exportation or Transshipment of which Bond is required shall be shipped, or waterborne to be shipped, except during the legal Hours appointed for landing Goods.

If officers put Seals upon Stores from the Warehouse outwards, and such Seals be broken Master to forfeit £30.

XLVI. THAT if the proper Officer of Customs shall place any Lock, Mark, or Seal upon any Goods taken from the Queen's Warehouse without Payment of Duty as Stores on board any Ship departing from any Port in the said Colony, and such Lock, Mark, or Seal be wilfully

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opened, altered, or broken; or if any such Goods be secretly conveyed away, either while such Ship remains at her first Port of Departure or at any other Port or Place within the said Colony, or on her Passage from one Port or Place to another, before the final Departure of such Ship on her foreign Voyage, the Master shall forfeit and pay for each and every of such Offences any Sum not exceeding Thirty Pounds nor less than Five Pounds.

REGULATIONS OUTWARDS.

XLVII. THAT upon the Entry outwards of any Goods to be exported from the Queen's Warehouse, or for Drawback of Duties of Customs, or of Goods liable to Duty for Transshipment, or Munition of War, the Master of the Ship shall give Security by Bond in Double the Amount of the Duties of Importation on the Quantity of such Goods, with One or more sufficient Surety or Sureties to be approved by the Collector or other principal Officer of Customs, of which Sureties the Exporter or his Agent shall be One, that the same shall be landed at the Place for which they shall be entered outwards or otherwise accounted for to the Satisfaction of such Collector or other principal Officer of Customs.

Bond to be given on Exportation of Goods from Queen's Warehouse.

XLVIII. THAT it shall be lawful for any Officer of Customs to go on board any Ship after Clearance outwards within the Limits of any Port of the said Colony, or within One League of the Coast thereof, and to demand the Clearance, and if there be any Goods or Stores on board not contained in the Clearance, such Goods or Stores shall be forfeited; and if any Goods contained in such Clearance be not on board or be not satisfactorily accounted for, the Master shall forfeit any Sum not exceeding One Hundred Pounds nor less than Ten Pounds for every Package of Goods contained in such Clearance, and not on board or not satisfactorily accounted for, and if at the Time of any Officer of Customs repairing on board any such Ship for the Purposes herein set forth, such Clearance shall not have been delivered to the Master, it shall be lawful for the Officer to produce the Clearance, or the Master's Content, or Report outwards, and to use such Documents as or in lieu of the Clearance for the Purposes hereinbefore mentioned, the Term " Clearance " being construed to signify the Certificate of Clearance and Manifest and other Papers thereto attached under Seal of the Customs.

Officers may board any Ship after Clearance.

REGULATIONS COASTWISE.

REGULATIONS COASTWISE.

XLIX. THAT all Ships trading from One Part of the said Colony to another Part thereof shall be considered as engaged in the coasting Trade.

Coasting Trade.

L. THAT no Goods shall be carried coastwise or in any coasting Ship except such as shall be laden to be so carried at some Port or Place in the said Colony, and no Spirits, Wine, or Tobacco, or other

What Goods shall be carried coastwise.

REGULATIONS COASTWISE.

Goods upon which import Duty has not been paid, shall be carried coastwise in any Ship of a less Tonnage than Twenty Five Tons, and with secure Hatches; and that if any Goods shall be taken into or put out of any coasting Ship at Sea; or if any coasting Ship shall touch at any Place over the Seas, or deviate from her Voyage unless forced by unavoidable Circumstances; or, if the Master of any coasting Ship which shall have touched at any Place over the Seas shall not declare the same in Writing under his Hand to the Collector or other principal Officer of Customs at the Port in the said Colony where such Ship shall afterwards first arrive, and if any Spirits, Wine, or Tobacco upon which Import Duty has not been paid shall be carried coastwise in any Ship of a less Tonnage than Twenty Five Tons, and without secure Hatches, the Master of such Ship shall forfeit for each and every of such Offences, a Sum not exceeding Two Hundred Pounds and not less than Twenty Pounds.

Goods carried coastwise  
under what Regulations.

LI. THAT no Goods shall be laden on board any Ship in any Port or Place in the said Colony where any Officer of Customs shall or may be hereafter stationed, to be carried coastwise, nor having been brought coastwise shall be unladen until due Notice in Writing signed by the Master shall be given to the Collector or other principal Officer of Customs by the Master, Owner, or Agent of such Ship, of the intention to lade Goods on board the same to be so carried, or of the Arrival of such Ship with Goods so brought, as the Case may be, nor until proper Documents shall have been granted as hereinafter directed for the Lading or Unlading of such Goods; and such Goods shall not be so laden or unladen, except at such Times and Places, and in such Manner and by such Persons, and under the Care of such Officers, as shall be appointed by the Collector or other principal Officer of Customs, and all Goods liable to Duty on Importation, laden, waterborne, or unladen contrary to this Ordinance shall be forfeited; and the Master of any Ship so lading or unlading any Goods contrary to the true Intent and Meaning of this Ordinance shall forfeit and pay for each and every of such Offences a Sum not exceeding One Hundred Pounds nor less than Ten Pounds.

Particulars in Notice.

LII. THAT such Notice shall contain the Name and Tonnage of the Ship; the Name of the Port to which she belongs and is bound, or from which she has arrived; the Name of the Master, and the Name or Description of the Wharf, or Place at which her Lading is to be taken in or discharged, as the Case may be; and such Notice shall be signed by the Master, Owner or Agent of such Ship, and shall be entered in a Book to be kept by the Collector or other principal Officer of Customs, for the Information of all Parties interested; and every such Notice for the Unlading of any Ship shall be delivered within Twenty Four Hours after the Arrival of such Ship under a Penalty not exceeding Twenty Pounds to be paid by the Master of such Ship.

LIII. THAT when due Notice shall have been given to the Collector or other principal Officer of Customs at the Port of Lading, of the Intention to lade Goods on board any coasting Ship, such Collector or other principal Officer of Customs shall grant a general Sufferance for the Lading of Goods (without specifying the same) on board such Ship, at the Wharf or Place which shall be expressed in such Sufferance, and such Sufferance shall be a sufficient Authority for the Lading of any Sort of Goods, except Goods from the Queen's Warehouses, or upon which the full Duties due thereon have not been paid.

REGULATIONS COASTWISE.  
After Notice given of lading Goods on board coasting Ships, Collectors may grant a general Sufferance.

LIV. THAT the Master of every coasting Ship shall keep or cause to be kept a Cargo Book of the same, stating the Name of the Ship, of the Master, and of the Port to which she belongs, and to which she is bound on each Voyage; and in which Book shall be entered at the Port of lading an Account of all Goods taken on board such Ship, stating the Description of the Packages and the Description of the Goods therein; and the Quantities and Descriptions of any Goods stowed loose, and the Names of the respective Shippers and Consignees if known, and in which Book shall be noted the respective Days on which any of such Goods shall be delivered out of such Ship at the Port of Discharge, and also the respective Times of Departure from the Port of lading, and of Arrival at any Port of unlading and such Master shall produce such Book for the Inspection of the Tide-waiter or other proper Officer of Customs as often as the same shall be demanded, and if such Master shall fail to keep such Book or to produce the same, or if at any Time there be found on board such Ship such Goods not entered in the Cargo Book as laden, or any such Goods not noted as delivered be not on board, the Master of such Ship shall forfeit any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Master of Ship to keep a Cargo Book.

LV. THAT before any coasting Ship shall depart from the Port of lading an Account together with a Duplicate of the same prepared and signed by the Master shall be delivered to the Collector or other principal Officer of Customs, and in such Account shall be set forth such Particulars as are required to be entered in the Cargo Book of all Goods liable to Duty on Importation, distinguishing such Goods as are liable to Duty at the Port of Discharge from such Goods upon which the Duties due have been paid, and generally whether any free Goods be laden on board; and the said Collector or other principal Officer of Customs shall select and retain one of such Accounts, and shall return the other after having dated and signed the same, and noted thereon the Clearance of the Ship; and such Account shall be the Transire or Clearance of the Ship for the Voyage, and of the Goods expressed therein; and if any such Account be false, or shall not correspond with the Cargo Book the Master shall forfeit a Sum not

Account of Goods liable to Duty to be delivered to Collector.

REGULATIONS COASTWISE.

exceeding Fifty Pounds nor less than Five Pounds, and any Goods liable to Duty on Importation not duly inserted therein shall be forfeited.

Transire to be delivered to Collector before Goods unladen.

LVI. THAT before any Goods shall be unladen from any coasting Ship at the Port of discharge the Master, Owner, or Agent of such Ship shall deliver the Transire to the Collector or other principal Officer of Customs of such Port, who shall thereupon grant an Order for the Unlading of such Ship at the Wharf or Place specified in such Order: Provided that if any of the Goods on board such Ship be subject to Duty payable on Arrival coastwise at such Port, the Master, Owner, or Agent of such Ship, or the Consignee of such Goods shall also deliver to the Collector or other principal Officer of Customs a Bill of the Entry of the Particulars of such Goods expressed in Words at Length, together with One or more Copies thereof, in which all Sums and Numbers may be expressed in Figures; and shall pay all Duties which shall be due and payable on any such Goods, and thereupon the said Collector or other principal Officer of Customs shall grant an Order for the Landing of such Goods in the Presence of or by the Authority of the Landing Waiter.

Times and Places for lading and shipping.

LVII. THAT no Goods (except the personal Luggage of any Passenger) shall be unshipped from any Ship arriving coastwise at any Port or Place in the said Colony, where any Officer of Customs shall or may be hereafter stationed, nor shall any Goods be shipped at any Port or Place, to be carried coastwise, but only on Days not being Sundays or Holidays. and in the Day Time within the legal Hours, and at such Places as shall be appointed or approved by the Collector or other principal Officer of Customs: Provided in Case of all Steam Vessels, the Times of lading and shipping may be extended from Sunrise to such Hour and under such Regulations as the Collector or other principal Officer of Customs may appoint: Provided also that Nothing in this Ordinance contained shall prevent the Shipping of Goods (on which any Duty on Importation has been paid, or which are not subject to Duty) to be carried coastwise or the Unshipping of any such Goods which have been carried coastwise at any Place where there is not an Officer of Customs stationed without the Presence or Authority of an Officer of Customs.

GENERAL RULES.

GENERAL RULES.

Goods may be transhipped in certain Cases.

LVIII. THAT upon the Importation of any Goods it shall be lawful for the Collector or other principal Officer of Customs to allow the same to be transhipped from the importing Ship to any other Ship, not being less than Thirty-five Tons registered Tonnage, if the Goods be for Exportation, or Twenty-five Tons if for removal coastwise: Provided that a Bond be entered into for the Satisfaction of such Collector or other principal Officer of Customs if the Goods be liable to Duty.

LIX. THAT all Bonds relating to the Customs required to be given in respect of Goods or Ships, shall be taken by the Collector or other principal Officer of Customs for the Use of Her Majesty; and after the Expiration of Three Years from the Date thereof, or from the Time if any limited therein, for the Performance of the Condition thereof, every such Bond upon which no Prosecution or Suit shall have been commenced shall be void and may be cancelled and destroyed.

GENERAL RULES.

Bond to be taken by the Collector.

LX. THAT it shall be lawful for all Officers of Customs to take such Samples of any Goods imported as shall be necessary for ascertaining the Amount of any Duties payable on the same; and also for the Collector or other principal Officer of Customs to permit reasonable moderate Samples in his Discretion to be taken of any Goods warehoused without Payment of Duty: Provided that if such aforesaid Samples are not duly claimed and removed within One Month after they have been taken, they shall be sold as the Collector or other principal Officer of Customs may direct, and the Proceeds thereof after Payment of all Expenses shall be paid to Her Majesty, her Heirs and Successors for the public Uses of the said Colony and in Support of the Government thereof.

Samples.

LXI. THAT if any Person shall counterfeit or falsify, or use when counterfeited or falsified, any Entry, Warrant, Certificate, Permit, Cocket, Transire, or other Document for the Unlading, Lading, Entering, Reporting, or Clearing of any Ship, or for the Landing, Shipping, or Removing of any Goods, Stores, Luggage, or Articles whatsoever, knowing the same to have been counterfeited or falsified, or shall by any false Statement procure any Writing or Document to be made for any such Purposes, or shall falsely make any Oath or Affirmation required by this or any other Ordinance for regulating the Customs or Trade of the said Colony, or shall forge or counterfeit a Certificate of any such Oath or Affirmation required by this or any other Ordinance for regulating the Customs or Trade of the said Colony, or shall publish such forged Certificate knowing the same to be so forged or counterfeited, every Person so offending shall for each and every such Offence forfeit a Sum not exceeding Two Hundred Pounds and not less than Fifty Pounds, and such Penalty shall and may be prosecuted, sued for, and recovered in like Manner and by such Ways and Means as any Penalty of the like Amount may be prosecuted, sued for, and recovered under the Directions and Provisions of this Ordinance.

Falsifying Documents.

LXII. THAT it shall be lawful for the Governor of the said Colony from Time to Time by any Order under his Hand to appoint at any Port or Ports within the said Colony the proper Places to be legal Wharves for the Lading or Unlading of Goods, and to define the Bounds and Extent of any such Wharves upon which particular Goods may be laden or unladen; and to revoke any such Appointment

Governor to appoint Wharves

GENERAL RULES.

from Time to Time, and to appoint any new Place or Places within any Port or Ports to be a legal Wharf or Wharves for the Lading or Unlading of Goods.

Rent on Goods secured for Duty.

LXIII. THAT whenever any Goods shall be deposited in any of the Queen's Warehouses in the said Colony for the Purpose of securing Payment of the Duties due thereon, or to prevent the same from being used for home Consumption, it shall be lawful for the Collector or other principal Officer of Customs to demand and receive Warehouse Rent for such Goods for all such Time as the same shall remain in Warehouse, at a Rate not exceeding that specified in the Schedule A to this Ordinance annexed.

Power to sell Goods not cleared from Queen's Warehouse within a limited Time.

LXIV. THAT in case Goods shall not be duly cleared from the Queen's Warehouse within Four Calendar Months (or sooner if they be of a perishable Nature) it shall be lawful for the Collector or other principal Officer of Customs to cause such Goods to be sold by Auction for home Use or Exportation, as the Case may be, and the Proceeds of such Sale shall be applied towards the Payment of the Duties if sold for home Use, and of the Warehouse Rent, and all other lawful Charges, and the Overplus if any shall be paid to the Person duly authorised to receive the same: Provided that it shall be lawful for the said Collector or other principal Officer of Customs to cause such Goods to be destroyed as cannot be sold for a Sum sufficient to pay such Duties and Charges if sold for home Use, or sufficient to pay such Charges if sold for Exportation.

Goods exported or carried coastwise contrary to Order forfeited, and the Master to pay £100.

LXV. THAT if any Goods be imported, exported, or carried coastwise contrary to this Ordinance all such Goods shall be forfeited, and the Master of the Ship in which the same are so imported, exported, or carried coastwise shall forfeit and pay any Sum not exceeding One Hundred Pounds except where any other Penalty is specially imposed.

Ships' Stores subject to same Duty as Goods.

LXVI. THAT the Stores of any Ship arriving at or departing from the said Colony shall be subject to the same Duties and Regulations as the like Sort of Goods shall be subject to when imported by way of Merchandize.

Falsifying Declaration, Penalty £100.

LXVII. THAT if any Declaration required to be made by this or any other Law of Customs be untrue in any Particular, or if any Person required by any such Law to answer Questions put to him by the Officer of Customs touching certain Matters shall not truly answer such Questions, the Person making such Declaration, or answering such Questions shall, over and above any other Penalty to which he may be subject, forfeit any Sum not exceeding One Hundred Pounds nor less than Ten Pounds.



QUEEN'S WAREHOUSE.

WAREHOUSE REGULATIONS.

LXVIII. THAT it shall be lawful for the Governor with the Advice of the Executive Council by his Warrant from Time to Time to appoint the Ports in the said Colony which shall be warehousing Ports for the Purposes of this Ordinance; and also what Sorts of Goods in Addition to Wines, Spirits and Tobacco may and may only be warehoused and kept and secured without Payment of any Duty upon the first Entry thereof; and the Government shall provide from Time to Time all necessary Queen's Warehouses for the Warehousing and Securing Spirits, Wines, and Tobacco, and such other Goods as shall be admitted to be warehoused as aforesaid; And also to alter, vary, or revoke such Warrant, and to grant another or others in its Stead: Provided all such Warrants be published in the Government Gazette.

Appointment of  
warehousing Ports.

LXIX. THAT all Appointments of Queen's Warehouses for the Warehousing of Goods, and the Description of Goods to be warehoused made under the Authority of any other Ordinance or Regulation in Force at the Time of the Commencement of this Ordinance shall continue in Force as if the same had been made under this Ordinance; and all Bonds given in respect of any Goods warehoused or entered to be warehoused under any Ordinance in Force at the Commencement of this Ordinance shall continue in Force for the Purposes of this Ordinance.

Governor to appoint  
Warehouses, and Bonds to  
continue in Force.

LXX. THAT it shall be lawful for the Importer of any Wine, Spirits, Tobacco, or other Goods warehoused as aforesaid to warehouse the same in the Queen's Warehouses so provided without Payment of Duty on the first Entry thereof subject to the Rules and Regulations hereinafter contained; Provided that for every Package of Goods so warehoused the Importer or Proprietor thereof shall pay as Warehouse Rent such Sum or Sums of Money not exceeding the Sum set forth in the Schedule of Warehouse Rent to this Ordinance annexed, and at such Periods and in such Manner as the Governor shall from Time to Time appoint, and all such Sums shall be paid, received, and applied as Duties of Customs: Provided that all Goods so warehoused shall be stored in such Parts or Divisions of the Queen's Warehouse as the Collector or other principal Officer of Customs may direct, and in such Manner as that easy Reach may be had to every Package.

Goods may be warehoused  
free of Duty subject to  
Regulations.

LXXI. THAT if any Goods which have been entered to be warehoused shall not be duly carried and deposited in the Queen's Warehouse, or shall afterwards be taken out of the Warehouse without due Entry and Clearance, or having been entered and cleared for Exportation from the Warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the Permission of the proper Officer of Customs, such Goods shall be forfeited.

Goods not duly warehoused  
to be forfeited.

WAREHOUSE REGULATIONS.

Account of Goods to be taken on landing.

LXXII. THAT upon Entry and Landing of any Goods to be warehoused, the proper Officer of Customs shall take a particular Account of the same, and shall enter the same in a Book to be kept for that Purpose; and no Goods which have been so warehoused shall be taken or delivered from the Queen's Warehouse except upon due Entry and under the Care of the proper Officer for Exportation or Removal coastwise, or upon due Entry and Payment of the Duty for Home Use.

Repacking Tobacco in Warehouse, and Spirits and other Goods drawn off, &c.

LXXIII. THAT it shall be lawful to sort, separate, pack, and repack in any Queen's Warehouse any Tobacco, or such other Goods as may from Time to Time be specially authorised by any Order of the Governor made by and with the Advice of the Executive Council, and to make such lawful Alterations therein or Arrangements thereof as may be necessary for the Preservation of such Tobacco or other Goods so specially authorised as aforesaid: Provided that such Goods be repacked in the same Packages in which the same or some Part of the whole Quantity of the same Parcel of Goods were imported, or in Packages of entire Quantity equal thereto, or in such other Packages as the Collector or other principal Officer of Customs shall permit; and also in the Queen's Warehouse to draw off any Spirits into Casks containing not less than Five Gallons each for the Purpose only of being disposed of as Stores for Ships, or of being issued for mixing with Colonial Wines; and also to fill up in the Queen's Warehouse any Casks of Wine or Spirits from any other Casks of the same respectively secured in the same Queen's Warehouse; and also to take in the Queen's Warehouse such moderate Samples of Goods as may be allowed by the Collector or other principal Officer of Customs without Entry or Payment of Duty as hereinafter provided: Provided that no Alteration shall be made in any such Tobacco or other Goods or Packages, nor shall any such Spirits be drawn off or filled up, nor shall any such Samples be taken except after such Notices given by the respective Importers or Proprietors, and at such Times and in such Manner and under such Regulations and Restrictions as the Collector or other principal Officer of Customs shall from Time to Time require with the sanction of the Governor.

Destroying surplus or damaged Goods after repacking &c.

LXXIV. THAT after such Goods have been so repacked in proper Packages it shall be lawful for the Collector or other principal Officer of Customs at the Request of the Importer or Proprietor of such Goods to cause or permit any such refuse, damaged, or surplus Goods, not contained in any of such Packages, to be destroyed, and the Duties shall be immediately paid upon any Part of such Surplus as may remain undestroyed, and the Warehouse Rent then due for any whole Package or Packages less than the original Quantity; and the same shall be delivered for Home Use accordingly; and thereupon the quantity contained in each of such proper Packages shall be ascertained and marked upon the same; and the Quantity so ascertained shall be deemed to be the imported Contents of such Package or Packages.

and shall be substituted in the Warehouse Account in lieu of the Quantity originally entered, and be held subject to the full Duties of Importation except as in any Case otherwise provided in this Ordinance: Provided that it shall be lawful for the Collector or other principal Officer of Customs to accept the Abandonment for the Duties of any whole Packages of Goods, and cause or permit the same to be destroyed, subject nevertheless to the Payment by the Proprietor thereof of any Rent or Charges other than the Duties thereon that may have become due or chargeable thereon, and in Default of Payment such Rent or Charges may be recovered from the Proprietor in like Manner as Duties of Customs or a Debt due to the Crown.

WAREHOUSE REGULATIONS.

LXXV. THAT all Goods which shall have been so warehoused or rewarehoused shall be duly cleared either for Exportation or for Home Consumption within Three Years from the Day of the Entry thereof: And if such Goods be not so cleared, it shall be lawful for the Collector or other principal Officer of Customs to cause the same to be sold, and the Produce shall be applied first to the Payment of the Duties, next to the Payment of the Warehouse Rent and other Charges, and the Overplus, if any, shall be paid to the Proprietor, or other Person duly authorised to receive the same; and such Goods when sold shall be held subject to all the Conditions to which they were subject previous to such Sale, except that a further Time of Three Months from the Date of the Sale shall be allowed to the Purchaser for the Clearing such Goods from the Queen's Warehouse: Provided that it shall be lawful for the Collector or other principal Officer of Customs to grant further Time for any Goods to remain warehoused, if he shall see fit so to do.

Goods warehoused to be cleared in Three Years.

LXXVI. THAT if any Goods entered, or warehoused, or entered to be delivered from the Queen's Warehouse shall be lost or destroyed by any unavoidable Accident either on Ship board, or in the Landing or Shipping of the same, or in the Receiving into or Delivery from the Queen's Warehouse, it shall be lawful for the Governor of the said Colony to remit or return the Duties payable or paid on the Quantity of such Goods so lost or destroyed.

Goods lost or destroyed Governor may remit Duties.

LXXVII. AND whereas Spirits, and Tobacco, and certain other Goods are liable, in Time, to Fluctuation in Quantity by the Effect of the Atmosphere, or other natural Causes, Be it enacted that it shall be lawful for the Collector or other principal Officer of Customs, or for the Proprietor or Importer of such Goods as aforesaid to require the same to be re-gauged, re-measured, or re-weighed by the proper Officer of Customs, (whose Re-measuring or Re-weighing shall be conclusive on all Parties) at the Time when the same shall be respectively delivered from the Queen's Warehouse, and the Duties respectively payable thereon by such Proprietor or Importer shall be paid according to the Quantity

Spirits and Tobacco may be regauged or reweighed.

WAREHOUSE REGULATIONS. so ascertained unless it shall be mutually agreed by and between the said Parties that the said Duties shall be paid on the Quantities originally entered.

Goods warehoused may be removed under Bond.

LXXVIII. THAT Goods warehoused at any warehousing Port of the said Colony, being first duly entered, may be delivered under the Authority of the Collector or other principal Officer of Customs without payment of Duty for the Purpose of Removal to another Port of the said Colony, under Bond to the Satisfaction of such Officer for the due Arrival and Re-warehousing of such Goods at such other Port, or for the Payment of all Duties due upon such Goods, or to be otherwise accounted for to the Satisfaction of the Collector or other principal Officer of Customs.

Embezzlement of Goods by Officers.

LXXIX. THAT in Case of any Embezzlement, Waste, Spoil, or Destruction of any Goods warehoused under the Authority of this Ordinance by or through any Misconduct of any Officer of Customs, such Officer of Customs shall be deemed guilty of a Misdemeanour, and shall upon Conviction suffer such Punishment as may be inflicted by Law in Cases of Misdemeanour; and if such Officer shall be prosecuted to Conviction by the Importer, Consignee, or Proprietor of such Goods, no Duty shall be payable for or in respect of such Goods, and no Forfeiture or Seizure shall take Place of any Goods so warehoused in respect of any Deficiency caused by such Embezzlement, Waste, Spoil, or Destruction of such Goods; and the Damages occasioned by such Waste, Spoil, or Destruction of such Goods shall be repaid and made good to such Importer, Consignee, or Proprietor under such Regulations and Directions as shall be for that Purpose made and given by the Governor of the said Colony.

Penalty on opening Warehouse without Officer.

LXXX. THAT if any Importer or Proprietor of any Goods warehoused, or any other Person or Persons shall by any Contrivance fraudulently open any Queen's Warehouse or gain Access to the Goods therein, except in the Presence of the proper Officer acting in the Execution of his Duty, such Importer, Proprietor or other Person or Persons shall forfeit and pay for every such Offence any Sum not exceeding One Hundred Pounds, and all Spirits, Wines, Tobacco, or other Goods liable to Duty which shall be found in the Act of being removed, or be removed without a legal Warrant for the same shall be deemed to be Goods respectively liable to and unshipped without Payment of Duty unless the Person or Persons in whose Possession the same shall be found or seized shall prove to the Contrary.

Vessels not under 30 Tons proceeding on a Voyage exceeding 30 Days permitted to ship limited Quantity of Stores free of Duty.

LXXXI. THAT the Master or Owner of any Ship being of the Burthen of at least Thirty Tons bound on a Voyage to Foreign Parts, (the probable Duration of which out and Home will not be less than Thirty Days), or which shall be engaged in whaling or sealing, shall be permitted to ship free of Duty from the Queen's Warehouse such

Quantities of Spirits, Wine, Tobacco and Cigars for the use of the Crew and Passengers in a Proportion not exceeding One Gill of Spirits, and One Pint of Wine, and Half an Ounce of Tobacco per Diem for each Person on board, and Half a Dozen Cigars per Diem for the Master, each Mate, and each Cabin Passenger on board for every Day the Ship may be reasonably expected to be absent: Provided that such Stores shall be duly borne upon the Ship's Victualling Bill, and shall be shipped in such Manner and subject to such Regulations and Directions as the Collector or other principal Officer of Customs shall appoint: Provided also that the Master or Owner of such Ship shall previously enter into Bond with One or more sufficient Surety or Sureties in double the Amount of Duties payable thereon, conditioned that such Goods be used as Stores for the Vessel, or be otherwise accounted for to the Satisfaction of the Collector or other Principal Officer of Customs, and that the Packages containing the same shall not be opened nor any of the Goods therein taken out or altered until the Vessel shall have left the Port on her intended Voyage, and that if the Vessel at any Time return to any Port in the Colony the Victualling Bill be delivered to the Collector or other principal Officer of Customs at such Port at the Time of reporting the Vessel, or the Non-production thereof be satisfactorily accounted for; and that no Part of such Goods shall be relanded in the Colony without due Entry at the Custom House: Provided further that it shall be lawful for the Collector or other principal Officer of Customs to permit Spirits to be drawn off from Packages shipped as Stores for the Use of the Crews of any such Ships while in the Harbour, or engaged in whaling or sealing.

WAREHOUSE REGULATIONS.

LXXXII. THAT no Goods shall be delivered or cleared from the Queen's Warehouse either for Home Consumption, Removal coastwise, or for Exportation in less Quantity than the entire Parcel of such Goods originally warehoused, or in Quantity the Duty on which will amount to less than Two Pounds.

Goods how delivered from Warehouse.

LXXXIII. THAT if after any Goods shall have been duly entered and landed to be warehoused, and before the same shall be actually deposited in the Queen's Warehouse, the Importer shall further enter the same or any Part thereof for Home Use, Exportation, or Removal coastwise, the Goods so entered shall be considered as virtually and constructively warehoused, although not actually deposited in the Queen's Warehouse, and shall and may be delivered and taken for Home Use, Exportation, or Removal coastwise as the Case may be.

Importers may re-enter Goods although not actually warehoused.

## SMUGGLING.

SMUGGLING.

LXXXIV. THAT where any Ship or Boat shall be found within the Limits of any Port of the said Colony, and shall not bring-to upon Signal made by any Ship or Boat in Her Majesty's Service, or in the Service

As to Ships and Boats not bringing to &c. and as to Goods thrown overboard.

SMUGGLING.

Service of the Revenue hoisting and carrying the proper Pendant and Ensign, or Custom House Flag in order to bring such Ship or Boat to, and thereupon Chase shall be given, or if any Person on board such Ship or Boat so chased shall, during the Chase or before such Ship or Boat shall bring to, throw overboard any Part of the Lading of such Ship or Boat, or shall stave or destroy any Part of such Lading to prevent Seizure thereof, then and in every such Case the said Ship or Boat shall be forfeited.

Officers to board, and their Power.

LXXXV. THAT it shall be lawful for the proper Officer of Customs to board any Ship within the Limits of any Port, or hovering within One League of the Coast of the Colony, and to rummage and search all Parts of such Ship for prohibited and uncustomed Goods, and freely to stay on board until all Goods laden therein shall have been duly delivered from the same, or so long as she remains within such Port, or hovering as aforesaid; and if any such Ship being bound elsewhere shall nevertheless continue so hovering for the space of Twelve Hours after the Master has been required by such boarding Officer to depart, it shall be lawful for such boarding Officer to bring her into Port and search her; and in all Cases such boarding Officer shall have Power to examine on Oath if necessary, the Master, and any of the Crew or Passengers, and shall have free Access to every Part of the Ship, to fasten down Hatchways, and to mark any Goods before landing, and to lock up, seal, mark, or otherwise secure any Goods on board such Ship; and if any Place, or any Box or Chest be locked and the Keys be withheld such Officers, if they be of a Degree superior to Tidewaiters, may open any such Place, Box, or Chest in the best Manner in their Power, and if they be Tidewaiters, or only of that Degree, they shall send for their superior Officer who may open or cause to be opened any such Place, Box, or Chest in the best Manner in his Power, and if any Goods prohibited or uncustomed be found on board any Ship, such Ship and her Cargo shall be forfeited, and if the Officer shall place any Lock, Mark, or Seal upon any Goods on board, and if such Lock, Mark, or Seal be wilfully opened, altered, or broken before due Delivery of such Goods, or if any such Goods be secretly conveyed away, or if the Hatchways, after having been fastened down by the Officer be opened the Master of such Ship shall forfeit the Sum of One Hundred Pounds.

Ships not bringing to may be fired into.

LXXXVI. THAT in case any Ship or Boat liable to Seizure or Examination under any Ordinance or Law relating to the Customs, or for the Prevention of Smuggling, shall not bring-to on being required so to do on being chased by any Ship or Boat in Her Majesty's Navy, or by any Ship or Boat duly employed for the Prevention of Smuggling, such Ship or Boat respectively hoisting and carrying a proper Pendant and Ensign, or Custom House Flag, it shall be lawful for the Captain, Master, or other Person having the Charge or Command of such Ship

or Boat in Her Majesty's Navy, or employed as aforesaid (first causing a Gun to be fired as a Signal) to fire at or into any such Ship or Boat, and such Captain, Master, or other Person or Persons acting in his Aid or Assistance, or by his Direction shall be and he is hereby fully indemnified and discharged from any and every Indictment, Information, Prosecution, Penalty, Action, or other Proceeding for so doing and from all the Consequences thereof.

SMUGGLING.

LXXXVII. THAT if any Ship or Boat whatsoever shall be found within the Limits of any Port of the said Colony with a Cargo on board, and such Ship or Boat shall afterwards be found light or in Ballast, and the Master is unable to give a due Account of the Port or Place within the said Colony where such Ship or Boat shall have legally discharged her Cargo, such Ship or Boat, with her Guns, Furniture, Ammunition, Tackle, and Apparel shall be forfeited.

Ships found light forfeited.

LXXXVIII. THAT all Ships, Lighters, and Boats made Use of in the Removal, Carriage, or Conveyance of any Goods liable to Forfeiture under this or any other Ordinance relating to the Revenue of Customs shall be forfeited.

Ships and Boats when to be forfeited.

LXXXIX. THAT the Owner or Master of every Ship belonging in the Whole or in Part to any of Her Majesty's Subjects, shall paint or cause to be painted on the Outside of the Stern of every Boat belonging to such Ship, the Name of such Ship, and the Port or Place to which she belongs withinside the Transom in white or yellow Roman Letters not less than Two Inches in Length on a black Ground on Pain of the Forfeiture of such Boat (together with her Tackle and Apparel) not so marked wherever the same shall be found.

Ships' Boats to have Name of Ship and of Port painted on them.

XC. THAT all Ships and Boats belonging in the Whole or in Part to any of Her Majesty's Subjects having false Bulk-heads, false Bows, double Sides or Bottoms, or any secret or disguised Place whatsoever in the Construction of any Ship or Boat adapted for the Purpose of concealing Goods, or having any Hole, Pipe, or other Device in or about such Ship or Boat adapted for the Purpose of running Goods, shall be forfeited with all the Guns, Furniture, Ammunition, Tackle, and Apparel belonging to such Ship or Boat.

Ships &c. with false Bulk-heads to be forfeited.

XCI. THAT no Ship or Boat under the Tonnage allowed by Law to be registered shall be employed either in the Removal of Goods or for any Purpose whatever within the Limits of any Port of the said Colony unless duly licensed according to the Form and in the Manner hereinafter stated ; and every such Ship or Boat so employed without being duly licensed as aforesaid, together with the Tackle, Furniture, and Apparel thereof shall be forfeited: Provided Nothing herein contained shall prevent registered Vessels from being licensed Lighters: Provided that Boats belonging to any Vessel may be lawfully employed in the Landing of Cargo from the said Vessel.

Boats not registered to be licensed.

SMUGGLING.  
Particulars of License.

XCII. THAT the License for every Ship or Boat requiring a License under this Ordinance shall be granted by the Collector or other principal Officer of Customs upon a Certificate of a Board of Officers appointed by the Collector or other principal Officer of Customs that such Ship or Boat is fit for the Purpose, and is provided with secure Hatches, with necessary Fittings for securing and fastening with Padlocks, and such License shall contain the proper Description of such Ship or Boat, the Name and Place of Abode of the Owner, and the Manner and Limits in which such Ship or Boat is to be used, together with any other Particulars which the said Collector or other principal Officer of Customs may require and direct, and shall continue in Force until the Thirty-first Day of December next after the Date thereof and no longer.

The Owner to give Security  
by Bond.

XCIII. THAT before any Ship or Boat shall be employed in the Conveyance of any Cargo from Vessels arriving within the Limits of any Port the Owner thereof shall give his own Security by Bond with Two sufficient Sureties in double the Value of such Ship or Boat with Conditions as follow, that is to say, that the Ship or Boat shall not be employed in the Importation, Exportation, Landing, or Removing of any uncustomed or forfeited Goods, contrary to the true Intent and Meaning of this Ordinance or any other Ordinance relating to the Revenue of Customs, or in the Relanding of Goods contrary to Law, nor shall receive or take on board, or be found at Sea or in Port with any Goods liable to Duty or Forfeiture, nor shall do Anything contrary to this Ordinance or any Ordinance hereafter to be made relating to the Revenue of Customs for the Protection of Trade or Commerce of the said Colony, nor shall be employed otherwise than mentioned; and in Case of Loss, Breaking-up, or Disposal of the Ship or Boat that the License shall be delivered up within Three Months from the Date of such Loss, Breaking-up or Disposal to the Collector or other principal Officer of Customs: Provided that no Bond shall be required in a higher Sum than One Thousand Pounds, although the single Value of the Ship or Boat to which such License is to be issued may exceed the Sum of One Thousand Pounds.

Lighters to be licensed.

XCIV. THAT no Ship or Boat whether registered or otherwise shall ply as a Lighter in any Part of the said Colony for the Carriage of Goods to and from any Ship without being licensed as aforesaid by the Collector or other principal Officer of Customs for that Purpose, and without being decked, and having Hatches capable of being securely fastened, under a Penalty not exceeding One Hundred Pounds nor less than Ten Pounds.

Hatches to be sealed down  
before quitting Ship.

XCV. THAT no Lighter shall quit a Ship without previously having her Hatches sealed down or locked by, and receiving a Boat Note of her Cargo from the Tidewaiter on board (such Boat Note to be countersigned by the Master or Mate of the Ship, and any Objection to the correctness of the same to be notified to the Tide Waiter for



Adjustment) under a Penalty of not exceeding Fifty Pounds nor less than Five Pounds: Provided that the Collector or other principal Officer of Customs shall and may, on special Application, if he shall think fit, grant a written Permission to land any specific Goods in a Lighter with Hatches open and unsealed, and that the Onus of Proof of such written Permission shall lie on the Defendant.

SMUGGLING.

XCVI. THAT the Hours of Discharge for Boats and Lighters shall be the same as those for Ships; and no Seal placed on the Hatches of any Lighter shall be broken, or any Part of the Cargo discharged, until the Boat Note hereinbefore required shall have been produced to the Landing Waiter under a Penalty of not exceeding Fifty Pounds.

Regulating discharge from lighters.

XCVII. THAT no Boat or Lighter shall go or remain alongside any Ship for the Purpose of lading Cargo until due Report of such Ship shall have been made under a Penalty not exceeding Ten Pounds.

No Boat to go alongside until Ship is reported.

XCVIII. THAT all Bonds given by Persons under the Age of Twenty-one Years in pursuance of the Directions herein contained shall be valid and effectual to all Intents and Purposes any Thing in any Ordinance, Law, or Custom to the contrary in any Wise notwithstanding.

Bonds given by Minors valid.

XCIX. THAT if the License hereby required shall not be on board any Ship, Lighter, or Boat for which a License shall have been issued according to the Provisions of this Ordinance, or shall not at any Time be produced and delivered for Examination to any Officer of the Army, Navy, or Marines on full Pay, or any Officer of Customs demanding the same, then and in every such Case such Ship, Lighter, or Boat, and the Goods laden on board shall be forfeited.

Licenses to be produced.

C. THAT Nothing herein contained shall extend or be deemed or taken to extend to any Ship or Boat belonging to any of the Royal Family, or being in the Service of the Navy, Victualling, Ordinance, Customs, Emigration, Post Office, or otherwise employed by Her Majesty's Government, Imperial or Local.

Certain Ships and Boats not required to be licensed.

CI. THAT if any Goods liable to the Payment of Duties shall be unshipped from any Ship or Boat in the said Colony, Customs or other Duties not being first paid or secured; or if any uncustomed Goods whatsoever which shall have been warehoused or otherwise secured in the said Colony either for Home Consumption, Removal coastwise, or Exportation, shall be clandestinely or illegally removed from or out of any Warehouse or Place of Security, then and in every such Case, all such Goods so removed as aforesaid shall be forfeited, together with all Ships and Boats, and all Horses, and other Animals, and Carriages, and Things made Use of in the Removal of such Goods

Goods unshipped without Payment of Duty.

CII. THAT if any Goods subject to the Payment of Duty shall be found or discovered to have been concealed in any Manner on board any Ship or Boat within the Limits of any Port of the said Colony, or

Goods concealed forfeited.

SMUGGLING.

shall be found, either before or after landing, to have been concealed in any Manner on board such Ship or Boat within such limits as aforesaid, then and in every such Case all such Goods and other Goods which shall be packed with or used in concealing them shall be forfeited.

Goods concealed in Packages with Intent to defraud the Revenue.

CIII. THAT if any Goods or Merchandize imported into the said Colony which shall be subject to the Payment of Duty shall be concealed in the same Packages with other Goods and Merchandize subject to any lower Rate of Duty, or not subject to Duty, with Intent to defraud the Revenue of Customs, all such Goods contained in the said Packages shall be seized by any Officer of Customs, and forfeited together with the Packages containing the same: Provided always that the Proof that such Goods or Merchandize were not so concealed with Intent to defraud the said Revenue shall lie upon the Owner or Importer thereof.

Removing goods liable to Duty without legal Warrant.

CIV. THAT all Goods liable to Duty which shall be found removing or being removed without a legal Warrant for the same shall be deemed to be Goods respectively liable to, and unshipped without payment of Duty unless the Person in whose Possession the same shall be found or seized shall prove to the Contrary.

Seizure of forfeited Goods, &c.

CV. THAT all Ships, Boats and Goods whatsoever liable to Forfeiture under this or any Ordinance relating to the Customs shall and may be seized in any Place either on Land or Water by any Officer of Her Majesty's Navy on full Pay, or by any Officer of Customs, or by any Person having Authority to seize from the Governor of the said Colony, and Ships, Boats, and Goods seized shall, as soon as conveniently may be, be delivered into the Care of the proper Officer appointed to receive the same.

Persons on board any Ship or Boat or who may have landed from them may be searched.

CVI. THAT it shall be lawful for any Officer of the Army, Navy, or Marines duly employed in the Prevention of Smuggling, or for the Collector or other principal Officer of Customs, or other proper Officer to search any Individual either on board of or who shall have landed from any Ship or Boat, provided such Officer shall have probable Cause to suppose that such Individual hath any uncustomed or prohibited Goods secreted about his Person, and any Person who shall obstruct any such Officer in searching as aforesaid shall forfeit and pay any Sum not less than Ten Pounds nor more than Fifty Pounds, and if no such Goods shall be found on such Person, the Officer so searching having had probable Cause to suspect that such Person had uncustomed or prohibited Goods secreted about his Person shall not on account of such Search be liable to any Prosecution, Action, or other Proceeding.

Penalty on Persons denying they have foreign Goods about them.

CVII. THAT if any Passenger or other Person on board any Ship or Boat, or who shall have landed therefrom, shall, upon being questioned by any Officer of Customs whether he has any uncustomed or pro-

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hibited Goods upon his Person, or in his Possession, deny the same, and any such Goods shall, after such Denial, be discovered upon his Person or in his Possession, such Goods shall be forfeited, and such Person shall forfeit Treble the Value of such Goods.

SMUGGLING.

CVIII. THAT it shall be lawful for any Officer of Customs or any Person acting under the Direction of the Governor of the said Colony, having a Writ of Assistance under the Hand of the Commissioner and the Seal of the Civil Court, to take a Constable or Peace Officer, or for the Collector or other principal Officer of Customs without such Writ of Assistance in Company with a Justice of the Peace, and in the Day Time to enter into and search any House, Shop, Cellar, Warehouse, Room, or other Place, and in Case of Resistance to break open Doors, Chests, Trunks, and other Packages, there to Seize and thence to bring any uncustomed, forfeited, or prohibited Goods, and to put and secure the same in the Queen's Warehouse, in the Port next the Place from whence such Goods shall be so taken as aforesaid.

Officers authorised by Writ of Assistance and having a Peace Officer may search Houses and break open Doors.

CIX. THAT all Writs of Assistance so issued as aforesaid shall continue and be in Force during the Whole of the Reign in which such Writs shall have been granted, and issued and for Six Months from the Conclusion of such Reign.

Duration of Writs of Assistance.

CX. THAT if any Goods subject to Forfeiture under this Ordinance or any other Ordinance relating to the Customs shall be stopped or taken by any Police Officer or other Person acting by Virtue of any Ordinance of the Governor and Legislative Council of the said Colony, or otherwise, such Goods shall be conveyed to the Custom House nearest to the Place where such Goods were stopped or taken, and there delivered to the proper Officer appointed to receive the same, within a reasonable Time after the said Goods were stopped or taken, and in Case any Police Officer or other Person as aforesaid stopping such Goods, shall neglect to have the same conveyed to such Custom House within a reasonable Time, such Officer or other Person shall forfeit the Sum of Thirty Pounds.

Goods stopped or taken by Police Officer.

CXI. THAT every Person who shall unship, or be aiding, assisting, or otherwise concerned in the Unshipping of any forfeited or uncustomed Goods the Duties for which have not been paid or secured, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any forfeited or uncustomed Goods, or any Goods which shall have been illegally unshipped without Payment of Duties, or which shall have been illegally removed without Payment of the same from any Queen's Warehouse or Place of Security in which they may have been deposited, and every Person to whose Hands or Possession any such uncustomed or forfeited Goods shall knowingly come or who shall assist or be in any Wise concerned in the illegal Removal of any Goods

Penalty on Persons unshipping, harbouring or having Custody of any forfeited or uncustomed Goods.

SMUGGLING.

from any Queen's Warehouse or Place of Security in which they have been deposited as aforesaid, shall forfeit either the treble Value thereof or a Penalty of not exceeding One Hundred Pounds nor less than Twenty Pounds at the Election of the Collector or other principal Officer of Customs.

How Value to be ascertained

CXII. THAT in all Cases where any Penalty, the Amount of which is at any Time to be determined by the Value of any Goods, is directed to be sued for by any Law now in Force or hereafter to be made for the Prevention of Smuggling, or relating to the Revenue of Customs, such Value shall, as regards Proceedings in any Court of the said Colony, be estimated and taken according to the Price which Goods of the like Sort or Description of the best Quality, and upon which the Duties if any due on Importation have been paid, bear at such Time at the Place of Importation, or in the City, or Town next the Place where the Offence shall have been committed.

Penalty on Persons unshipping or concerned in the carrying, or conveying, or concealing any uncustomed Goods or any Goods liable to Forfeiture.

CXIII. THAT any and every Person whatsoever who shall unship, or be aiding, assisting, or concerned in the Unshipping, of any uncustomed Goods, or Goods liable to Forfeiture under this or any other Ordinance relating to the Customs in the said Colony or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the Carrying, Conveying, or Concealing any such Goods shall forfeit and pay for each and every such Offences the Sum of One Hundred Pounds sterling, or treble the Value of such Goods at the Election of the Collector or other principal Officer of Customs, and every such Person may be detained by any Officer of Customs, or other Person duly employed for the Protection of the Revenue, or for the Prevention of Smuggling in the said Colony, and taken before any Justice of the Peace, to be dealt with as hereinafter directed, or, in Cases where the Penalty sought to be recovered does not exceed One Hundred Pounds, by Information and Summons before Two or more Justices under summary Jurisdiction as to the said Officer of Customs may seem most expedient.

Justice may order Persons offending to be detained a reasonable Time.

CXIV. THAT where any Person shall have been detained by any Officer of the Navy on full Pay, or by any Officer of Customs, or by any Person acting in any of their Aid or Assistance, or duly employed for the Prevention of Smuggling for any Offence under this or any other Ordinance relating to the Customs, and shall have been taken before any Justice of the Peace, or if he shall have otherwise appeared before any Justice of the Peace to answer any Charge preferred against him under this Ordinance, if it shall appear to such Justice there is reasonable Cause to detain such Person, such Justice may, and he is hereby authorised and required to order such Person to be detained a reasonable Time, and at the Expiration of such Time to be brought before any Two Justices of the Peace to be dealt with according to Law.

CXV. THAT if any Person liable to be detained under the Provisions of this or any other Ordinance relating to the Customs shall not be detained at the Time of committing the Offence for which he is liable, or after Detention shall make his Escape, it shall be lawful for any Officer of the Navy on full Pay, or for any Officer of Customs, or any other Person acting in any of their Aid or Assistance, or duly employed for the Prevention of Smuggling, to detain such Person so liable to Detention at any Time afterwards, and to take him before any Justice of the Peace to be dealt with as if detained at the Time of committing the said Offence.

SMUGGLING.

Any Person liable to be arrested making his Escape may afterwards be detained by any Officer of Customs.

CXVI. THAT it shall be lawful for any Officer of Customs or any Person acting in his Aid or Assistance, or duly employed for the Prevention of Smuggling upon reasonable Suspicion to stop and examine any Cart, Gig, spring Cart, Trap, Waggon, or Carriage, for the Purpose of ascertaining whether any smuggled or forfeited Goods are contained therein, and if no such Goods shall be found, then and in such Case the Officer or other Person so stopping and examining such Cart, Gig, spring Cart, Trap, Waggon or Carriage, having had probable Cause to suspect that smuggled or forfeited Goods were contained therein, shall not on account of such Stoppage and Search, be liable to any Prosecution or Action at Law on account thereof; and all Persons driving or conducting such Cart, Gig, spring Cart, Trap, Waggon, or Carriage, refusing to stop when required so to do in the Queen's Name, shall forfeit a Sum not exceeding One Hundred Pounds nor less than Ten Pounds.

Officers of Customs may, upon probable Cause stop Carts, &c., and search for Goods.

CXVII. THAT all Persons assembled, to the Number of Three or more for the Purpose of unshipping, carrying, conveying, or concealing any uncustomed or forfeited Goods, and every Person who shall by any Means procure, hire, or induce any Persons to assemble for the Purposes aforesaid, and every Person who shall in any manner obstruct any Officer of the Navy on full Pay, or any Officer of Customs, or any Person acting in any of their Aid or Assistance, or duly employed for the Prevention of Smuggling in the Execution of any of their Duty, or in the due Seizure of any Goods liable to Forfeiture by this or any other Ordinance relating to the Customs, or shall rescue or cause to be rescued any Goods which have been seized, or attempt or endeavour so to do, or shall before, or at, or after any Seizure stave, break, or otherwise destroy any Goods to prevent the Seizure thereof, or the Securing the same shall, upon being duly Convicted of any of the said Offences before any Two Justices of the Peace be adjudged by such Justices to be imprisoned in any Gaol or House of Correction with or without hard Labour for any Term not exceeding Two Years, or at the Discretion of such Justices to forfeit for every such Offence a Sum not exceeding One Hundred Pounds nor less than Twenty Pounds.

Punishment for Persons assembling to the Number of three or more to run Goods or Persons obstructing Officers or securing or detaining Goods to prevent Seizure.

SMUGGLING.

Two or more armed Persons assisting in the illegal landing of any Goods or in rescuing Goods seized to be deemed guilty of Felony.

CXVIII. THAT if any Persons to the number of Two or more, armed with Firearms or other Offensive Weapons, or disguised in any way shall within the said Colony or the limits thereof be assembled in order to be aiding or assisting in the illegal Landing, Running, or Carrying away of any forfeited Goods, or any Goods liable to any Duties which have not been paid or secured, or in rescuing or taking away any such Goods as aforesaid after Seizure from the Officer of Customs or other Officer authorised to seize the same, or from any Person employed by or assisting them, or from the Place where the same have been lodged by them, or in rescuing any Person who shall have been apprehended for any of the Offences made Felony by this or any Ordinance relating to the Customs, or in the Preventing the Apprehension of any Person who shall have been guilty of such Offence, or in Case any Persons to the number of Two or more so armed as aforesaid shall, within the said Colony, or within the Limits of any Port thereof be so aiding or assisting, or if any Person or Persons shall wilfully shoot at any Ship or Boat belonging to Her Majesty, or in the Service of the Customs within the Limits of any Port in the said Colony, every Person so offending and every Person aiding, abetting, or assisting therein shall, on being convicted thereof, be adjudged guilty of Felony, and shall be liable at the Discretion of the Court before which he shall be Convicted, to be sentenced to Penal Servitude for any Term not less than Three and not more than Ten Years, or to be imprisoned with or without hard Labour for any Term not exceeding Three Years.

Persons assaulting Officer or by Force or Violence obstructing may be imprisoned.

CXIX. THAT if any Person shall assault or by Force or Violence resist, oppose, molest, hinder, or obstruct any Officer of the Navy on full Pay, or any Officer of the Customs, or other Person acting in any of their Aid or Assistance, or duly employed for the Prevention of Smuggling in the due Execution of any of their Offices or Duties, such Person being convicted thereof shall be sentenced to be imprisoned in any common Gaol with or without hard Labour for any Term not exceeding Three Years at the Discretion of the Court before whom the Offender shall be tried and convicted as aforesaid.

How Ships and Goods seized may be disposed of.

CXX. THAT all Ships and Boats, and all Goods whatsoever which shall have been seized or condemned for a Breach of any Law relating to the Customs shall be disposed of as soon as conveniently may be after the Condemnation thereof in such Manner as the Collector or other principal Officer of Customs shall direct.

Goods liable to be forfeited may be seized.

CXXI. THAT all Ships, Boats, Goods, and Chattels which by any Law at any Time in Force within the said Colony shall be or have been liable to be forfeited may be seized by any Officer of Customs or other Person duly employed for the Prevention of Smuggling.

JURISDICTION AND PROCEEDINGS.

JURISDICTION AND  
PROCEEDINGS.

CXXII. THAT all Penalties and Forfeitures incurred or imposed by this or any other Ordinance relating to the Customs, or to Trade, or Navigation, shall and may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record in the said Colony, or in any Courts of Vice-Admialty in the Name of Her Majesty's Advocate General, or in the Name of the Collector or other principal Officer of Customs, except in Cases where the Penalty does not exceed the Sum of One Hundred Pounds which shall be heard and determined in a summary Way before any Two or more Justices of the Peace of the said Colony.

Penalties and forfeiture  
how to be sued for.

CXXIII. THAT upon exhibiting any Information before any Justice of the Peace for any Offence against this or any other Ordinance relating to the Customs, or to Trade or Navigation, whether the Party charged in respect to such Offence be or be not liable to be detained in Manner hereinafter mentioned, such Justice is hereby required to issue a Summons for the Appearance of the Party against whom such Information is exhibited before Two or more Justices of the Peace, and such Summons directed to such Party being left with some adult Person at his or her last Place of Residence, or on board any Ship or Boat to which such Party may belong shall be deemed to have been sufficiently served.

Justices may summon  
Offender and the Summons  
may be left at his Place of  
Residence or on board any  
Ship to which he belongs.

CXXIV. THAT upon Appearance or Default of any Person so summoned or detained it shall be lawful for any Two or more Justices of the Peace to proceed to the Examination of the Matter contained in such Information, and upon due Proof thereof either upon the Confession of such Person, or upon the Oath of One or more credible Witnesses to convict such Person in the Penalty sued for by such Information, and in Case of Non-Payment thereof, together with the Costs, within Fourteen Days from the Date of such Conviction, it shall be lawful for such Justices, and they are hereby authorised and required by Warrant under their Hands and Seals to commit such Person to any of Her Majesty's Gaols, there to remain until the Penalty shall be Paid, or for any Period not exceeding Six Calendar Months unless the Penalty with Costs shall be sooner paid.

Two Justices may upon  
Appearance or Default of  
the Party proceed to  
hearing.

CXXV. THAT every Information for any Penalty or Forfeiture, and every Conviction or Warrant of Commitment for any Penalty shall be deemed valid and sufficient in which the Offence for which such Penalty shall have been inflicted, or the Cause of such Forfeiture is set forth in the Words of this Ordinance, and that no Warrant of Commitment for any such Offence shall be held void by Reason of any Defect in Form or Substance in such Warrant, nor shall any Party be entitled to be discharged out of Custody on account of such Defect: Provided

Informations &c., to be  
deemed valid if the Offence  
is set forth in the Words of  
the Ordinance.

JURISDICTION AND  
PROCEEDINGS.

Certiorari.

it be alleged in such Warrant that the said Party has been convicted of such an Offence, and provided it shall appear to the Court or Judge before whom such Warrant is returned that such Conviction proceeded upon good and valid Grounds.

CXXVI. THAT no Writ of *Certiorari* shall issue from any Court in the said Colony to remove any Proceeding before any Justice or Justices of the Peace under this or any Ordinance for the Prevention of Smuggling, or relating to the Customs, nor shall any Writ of *Habeas Corpus* issue to bring up the Body of any Person who shall have been convicted before any Justice or Justices of the Peace under any such Ordinance, unless the Party against whom such Proceedings shall have been directed, or who shall have been so convicted, or his Attorney or Agent shall state in any Affidavit in Writing to be duly sworn and filed, the Grounds of Objection to such Proceedings or Conviction, and that upon Return of such Writ of *Certiorari* or *Habeas Corpus* no Objection shall be taken or considered other than such as shall have been stated in such Affidavit; and that it shall be lawful for any Justice or Justices of the Peace, and he and they is and are hereby required to amend any Information, Conviction, or Warrant of Commitment, in Form or Substance, and, if necessary, to prepare a fresh Conviction or Warrant of Commitment for any Offence under any such Ordinance at any Time, whether before or after Conviction, or before or after such *Certiorari* or *Habeas Corpus* shall respectively issue, or before or after such Conviction shall have been returned.

All Ships, Boats, and Goods seized under any Law of the Customs and ordered to be prosecuted shall be deemed to be condemned unless the Owner gives Notice of his Intention to claim.

CXXVII. THAT all Ships, Boats, and Goods which shall have been or shall be hereafter seized as forfeited under any Law relating to the Customs and which shall have been or shall hereafter be ordered to be prosecuted by the Collector or other principal Officer of Customs shall be deemed and taken to be condemned, and may be sold in the Manner directed by Law in respect to Ships, Boats, and Goods seized and condemned for Breach of any Law relating to the Customs unless the Person from whom such Ships, Boats, and Goods shall have been seized, or the Owner of them or some Person authorized by him or acting in his Behalf shall within One Calendar Month from the Day of seizing the same give Notice in Writing to the Collector or other principal Officer of Customs at the nearest Port that he claims the Ship, Boat, or Goods, or intends to claim them; and as soon as the Party so claiming shall have entered into the Security required by Law for prosecuting such Claim the Ship, Boats, and Goods seized shall if required be delivered up to the Claimant on his entering into Bond in double the Value thereof with Two or more sufficient Sureties to be approved of by the Collector or other principal Officer of Customs at the Port where or nearest to where the Seizure was made, with Condition that in the Event of the said Ship, Boat, or Goods being condemned the Single Penalty of the Bond shall be forthwith paid to the aforesaid Collector or other principal Officer of Customs.



CXXVIII. THAT no Claim or Appearance shall be permitted to be entered to any Information filed for the Forfeiture of any Ship, Boat, or Goods seized for any Cause of Forfeiture, and returned into any Court of Record of the said Colony, or into the Court of Vice-Admiralty in the said Colony unless such Claim or Appearance is entered in the true and real Name of the Owner of such Ship, Boat, or Goods, describing the Place of Residence, and the Business or Profession of such Person, and if such Person shall reside in the said Colony Oath shall be made by him before the Judge of the Court into which the said Ship, Boat, or Goods are returned, or in which such Information is filed that the Ship, Boat, or Goods was or were really and truly the Property of him at the Time of such Seizure; but if such Person shall not be resident in the said Colony then and in such Case Oath shall be made in like Manner by the Agent, Attorney, or Solicitor by whom such Claim or Appearance shall be entered that he has full Power and legal Authority and Directions from such Owner or Proprietor to enter such Claim or Appearance, and that to the best of his Knowledge and Belief such Ship, Boat, or Goods was or were at the Time of Seizure thereof *bonâ fide* and truly the Property of the Person in whose Name such Claim or Appearance is entered; and on Failure thereof the Ship, Boat, or Goods shall be absolutely condemned, and Judgment shall be entered thereon by Default according to the usual Method of Proceedings of the Court, in the same Manner as if no Claim or Appearance had been entered thereto, and every Person who shall be convicted of making or taking a false Oath to any of the Facts hereinbefore directed or required to be sworn shall be deemed guilty of Perjury and shall be liable to all the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

JURISDICTION AND PROCEEDINGS.

No Claim or Appearance to be entered to any Information for the Forfeiture of seized Goods unless in the Name of the Owner and on Oath made to the Property.

CXXIX. THAT upon Entry of any Claim to any Ship, Boat, or Goods seized for any Cause of Forfeiture or of any Appearance to any Information filed for such Forfeiture the Person who shall enter such Claim or Appearance as the Owner or Proprietor thereof, in Case such Claimant shall reside in the said Colony, shall be bound with Two other sufficient Sureties, in the Penalty of One Hundred Pounds to answer and pay the Costs occasioned by such Claim or Appearance, and if such Owner or Proprietor shall not reside in the said Colony then and in such Case the Attorney or Solicitor by whose Direction such Claim or Appearance shall be entered shall in like Manner be bound with Two other sufficient Sureties in the like Penalty to answer and pay the Costs occasioned by the Claim or Appearance.

Owners to give Security for Costs occasioned by the Claim or Appearance.

CXXX. THAT in Case any Information or Suit shall be commenced or brought to Trial on account of the Seizure of any Ship, Boat, Goods, Chattels, or Commodities whatsoever seized or forfeited by this or any Ordinance relating to the Customs wherein a Verdict shall

If Suit brought on account of Seizure and the Judge shall certify there was probable Cause, Plaintiff to have two Pence Damages and Defendant fined not more than 1s.

JURISDICTION  
AND PROCEEDINGS.

shall be found for the Claimant thereof, and it shall appear to the Judge or Court before whom the same shall have been tried that there was a probable Cause of Seizure, such Judge or Court shall certify on the Record that there was probable Cause of Seizure, and in such Case the Person who made such Seizure shall not be liable to any Action, Indictment, Information, or other Suit or Prosecution on account of such Seizure; and in Case any Action, Indictment, Information, or other Suit or Prosecution shall be commenced and brought to Trial against any Person whatsoever on account of any such Seizure as aforesaid, wherein a Verdict shall be given against the Defendant, if the Court or Judge before whom such Information or Suit shall have been tried shall have certified on the said Record that there was a probable Cause for such Seizure, then the Plaintiff besides the Things seized or the Value thereof shall not be entitled to above Two Pence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined above One Shilling.

No Process to be sued out against any Officer making Seizure until one Calendar Month next after Notice given.

CXXXI. THAT no Writ shall be sued out against, nor a Copy of any Process served upon any Officer of the Navy or Customs for any Thing done in the Execution of, or by Reason of his Office against any Person, or any Thing done under or by Virtue of this Ordinance, until One Calendar Month next after Notice in Writing shall have been delivered to him or left at his usual Place of Abode by the Attorney or Agent for the Party or Agent who intends to sue out such Writ or Process as aforesaid in which Notice shall be clearly and explicitly contained the Cause of Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent, and that a Fee of Five Shillings shall be paid for preparing or serving every such Notice and no more.

No Evidence to be adduced but that contained in Notice.

CXXXII. THAT no Plaintiff in any Case where an Action shall be grounded on any such Act done by the Defendant, shall be permitted to produce any Evidence of the Cause of such Action except such as shall be contained in the Notice to be given as aforesaid, or shall recover any Verdict against such Officer or Person unless he shall prove on the Trial of such Action that such Notice was given, and in Default of such Proof the Defendant in such Action shall recover a Verdict and Costs as aforesaid.

Officer may tender Amends.

CXXXIII. THAT it shall and may be lawful to and for every such Officer or other Person to whom such Notice shall have been given as aforesaid at any Time within One Calendar Month after such Notice shall have been given to tender Amends to the Party complaining, or to his Agent or Attorney, and in Case the same is not accepted, to plead such Tender in Bar to any Action to be brought against him on such Writ or Process, together with the Plea of Not

Guilty, and other Pleas with leave of Court, and if upon Issue joined thereon the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant, and in such Case, or in Case the Plaintiff shall become nonsuited, or discontinue his Action, or in case Judgment shall be given for such Defendant upon Demurrer then such Defendant shall be entitled to the like Costs as he would have been entitled to in Case he had pleaded the general Issue only: but if upon Issue joined the Jury shall find that no Amends were tendered or that the same were not sufficient or shall find against the Defendant on such other Plea or Pleas then they shall give a Verdict for the Plaintiff and such Damages as they shall think proper together with his Costs of Suit.

JURISDICTION AND  
PROCEEDINGS.

CXXXIV. THAT in Case such Officer or other Person as aforesaid shall neglect to tender any Amends, or shall have tendered insufficient Amends before the Action brought, it shall be lawful for him by Leave of the Court where such Action shall have been brought at any Time before the Trial of the said Action, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings, Orders, and Payments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Neglecting to tender  
Amends may pay into  
Court.

CXXXV. THAT if any Action or Suit be brought or commenced as aforesaid such Action or Suit shall be brought or commenced within Six Calendar Months next after the Cause of Action shall have arisen and not afterwards, and the Defendant shall and may plead the general Issue and give the special Matter in Evidence at any Trial had thereupon, and if the Plaintiff shall become nonsuited or discontinue his Action or Suit, or if upon a Verdict or Demurrer Judgment shall be given against the Plaintiff, the Defendant shall be entitled to treble Costs and have such Remedy for recovering the same as any Defendant can or may have in other Cases where Costs are given by Law.

Action to be commenced  
within Six Calendar Months  
next after Cause of Action  
has arisen.

CXXXVI. THAT whenever any Person shall be charged with any Offence against this or any Ordinance relating to the Customs for which he may be prosecuted by Indictment or Information in the Civil or Criminal Courts of the said Colony and the same shall be made appear to any Commissioner, Chairman, or Judge of the said Courts by Affidavit or by Certificate of an Information or Indictment being filed against such Person in either of the said Courts for such Offence, it shall be lawful for such Commissioner, Chairman, or Judge to issue his Warrant under his Hand and Seal, and thereby to cause such Person to be apprehended and brought before him or some other Judge of the same Court, or before some One of Her Majesty's Justices of the Peace in

Judge may issue Warrant  
for apprehending Offenders  
prosecuted by Indictment  
or Information.

JURISDICTION AND  
PROCEEDINGS.

order to his being bound to Her Majesty the Queen with Two sufficient Sureties in such Sum as in the said Warrant shall be expressed with Condition to appear in the said Court at the Time mentioned in such Warrant and to answer to all and singular Indictment, or Information for any Offence; and in Case any such Person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Commissioner, Chairman, Judge, or Justice respectively to commit such Person to any Common Gaol of the said Colony there to remain until he shall become bound as aforesaid or shall be discharged by Order of the Court, or the Judge thereof, and the Recognizances to be thereupon taken shall be returned and filed in the said Court and shall continue in Force until such Person shall have been acquitted of such Offence, or in Case of Conviction shall have received Judgment for the same unless sooner ordered by the Court to be discharged, and that when any Person either by Virtue of such Warrant of Commitment aforesaid, or by Virtue of any Writ of *Capias ad Respondendum* issued out of the said Court is not detained, or shall hereafter be committed to and detained in any Gaol for want of Bail it shall be lawful for the Prosecutor of any such Indictment or Information to cause a Copy thereof to be delivered to such Person, or to the Gaoler, Keeper, or Turnkey of the Gaol wherein such Person is or shall be so detained with a Notice thereon endorsed that unless such Person shall within Eight Days from the Time of such Delivery of a Copy of the Indictment and Information aforesaid cause an Appearance and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance, and the Plea of "Not Guilty" will be entered thereto in the Name of such Person, and in Case he or she shall thereupon for the Space of Eight Days after the Delivery of a Copy of such Indictment or Information as aforesaid, neglect to cause an Appearance and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information upon Affidavit being made and filed in the Court of the Delivery of a Copy of such Indictment or Information, with such Notice endorsed thereon as aforesaid to such Person or to such Gaoler, Keeper, or Turnkey as the Case may be, which Affidavit may be made before any Commissioner, Chairman, or Judge of the said Courts, or other Person authorised to take Affidavits in the said Court, to cause an Appearance, and the Plea of "Not Guilty" to be entered in the said Court to such Indictment or Information for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Indictment or Information appeared and pleaded "Not Guilty," according to the Course of the said Court, and that if upon Trial of such Indictment or Information any Defendant so committed and detained as aforesaid shall be acquitted of all the Offences therein charged upon him, it shall be lawful for the Commissioner, Chairman, or Judge before whom such Trial shall be had to order that such Defendant

shall be forthwith discharged out of Custody as to his Commitment as aforesaid, and such Defendant shall be thereupon discharged accordingly.

JURISDICTION AND  
PROCEEDINGS.

CXXXVII. THAT when any Person shall be arrested by Virtue of a Warrant issued as aforesaid, and shall enter into a Recognizance and appear in the said Court at the Return of the said Recognizance, but shall not afterwards plead to the Information or Indictment, it shall be lawful for the Prosecutor of such Information or Indictment to cause a Copy thereof to be delivered to such Person or to his Attorney or Agent, or to be left at his last Place of Abode with a Notice thereon endorsed that unless such Person shall within Eight Days from the Time of such Delivery of a Copy of the Information or Indictment as aforesaid cause a Plea to be entered in the said Court to such Information or Indictment, the Prosecutor of such Information and Indictment will enter a Plea of "Not Guilty," in his Behalf, and that upon Affidavit being made and filed in the Court of the Delivery of a Copy of such Information or Indictment with such Notice endorsed thereon as aforesaid to such Person, or his Attorney or Agent, or at his last Place of Abode, or as the Case may be, it shall be lawful for the Prosecutor of such Information or Indictment to cause the Plea of "Not Guilty" to be entered in the said Court to such Information or Indictment for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Information or Indictment had pleaded according to the usual Course of the said Court.

When Recognizance is given and the Party shall not plead, a Copy of the Information or Indictment may be delivered to his Attorney or Agent.

CXXXVIII. THAT if any Goods shall be seized for Non-Payment of Duties or any other Cause of Forfeiture, and any Dispute arise whether the Customs Duties have been paid for the same, or the same have been lawfully imported, or concerning the Place from whence such Goods were brought, then, and in such Case the Proof thereof shall be on the Owner or Claimer of such Goods, and not on the Officer who shall seize the same.

Proof of Payment of Duties or of the lawful Importation of Goods to be on the Owner.

CXXXIX. THAT in case of any Information or Proceeding had under this or any Ordinance relating to the Customs the Averment that the Collector or other principal Officer of Customs has directed or elected such Information and Proceeding to be instituted, or that any such Ship or Boat is foreign or belonging wholly or in part to Her Majesty's Subjects, or that any Person detained or found on board any Ship or Boat liable to Seizure is or is not a Subject of Her Majesty, or that any Person is an Officer of Customs, or that any Person is the proper Officer, and when the Offence is committed in any Part of the said Colony the Naming of such Part in any Information or Proceedings, shall respectively be sufficient without Proof as to any such Fact, unless the Defendant in such Case shall prove to the Contrary.

Averment of certain Matters to be sufficient unless the Contrary be proved.

JURISDICTION AND  
PROCEEDINGS.  
*Vivâ Voce* Evidence may be  
given that a Party is an  
Officer who may be  
a competent Witness.

CXL. THAT if upon any Trial a Question shall arise whether any Person is an Officer of the Navy on full Pay, or an Officer of Customs, or is duly employed for the Prevention of Smuggling, or is the proper Officer, Evidence of his having acted as such shall be sufficient, and such Person shall not be required to produce his Commission or Deputation, unless sufficient Proof shall be given to the Contrary, and every such Officer, and any Person acting in his Aid or Assistance shall be deemed a competent Witness upon the Trial of any Suit or Information on account of any Seizure or Penalty as aforesaid, notwithstanding such Officer or other Person may be entitled to the Whole or any Part of such Seizure or Penalty, or to any Reward upon Conviction of the Penalty charged in such Suit or Information.

Within what Time Suits,  
Informations, or Indict-  
ments are to be exhibited.

CXLI. THAT all Actions, Suits, Indictments, or Informations exhibited for any Offence against this or any Ordinance relating to the Customs in any Court of Record or Court of Vice Admiralty in the said Colony shall and may be had, brought, sued, or exhibited within Three Years next after the Date of the Offence committed, and shall and may be exhibited before any One or more Justices of the Peace within Six Calendar Months next after the Date of the Offence committed.

Persons detained and  
escaping: Fresh  
Information.

CXLII. THAT when any Person shall have been detained for any Offence against this or any other Ordinance relating to the Customs, and shall have made his Escape from Custody, an Information may be exhibited before One or more Justices of the Peace against such Person for such Offence at any Time afterwards although more than Six Months shall have expired.

Collusive Seizure: Forfeit  
£100.

CXLIII. THAT if any Officer of the Customs or other Person duly authorised to act as such shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up or not to seize any Ship, Boat, or Goods liable to Forfeiture; or take any Bribe, Gratuity, Recompense, or Reward for the Non-Performance of his Duty, every such Officer or other Person shall forfeit for every such Offence a Sum of One Hundred Pounds.

Persons offering Bribes:  
Penalty £100.

CXLIV. THAT every Person who shall give or offer, or promise to give any Bribe, Recompense, or Reward, or shall make any collusive Agreement with any Officer, or Person as aforesaid, to induce him in any Way to neglect his Duty, or to do, or conceal, or connive at any Act whereby any of the Provisions of any Ordinance of the Governor and Legislative Council of the said Colony aforesaid, the Imperial Parliament, or any Law, Rule, Order, or Regulation in force within the said Colony may be evaded, every such Person shall, whether the Offer be accepted, or performed or not, forfeit any Sum not exceeding One Hundred Pounds nor less than Twenty Pounds.

CXLV. THAT it shall be lawful for the Collector or other principal Officer of Customs, or any Justice of the Peace before whom any Complaint, Information, or any Matter or Thing under this or any Ordinance relating to the Customs shall be brought or exhibited, to summon any and every Person in whatsoever Part of the said Colony any such Person so summoned shall then reside or be, to appear before such Collector, Officer, or Justice, as the case may be, who are to hear, adjudge, and determine, or inquire into such Complaint, Information, Matter, or Thing at a certain Time and Place to be specified and set forth in such Summons, to give Evidence upon Oath of the Truth of any Facts alleged in such Complaint, Information, Matter or Thing, or otherwise touching or relating thereto, or to such Inquiry, and every Person so summoned having his reasonable Expenses for such Attendance (if required) tendered to him at the Time of Service of such Summons, who shall neglect or refuse to appear according to the Exigency thereof, or who, having so appeared shall refuse to take Oath, or to affirm, or shall refuse to give Evidence or to answer according to the best of his Knowledge and Belief any lawful Question when thereunto required, shall for every such Default or Offence forfeit and pay any Sum not exceeding One Hundred Pounds nor less than Twenty Pounds.

JURISDICTION AND PROCEEDINGS.  
Justices may summons Witnesses who, if they refuse to appear or to give Evidence shall forfeit not less than £20 nor more than £100.

CXLVI. THAT where any Information shall have been exhibited before any Justice of the Peace for any Offence against any Ordinance relating to the Customs, or to Trade, or Navigation, for which Offence the Party charged is not liable to be detained, and by which Information any Penalty or Forfeiture shall be sought to be recovered, or any Punishment of hard Labour sought to be inflicted, and such Information shall have been exhibited before such Justice within Six Calendar Months next after the Date of the Offence committed, it shall be lawful for such or any other Justice having Jurisdiction in that Behalf, from Time to Time, and at any Time afterwards to issue a Summons thereon for the Appearance of the Party against whom any such Information may have been exhibited as aforesaid, before any Two Justices of the Peace, and every such Summons directed to such Party being left either at his last Place of Residence, or on board any Ship to which such Person may belong or have then lately belonged shall be deemed to be sufficiently served, and either upon the Appearance or Default of the Person so summoned, as the Case may be, it shall be lawful for such Justices to proceed to the Examination of the Matter contained in any such Information, and to adjudicate thereon, in like Manner, as any Two Justices are authorized to proceed under the Laws relating to the Customs.

Justices may issue Summons on Information laid within Six months after Offence.

CXLVII. THAT all Fines, Penalties, and Forfeitures recovered under this or any other Ordinance relating to the Customs shall be henceforth

Application of penalties.

JURISDICTION AND  
PROCEEDINGS.

paid and applied, One Moiety to Her Majesty, Her Heirs, and Successors for the Public Uses of the said Colony, and in Support of the Government thereof, and the other Moiety to the Informer or Informers in such Manner as the Governor by any Regulations in that Behalf shall direct.

Penalties under Registry  
Act may be sued for under  
this Ordinance.

CXLVIII. THAT all Penalties and Forfeitures inflicted and incurred under any Ordinance or Statute relating to the Registry of British Ships shall, and may be sued for, prosecuted, heard, determined, and disposed of in such and the same Manner as any Penalties or Forfeitures are herein directed to be heard, determined, and disposed of.

Governor may restore  
Seizure, and mitigate or  
limit Punishments and  
Penalties.

CXLIX. THAT it shall be lawful for the Governor of the said Colony to direct any Ship, Lighter, Boat, Goods, or Commodities whatever seized under this or any Ordinance relating to the Customs, or to Trade or Navigation to be delivered to the Proprietor or Proprietors thereof whether Condemnation shall have taken place or not, and also to mitigate or remit any Penalty or Fine, or any part of any Penalty or Fine incurred under any such Ordinances, or to release from Confinement any Person or Persons committed under this or any Ordinance relating to the Customs on such Terms and Conditions as to the Governor shall appear to be proper: Provided that no Person shall be entitled to the benefit of any Order for such Delivery, Mitigation, or Remission, or Release unless such Terms and Conditions are fully and effectually complied with and if the Proprietor or Proprietors of the same shall accept the Terms and Conditions prescribed by the Governor he shall not have or maintain any Action for Recompense or Damage on account of such Seizure or Detention, and the Person making such Seizure shall not proceed in any Manner for Condemnation.

Appeals.

CL. THAT no Appeal shall be prosecuted from any Judgment, final Order, Decree, or Sentence of any of Her Majesty's Courts of Record in the said Colony touching any Penalty or Forfeiture imposed by this Ordinance unless the Inhibition shall be applied for and decreed within Twelve Months from the Time when such Judgment, final Order, Decree, or Sentence was pronounced; nor unless Security be given in the Sum of Five Hundred Pounds to cover any Costs which may be incurred through such an Appeal in the Event of the Decree being confirmed.

Rules and Regulations.

CLI. THAT for the Purpose of carrying out the Provisions of this Ordinance the Collector of Customs shall have power to make Regulations, Bye Laws, and Forms for carrying this Ordinance into Effect, and to fix the Table of Fees, Rent, and other Charges to be demanded and paid under this Ordinance (subject to the approval of the Governor in Executive Council) and from Time to Time to alter and revoke the same and to make others as may be necessary subject as aforesaid:



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Provided such Regulations, Fees, Rent, and other Charges from Time to Time shall be published in the Government Gazette.

JURISDICTION AND  
PROCEEDINGS.

CLII. THAT this Ordinance may be cited as "The Customs Short Title Ordinance, 1860."

A. E. KENNEDY,  
GOVERNOR AND COMMANDER-IN-CHIEF

*Passed the Legislative Council,  
this 28th Day of November, 1860.*

HENRY WAKEFORD,  
*Clerk of the Council.*

L.S.

*Western Australia* } Be it remembered that on the \_\_\_\_\_ day of  
*to wit* } \_\_\_\_\_ in the year of Our Lord One Thousand  
Eight Hundred and \_\_\_\_\_ at \_\_\_\_\_ in the said Colony  
(1) \_\_\_\_\_ gives me \_\_\_\_\_ Esquire, one of Her Majesty's  
Justices of the Peace, in and for the Colony of Western Australia to understand  
and be informed that (2) \_\_\_\_\_ within six months now last past, that

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is to say, on the \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our  
 Lord One Thousand Eight Hundred and (3) \_\_\_\_\_ contrary to the  
 law of the Customs in that case made and provided, whereby the said (2) \_\_\_\_\_  
 hath forfeited for the said offence the sum of \_\_\_\_\_ and  
 whereby the said (4) \_\_\_\_\_ have become forfeited.

(1) *The prosecutor, as "A. B., Officer of Customs, who prefers this Information," or as the case may be.* (2) *The offender.* (3) *Here state the offence or cause of forfeiture.* (4) *State the Goods, &c., if any.*

## No. 2.

Form of Warrant of Commitment to Gaol for a pecuniary Penalty.

*Western Australia,* } To Officer of Customs  
to wit } and to the Gaoler or Keeper of the

Whereas (1) has this day been duly convicted before  
two of Her Majesty's Justices of the Peace in and for the Colony of  
Western Australia, upon the Information of (2) for that  
within six months now last past, to wit, on the  
day of in the Year of Our Lord One Thousand, Eight Hundred  
and (3) And whereas the said Justices did  
adjudge the said (1) had forfeited for his said offence the sum  
of which said sum of has not been paid ;  
These are therefore to require you the said forthwith to take,  
carry, and convey the said (1) to the said Gaol and deliver  
him into the custody of the Gaoler or Keeper of the said Gaol, and these are  
to require you the said Gaoler or Keeper of the said Gaol to receive and  
take the said (1) into your custody and him safely keep until  
he shall duly pay the said sum of (or for any Period not exceeding  
*six calendar Months unless the said Penalty with Costs shall be sooner paid.*)

Given under hand and seal at this day of  
in the Year of Our Lord One Thousand Eight Hundred and

(1) *The offender.* (2) *The prosecutor as in the Information.* (3) *Here state the offence as in the Information.*

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No. 3.

Form of Conviction for a pecuniary Penalty, and of Condemnation  
of Forfeitures.

*Western Australia* } Be it remembered that on the \_\_\_\_\_ day of  
to wit. \_\_\_\_\_ in the Year of Our Lord One Thousand  
Eight Hundred and \_\_\_\_\_ at \_\_\_\_\_ an Information was  
exhibited by (1) \_\_\_\_\_ before us \_\_\_\_\_ Esquires, two of  
Her Majesty's Justices of the Peace in and for the Colony of Western Australia,  
against (2) \_\_\_\_\_ which said Information charged the said (2)  
within six months then last past, that is to say, on the \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord One Thousand Eight Hundred and  
(3) \_\_\_\_\_ contrary to the law of the Customs in such case made  
and provided, whereby the said (2) \_\_\_\_\_ hath forfeited for his said  
offence the sum of \_\_\_\_\_ pounds which offence has been duly proved  
before us, the said Justices (4) \_\_\_\_\_ We do therefore convict the said  
(2) \_\_\_\_\_ of the said offence, and do adjudge that (2)  
hath forfeited for the said offence the sum of \_\_\_\_\_ pounds.  
Given under our hands and seals at \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ in the year of Our Lord One Thousand Eight Hundred  
and \_\_\_\_\_

(1) *The prosecutor as in the information.* (2) *The Offender.* (3) *Here state the offence as in the Information.* (4) *Or "the party has confessed himself to be guilty of" (as the case may be.)*

(Where there is a condemnation of Goods, insert as follows):—

We do adjudge that the said (1) hath forfeited for the said offence the said (2) and condemn the said (2) to be disposed of according to law.

Given under our hands and seals at                      this  
day of        in the Year of Our Lord One Thousand Eight Hundred and

(1) *Offender.* (2) *Goods, &c., as described.* (3) *Or "proceeds of Sale of the said forfeited goods, &c.," as described. (as the case may be).* (4) *Here state the proportions to the seizing officer and informer, or the entire moiety to the informer alone (as the case may be).*

No. 4.

Form of Information before Justices of the Peace where the  
penalty of hard labour is inflicted.

Western Australia { Be it remembered that on the                      day of  
to wit. { in the Year of Our Lord One Thousand Eight Hundred

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and at (1) gives me one  
of Her Majesty's Justices of the Peace in and for the Colony of Western  
Australia to understand and be informed that (2) within six months now  
last past (that is to say) on the day of in the  
year of Our Lord One Thousand Eight Hundred and (3)  
contrary to the Law of Customs in that case made and provided, whereby the  
said (2) hath for his said offence become liable to be imprisoned in a house of  
Correction and there to be kept to hard labour for any term not less than six  
nor greater than nine calendar months.

(1.) *A.B., an Officer of Customs who prefers this Information (or as the  
case may be).* (2) *The offender.* (3) *Here state the offence.*

---

No. 5.

Form of Conviction for the Penalty of hard Labour.

*Western Australia* } Be it remembered that on the day of  
*to wit.* } in the year of our Lord One Thousand  
Eight Hundred and at  
an Information was exhibited by (1) before us  
two of Her Majesty's Justices of the Peace in and for the Colony of Western  
Australia against (2) which Information charged that the said  
(2) within six months then last past (that is to say) on the  
day of in the year of our Lord One Thousand  
Eight Hundred and contrary to the law of the Customs in  
that case made and provided whereby the said (2) hath for his  
said offence become liable to be imprisoned in a Gaol or House of Correction,  
and there to be kept to hard labour for any term not less than six, nor greater  
than nine calendar months, which offence has been duly proved before us the  
said Justices. (4) We the said Justices do therefore convict the said (2)  
of the said offence and do adjudge that the said (2)  
shall for his said offence be imprisoned in the Common Gaol or House of  
Correction at and there be kept to hard labour for the period  
of calendar months.

Given under our hands and seals at this day of  
in the year of our Lord One Thousand Eight Hundred and

(1) *The prosecutor as in the information.* (2) *The offender.* (3) *Here state  
the offence as in information.* (4) *Or "the party has confessed himself to be  
guilty of" (as the case may be.)*

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No. 6.

Form of Warrant of Commitment for the Penalty of hard labour.

*Western Australia* } To \_\_\_\_\_ Officer of Customs and to the Gaoler  
to wit. } or Keeper of the

Whereas (1) \_\_\_\_\_ has this day been convicted before two of Her Majesty's Justices of the Peace in and for the Colony of Western Australia, upon the information of (2) \_\_\_\_\_ for that within six months now last past to wit on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one Thousand Eight Hundred and \_\_\_\_\_

And whereas the said Justices did adjudge that the said (1) \_\_\_\_\_ should for his said offence be imprisoned in the \_\_\_\_\_ at \_\_\_\_\_ aforesaid, and be there kept to hard labour for the term of \_\_\_\_\_ calendar months ; These are therefore to require you the said (2) \_\_\_\_\_ forthwith to take, carry and convey the said (1) \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ and deliver him into the custody of the Gaoler or Keeper of the said \_\_\_\_\_ and these are to require you the Gaoler or Keeper of the said \_\_\_\_\_ to receive and take the said (1) \_\_\_\_\_ into your custody and to keep the said (1) \_\_\_\_\_ for the term of \_\_\_\_\_ calendar months to hard labour.

Given under \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord One Thousand Eight Hundred and \_\_\_\_\_

(1) *The offender* (2) *The prosecutor as in the information.* (3) *Here state the offence as in the Information.*

SCHEDULE C.

REPORT for the Port of.....Western Australia,

Date	Ships Name	Tonnage.	No. of Crew	Under what Colours	General description of Cargo	Where from	Date of departure	No. of Passengers		No. of Mails	Time of sighting Lighthouse	Time Boarded	By whom	By whom Searched	Bearing at the Time	Where bound and probable Time of Sailing.
								Cabin	Steerage							

I declare that the above Report and every particular therein is true.

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_ .....A.B. Commander.  
.....C.D. Collector (or other principal Officer of Customs).

## SCHEDULE D.

## ENTRY for Goods at Value Duty Free.

In the  
the undermentioned Goods.

Master from

Marks and Numbers.	Packages and Contents.	Invoice Value.		

I do declare that I am the  
Importer of the Goods mentioned in this Entry, and that I enter them at the value of  
and that the several packages contain nothing but the  
Goods above specified.

Witness my hand this                      day of                      18 .  
Produced before me

.....Collector (*or other principal Officer of Customs*).

## DUTY paid Entry, for Goods at Value.

In the  
the undermentioned Goods.

, Master, from

Marks and Numbers.	Packages and Contents.	Invoice Value.		
	Duty £                      Value for Duty £			

I do declare that the Invoice now produced  
is a genuine Invoice, and that the value of the articles therein contained is the current  
value of the same articles at the same place, from which the same were imported.

Witness my hand this                      day of                      18 .

The above declaration signed the                      day of                      18 in the presence of

.....Collector (*or other principal Officer of Customs*).

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.....18 .

I, \_\_\_\_\_ Owner of the Goods described in this Entry ex  
Master, from \_\_\_\_\_ do hereby enter the same for payment of Duty.

Date of Importation.	Goods subject only to Ad Valorem Duty.	Produce.	Valuation.	Rate of Duty.	Amount.

Received .....Collector (or other principal Officer of Customs).

.....18

I, \_\_\_\_\_ Owner of the Spirits described in this Entry ex  
Master, from \_\_\_\_\_ do hereby enter the same for payment of Duty.

Date of Importation.	Description of Package.	Marks and Numbers.	Description.	Liquid Gallons.	Strength	Proof Gallons.	Rate of Duty.	Amount.

Received .....Collector (or other principal Officer of Customs).

.....18

I, \_\_\_\_\_ Owner of the \_\_\_\_\_ described in this entry  
ex \_\_\_\_\_ Master from \_\_\_\_\_ do  
hereby enter the same for payment of Duty.

.....

Date of Importation.	Description of Package.	Marks and Numbers.	Description.	Produce.	Quantity.	Rate of Duty.	Amount.

Received .....Collector (or other principal Officer of Customs).



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SCHEDULE E.

Date, .....

Permit to be landed from the \_\_\_\_\_ at the Custom  
House, the undermentioned Goods :—

Marks.	Numbers.	Packages and Contents.

Baggage Suffrance Inwards.

I, \_\_\_\_\_ Passenger on board the \_\_\_\_\_, whereof  
\_\_\_\_\_ is Master from \_\_\_\_\_ do declare  
that the several packages undermentioned contain my personal Baggage, not being  
Goods, Wares, or Merchandize for sale or the property of any other person.

To the Collector of Customs, } Fremantle. 18 .  
Port of }

Marks and Directions.	Numbers and Description of Packages.	Contents.

Suffer the above-named Packages to be landed from the \_\_\_\_\_ for  
examination at the Custom House.

Collector (or other principal Officer of Customs).

To the Officer of Customs in charge }  
on board the \_\_\_\_\_

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Custom House, Fremantle, this                      day of                      18 .  
Suffer to be landed from the                      Master, from  
the undermentioned Goods :—

Marks.	Numbers.	Description of Goods.

To the Officer of Customs }  
in charge }

**SCHEDULE F.**  
**ENTRY OUTWARDS.**

Port of                      [ *Name of Port of Exportation* ]

SHIP'S NAME		Tonnage.	Master's Name	Port of Destination.
If British Name of Port of her Registry	If Foreign, Name of Country to which she belongs			

Lying at                      ( *Name of Station or place in Port.* )

(Signed).....

Master or Agent.

Date of Entry,

(If Ship shall have commenced her lading at  
any other Port, name of such Port.)

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SCHEDULE G.

CONTENT.

Port of. ....

Ship's Name	Tonnage and Number of Guns.	If British, Port of Registry ; if Foreign, the Country.	Name of Master.	Number of Passengers or Troops.
<i>(Here state the Particulars according to the above Headings.)</i>				

Marks and Numbers of Packages.	Quantity and Description of Goods.	Shippers.
<i>(If any Goods have been reported Inwards for Exportation in such Ship they must be so stated.)</i>		

Cleared,

Examined,

*(Signed)*. ....

Searcher.

Dated

I do declare that the above Content is a true Account of all Goods shipped or intended to be shipped on board the above named Ship, and correct in all other particulars.

*(Signed)*. ....

Master.

Signed and declared, this            day of

before me,

*Signed)*. ....

Collector (or other principal Officer Customs).

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SCHEDULE H.

WESTERN AUSTRALIA.

Port of  
These are to certify to all whom it does concern, that  
or Commander of the  
guns, navigated with  
on board  
burthen  
men,  
tons, mounted with  
built, and having  
, Master

hath here entered and cleared his vessel according to law.

Given under my Hand and Seal of the Customs at the Custom House,  
at the Port of  
Colony of Western Australia, this  
day of 18 .

.....Collector (or other principal Officer of Customs).

SCHEDULE I.

SHIPPING BILL FOR FREE GOODS.

Port of  
Exporter's Name

Ship's Name	British or Foreign	Master's Name	Port or Place of Destination.

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Marks	Number	Description of Packages	Quantity, Quality, and Description of Goods.	Produce	Value.

I declare the value of the above Goods to be

(Signed) .....

Exporter or Agent.

Collector (or other principal Officer of Customs).

Dated the          day of          18          .

SCHEDULE J.

SHIPPING BILL.

Port of  
Exporter's Name.

Goods from the Warehouse }  
Drawback of Customs        } (As the Case may be.)  
Transshipment

Ship's Name	Whether British or Foreign, if Foreign the Country	Master's Name	Port or Place of Destination.
	Imported by	the          day of	18          , in the

Marks	Numbers	Package or Description	Quantity, Quality, and Description of Goods	Value.
	Total Number of } Packages .... }	.....	Total Value ....	.....

I declare the value of the Goods above described to be £          and  
I claim Drawback on          (here state the quantity and description of Goods in respect of  
which drawback is claimed.)

(Signed) .....

Exporter or Agent.

Dated          day of

Collector (or other principal Officer of Customs).

# SCHEDULE K.

Date,		18 .		Date		18	
No.		Ship		Permit to be landed from the at the			
Shipped on board ( <i>name of boat</i> )				Custom House, the undermentioned Goods :—			
the undermentioned goods :—							
Marks.	Numbers.	Description.	For Tally and Memorandums.	Marks.	Numbers.	Packages and Contents.	
Received the above goods ( <i>state any particulars required in special cases.</i> )							
(Signature of Boatman.)							

No.

Date,

Name of Ship,

Whence,

CUSTOM HOUSE.

Fremantle, this            day of            18

Suffer to be landed from the

Master, from

the undermentioned Goods :—

Marks.	Numbers.	Name of Merchant entering.	Remarks.

Marks.	Numbers.	Description of Goods.

To the Officer of Customs }  
in charge.

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### SCHEDULE L.

To the Officer in charge of warehouse No.

Deliver to

ex

from

warehoused by

day of 18 .

.....

Mark.	Numbers.	Packages and contents.

.....

day of

18 .

### SCHEDULE M.

#### CERTIFICATE OF GOODS WAREHOUSED.

Port of Fremantle,

day of

18 .

has duly warehoused under Bond the following

Goods now stored in No.

warehouse ex

, Captain

from

Mark.	No.	Package.	Contents.	QUANTITY.									
				SPIRITS.				WINE.		TOBACCO.			
				Full Con- tent.	Strength per cent.	Ullage Con- tent.	Gal- lons O.P.	Full Con- tent.	Ullage Con- tent.	Gross weight	Tare.	Net weight.	

.....

Warehouse keeper.



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SCHEDULE N.

EXPORT.

CERTIFICATE FOR DRAWBACK.

This is to certify that I have received Proof that the Goods entered for Drawback by  
on the  
of 18 , per value  
as per Voucher No. 18  
on which I received Duty, amounting to £ have been duly landed at  
being the Port for which they were exported.

Given under my hand at the  
Custom House, Fremantle,  
this day  
of 18 .

£ s. d.

Collector (*or other principal Officer of Customs.*)

To  
The Auditor General.

SCHEDULE O.

Bond given by Exporter of Goods.

- (1) The persons entering the Goods and one surety.  
(2) Or other principal Officer of Customs.  
(3) Treble the amount of Duty due on the Importation to be set down in words, not figures.

KNOW ALL MEN by these Presents, that we, (1)  
are held and firmly bound unto the Collector of Customs (2) at the Port of  
in the sum of (3)  
of good and lawful money of Great Britain, to be paid to the said Collector  
for the use of Her Majesty the Queen, Her Heirs and Successors: To which  
payment well and truly to be made, we bind ourselves, and each of us, by  
himself, for and in the whole, our Heirs, Executors, and Administrators, and  
every of them, firmly by these Presents, sealed with our seals. Dated this  
day of in the year  
of the reign of Her said Majesty, and in the Year of Our Lord One Thousand  
Eight Hundred and

- (4) Person making the Entry.  
(5) Place of destination.  
(6) Vessel's and Masters' name.  
(7) Goods intended to be exported.  
(8) One, two, or more, as the case may be.

WHEREAS the above bounden (4)  
hath given notice of his intention to export to (5)  
in the ship (6)  
Master (7) which said Goods  
are now deposited in (8) Warehouse,  
situate at in the Port of  
under the Provisions and Regulations of "The  
Customs Ordinance, 1860."

- (9) Port of Shipment.

Now the condition of the obligation is such, that if the said Goods, and every  
part thereof shall be duly shipped, and shall be exported to and landed at (5)  
aforesaid or if the above bounden  
shall account for the said Goods to the satisfaction of the Collector of Customs (2)  
at the Port of (9) then this obligation shall be void,  
otherwise to be and remain in full force and virtue.

Signed, sealed, and delivered, in the presence of

.....

SCHEDULE P.

Bond to be given on removal of Goods from one Port to another Port.

KNOW ALL MEN by these Presents, that \_\_\_\_\_ in the  
Colony of Western Australia, \_\_\_\_\_ are held and firmly  
bound to \_\_\_\_\_ Collector of Customs (*or other principal  
Officer of Customs*) in the Colony of Western Australia, in the sum of

\_\_\_\_\_ Pounds of Good and lawful Money of Great Britain ; to be paid to the  
said \_\_\_\_\_ Collector of Customs, (*or other principal Officer  
of Customs*), or to his certain Attorney, Heirs and Successors in Office, or  
Assigns, for the use of Her Majesty the Queen, Her Heirs and Successors,  
for which payment, to be well and faithfully made, we bind ourselves and  
each of us and the Heirs, Executors and Administrators of us, and each  
of us, and of every of them jointly and severally, firmly by these Presents.  
Sealed with our Seals, dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

WHEREAS the above bounden \_\_\_\_\_ is proprietor  
of the following Goods, that is to say :—

And which said Goods are now lodged and deposited in the Queen's Warehouse  
at the Port of \_\_\_\_\_ under the Regulations of "The  
Customs Ordinance, 1860."

And whereas the said \_\_\_\_\_ intends to remove  
and convey the said Goods from the said Queen's Warehouse at the Port  
of \_\_\_\_\_ to the Queen's  
Warehouse at the Port of \_\_\_\_\_ subject to  
the Regulations in that behalf provided.

Now, the condition of this obligation is such, that if the said Goods, and  
every part thereof, shall be duly delivered without alteration or diminution,  
into the custody and possession of the proper Officer of the Customs at the  
said last-mentioned Port, and if the said Goods, and every part thereof, shall  
be duly re-warehoused in the Queen's Warehouse at the Port of \_\_\_\_\_  
within the space of \_\_\_\_\_ from the delivery of the same from  
the Queen's Warehouse at the Port of \_\_\_\_\_ then this  
obligation to be void, or else to be and remain in full force and effect.

Sealed and delivered in the presence of

SCHEDULE Q.

Authority for removal of Goods to be rewarehoused.

Date and Place,

The Collector  
Shipped on board the

for your Port for re-warehousing, under Bond.

Marks.	Numbers.	Description of Goods.	Total contents.

.....Collector (*or other principal Officer of Customs*).

Place and Date,

Received the above Goods (*state order or condition or other particulars, as the case may be.*)

.....Collector (*or other principal Officer of Customs*).

NOTE.—This is to be returned by first opportunity after receipt of the Goods.

WESTERN AUSTRALIA.

PORT  
OF  
FREMANTLE,  
Western Australia.

Agent.

MANIFEST of the  
built, Property all  
besides a  
this present Voyage

about Tons,  
: with Men,  
Man, Master for

Marks and Numbers	Contents.	Produce.	Shippers.	Consignees.

Produced before me at the  
Custom House,  
this day of 18 . }