



WESTERN AUSTRALIA.

ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

No. 16.

An Ordinance to provide for the general
Regulation of the Customs in Western
Australia.

WHEREAS it is expedient to make further and better pro-
visions for the management and regulation of the Customs in Western Australia, and for the prevention of smuggling; and for that purpose, to repeal the laws heretofore in force relating thereto;—Be it therefore enacted, by His Excellency the Governor

Preamble.

of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof—

Ordinance No. 3, of 1834,
and No. 2, of 1841, re-
pealed.

I. THAT from and after the passing of this Ordinance, an Ordinance passed in 1834, No. 3, intituled "*An Act to impose certain duties on imported Spirituous Liquors*;" and an Ordinance passed in 1841, No. 2, intituled "*An Act to renew and amend an Act, intituled 'An Act for the regulation of the Customs of Western Australia,'*" shall be, and the same are hereby repealed, except so far as relates to any matter or thing done, or commenced before the passing of this Ordinance, and that this Ordinance shall come into, and be and continue in force and operation for regulating the Customs and Trade within the said Colony, from and immediately after the passing thereof.

Explanation of Terms.

II. AND in order to avoid the frequent use of numerous terms and expressions in this Ordinance, or any other Ordinance relating to the Customs, and to prevent any misconstruction of the terms and expressions used therein; Be it enacted, that whenever the several terms or expressions following shall occur in this Ordinance or in any other Ordinance relating to the Customs, or to trade and navigation, the same shall be construed respectively in manner hereinafter directed, that is to say:—that the term "Ship" shall be construed to mean ship, vessel, or boat generally, unless such term shall be used to distinguish a ship from sloops, brigantines, and other classes of vessels; that the term "master" of any ship shall be construed to mean the person having or taking the charge or command of such ship; that 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 the owners if there be more than one; that the term "mate" of any ship shall be construed to mean the person next in command of such ship to the master thereof; that the term "seaman" shall be construed to mean alike seaman, mariner, sailor, landsman or boy, being one of the crew of any ship; that the term "British Possessions" shall be construed to mean any colony, plantation, island, territory, or settlement belonging to Her Majesty; that the term "Her Majesty" shall be construed to mean Her Majesty, Her Heirs and Successors; that the terms "Collector or other officer" shall be construed to mean the Collector or other principal or proper officer of the customs of the port intended in the sentence; that whenever mention is made of any public officer,

the officer mentioned shall be deemed to be such officer for the time being; that the term "warehouse" shall be construed to mean any place, whether house, shed, yard, timber pond, or other place in which goods entered to be warehoused upon importation may be lodged, kept, and secured without payment of duty; that 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 that the term "Importer" shall be construed to mean and include consignee.

III. THAT every person employed on any duty or service relating to the Customs within the said colony, or its dependencies, by the orders, or with the concurrence of the Governor thereof, whether previously or subsequently expressed, shall be deemed to be the Officer of the Customs for that duty or service; and 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, or with the concurrence of the said Governor, to act for, or in behalf of such particular officer, the same shall be deemed to be done, or performed by, to, or with such particular officer. Officers.

IV. 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 of the said colony, every such officer so offending, on proof thereof to the satisfaction of the said Governor, shall 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, by way of bribe, any such fee, perquisite, gratuity, or reward, such person shall, for such offence, forfeit a sum not exceeding £100. Dismissal for bribe.

V. IT shall be lawful for the Collector, or other principal officer of the Customs, with the sanction of the Governor, from time to time to appoint the hours of general attendance of the respective officers. Hours.

and other persons, under his survey, at their proper offices and places of employment.

exempt from Jury or In-
dust.

VI. NO officer of Customs, nor 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, or to serve on any jury or inquest, or in the militia ; any law, usage, or custom to the contrary thereof, notwithstanding.

holidays.

VII. 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 the Governor's proclamation, for the purpose of a general fast, or of a general thanksgiving, and also such days as shall be appointed for the celebration of the birthdays of Her Majesty and of her successors.

VIII. IN all cases wherein proof on oath or affirmation shall be required by any law, or shall be necessary in any matter relating to the Customs, the same may be made before the Collector, or other principal officer, where such proof or affirmation shall be required to be made, or before the persons acting for them respectively, and who are hereby authorised and empowered to administer the same.

Perjury.

IX. UPON examinations and inquiries made by the Collector or other principal officer of Customs, or other persons appointed by the Governor to make such examinations and inquiries, for ascertaining the truth of facts relative to the Customs, or the conduct of officers or persons employed therein, any person examined before him, or them, as a witness, shall deliver testimony on oath or affirmation, to be administered by such Collector or other principal officer of Customs, or such other person as shall examine him, and who are hereby authorised to administer such oath or affirmation ; and if such person 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 his examination on oath before such Collector or other principal officer of Customs, or such other person, every person, so convicted as aforesaid, shall be deemed guilty of

perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

X. AND whereas it is expedient that the officers of Customs ships should have full cognizance of all ships coming into any port in the said colony, or approaching the coast thereof; and of all goods on board, or which may have been on board of such ships; and also of all goods unladen from any ship in any port or place in the said colony;—Be it therefore enacted, 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 four leagues of the coast thereof respectively, before 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 time and place, and in such manner, and by such persons, and under the care of such officers, as is, and are hereinafter directed; and that all goods liable to duty on importation, not duly reported, or which, being so liable, shall be unladen contrary hereto, shall be forfeited; and if bulk be broken contrary hereto, the master of such ship shall forfeit a sum not exceeding £100.

Four leagues.

Broken bulk.

XI. IT shall be lawful for the Collector or other principal officer of the customs to station an officer on board any ship while within the limits of any port in the said colony; and the master of every ship on board of which any officer is so stationed, shall provide every such officer sufficient room under the deck, in some part of the fore-castle or steerage, for his bed or hammock; and in case of neglect or refusal so to do, shall forfeit any sum not exceeding £20.

Hammock on board.

XII. THE master of every ship arriving from parts beyond the seas at any port in the said colony, whether laden or in ballast, shall come within twenty-four hours after such arrival, and before bulk be broken, to the Custom House, and there make a report in writing, and shall make and subscribe a declaration to the truth of the same before the Collector or other principal officer of the arrival of such ship, stating the name, country, tonnage, and number of 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 where the same was 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 or vessel to parts beyond the seas, and what surplus of

Report.

stores or stock remain on board such ship, as far as any such particulars can be known to him; and the master shall further answer all such questions concerning the ship and the cargo, and the crew, and the voyage, as shall be demanded of him by such officer; and if any goods shall be unladen from any ship before such report be made, or if the master shall fail to make such report, or shall make an untrue report, or not truly answer the questions demanded of him, he shall forfeit a sum not exceeding £100.

Manifest.

XIII. 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, (when a manifest is required,) and, if required by the Collector, or other principal officer, 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 shall answer all such questions relating to the ship, and cargo, and crew, 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, or to answer such questions, or to answer them truly, or to produce such bill or bills of lading, or copy, or if such manifest or bill or bills of lading, or copy thereof, shall be false, or if any bill of lading be altered by any master, and the goods expressed therein shall not have been *bonâ 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 if any such copy shall not have been received or made by him, previously to his leaving the place where the goods expressed in such bill of lading or copy were shipped, then, and in every such case, such master shall forfeit and pay a sum not exceeding £100.

Search.

XIV. IT shall be lawful for the proper officers of the Customs to board every ship arriving at any port of the said colony, and to rummage and search all parts of such ship for prohibited or uncustomed goods; also to go on board any ship arriving at any port of the said colony, or within one league of the coast thereof, or in any roadstead or harbour thereof, and, in either case, freely to stay on board until all goods laden therein shall have been duly delivered from the same, or until such ship shall depart on her onward voyage; and such officers shall have free access to every part of the ship, with power to fasten down the 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, box, or chest, be locked, and the keys withholden, such officers, if they be

Seal and fasten.

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 be found concealed on board any such ship, they shall be forfeited; and if the officer 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, be opened, the master of such vessel or ship shall forfeit a sum not exceeding £100.

XV. THE person entering any goods, shall deliver to the Col-^{Importer:}lector, or other proper officer, a bill of the entry thereof, fairly written, in words at length, or partly written and partly printed, expressing the name of the importer, and of the ship, and of the master of the ship in which the goods are imported, and of the place whence they were brought, and of the place, within the port, where the goods are to be unladen, and the particulars of the quantity and quality of the goods, and the packages containing the same, and the marks and numbers on the packages, and two or more duplicates, as the case may require, of such bill, in which all sums and numbers may be expressed in figures; and the particulars contained in such bills shall be written and arranged in such form, and manner and the number of such duplicates shall be such as the Collector or other principal officer shall require; and such persons shall, at the same time, pay down all duties due upon the goods, unless warehoused as hereinafter provided; and the Collector, or other proper officer, shall thereupon grant his warrant for unlading of such goods.

XVI. EVERY importer of any goods shall, within 30 days^{Entry within 30 days.} after the arrival of the importing ship, make due entry inwards of such goods, and land the same; and in default of such entry and landing, it shall be lawful for the officers of the Customs to convey such goods to the Queen's Warehouse; and if the duties due upon such goods be not paid within three months, after such thirty days shall have expired, together with all charges for removal and warehouse rent, the same shall be sold, and the proceeds thereof shall be applied, first, to the payment of freight and charges, next of duties, and the overplus (if any) shall be paid to the proprietor of the goods, or other person duly authorised to receive the same.

Goods to be described.

XVII. NO entry or warrant, for the landing of any goods, or for the taking of any goods out of any 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, or 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 warehouse, by virtue of any entry or warrant, not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

Penalty for unauthorised entry, £100.

XVIII. EVERY person who shall make, or cause to be made, any such entry inwards 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 £100.

Invoice of package and goods.

XIX. IN all cases where the duties imposed upon the importation of articles into the said colony are charged, not according to weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer of such article, or his known agent, in manner and form following, that is to say :—“ I, A B, do hereby declare that the articles mentioned in this entry, and contained in the packages, [here specifying the several packages, and describing the several marks and numbers, as the case may be] are of the invoice value of £ Witness my hand, this day of 185 ”
(Signed) A.B. “The above declaration, signed the day of 185 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 that if, upon view and examination of such articles by the proper officer of the Customs, it shall appear to him that such articles are not valued according to the true price and value thereof, and according to the true intent and meaning of this Ordinance, then, and in such case, the importer, or his known agent, shall be required to produce his original invoice, or to de-

declare on oath before the Collector, or other principal officer of Customs, what is the invoice price of such goods or articles, and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported, and the price set forth in such invoice or so declared to on oath, shall be deemed to be the value of the articles: Provided always, that if it shall appear to the Collector, or other principal officer of Customs, that such articles have been 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 shall in such case be examined by two competent persons, to be nominated and appointed by the Collector, or other principal officer of Customs, at the port of importation; and such persons shall declare, on oath before the Collector or other principal officer of Customs, what is the true and real value of such articles at the port of shipment, and the value so declared on the oaths of such persons 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. ^{Invoice price.}

XX. IF the Importer of such articles shall refuse to pay the duties imposed thereon, it shall and may be lawful for the Collector or other proper officer of the Customs, and he is hereby required to take and secure the same, with the casks, or other packages thereof, and to cause the same to be publicly sold, within ^{Sold,} the space of twenty days at the most, after such refusal made, and at such time and place as such officer shall by four or more days public notice, appoint for that purpose, which articles shall be sold to the best bidder, and the money arising from the sale thereof, shall be applied in the first place in the payment of the said duties, together with the charges that shall have been occasioned by the said sale; and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorised to receive the same.

XXI. IF the importer of any goods, or his known agent, shall make and subscribe a declaration, before the Collector or other proper officer, that he cannot for want of full information, make perfect entry thereof, it shall be lawful for the Collector or other proper officer, to receive an entry by Bill of sight, for the packages ^{Bill of sight.} or parcels 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 the 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 said importer shall make a perfect entry thereof, and shall either pay down 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 perfect entry of such goods, and pay the duties due thereon, together with all charges of removal and warehouse rent, such goods shall be sold 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.

XXII. WHERE any package or parcel of goods shall have been landed by Bill of sight, and any goods or other things liable to duty on importation shall be found in such package or parcel, concealed in any way, or packed with intent to deceive the officers of Customs, as well, all such goods and other things, as the package or parcel in which they are found, and all other things contained in such package or parcel, shall be forfeited.

Abatement for damage during voyage.

XXIII. THAT if any goods which are liable to the payment of duty, shall receive damage during the voyage, an abatement of such duties shall be made and allowed in proportion to the damage so received, provided proof be made to the satisfaction of the Collector of Customs, that such damage was received after the goods were shipped, in the ship importing the same, and before they were landed in this colony, and provided claim to such abatement of duties be made before delivery of such goods by the customs.

Two merchants to estimate the damage.

XXIV. THAT the officers of the Customs shall thereupon examine such goods, with reference to such damage, and may state the proportion of 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 make and subscribe a declaration, stating in what proportion, according to their judgment, such goods are lessened in their value by reason of such damage; and thereupon the officers of Customs

may make an abatement of the duties according to the proportions of damage so declared by such merchants : provided always, that it shall be lawful for the Collector 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 realized at such sale, instead of the abatement as hereinbefore provided.

XXV. No goods whatever shall be unshipped from any ship arriving from parts beyond the seas, or landed or put on shore, except on days, not being Sundays, or holidays, and in the day-time; 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, quay, or place duly appointed for the landing of goods by sufferance; and that no goods after having been put into any boat or craft to be landed, shall be removed into any other boat or craft, previously to their being duly landed, without the permission or authority of the proper officer of the Customs.

XXVI. THE unshipping, conveying, and landing of all goods, and the bringing of the same to the proper place after landing for examination or for weighing, and the putting of the same into the scales, and the taking the same out of, and from the scales after weighing, and the opening and closing of the same, shall be performed by, or at the expense and risk of the importer.

XXVII. IT shall be lawful for the Governor of the said colony Governor names wharfs. from time to time by any order under his hand, to appoint places to be sufferance wharfs for the landing of goods by sufferance, to be duly issued by him or by the Collector of Customs, under his directions in such manner and in such cases as he shall see fit.

XXVIII. THE surplus stores of any ship arriving in this colony, Surplus stores. shall be subject to the same duties, and the same regulations, as the like sorts of goods would be subject to when imported by way of merchandize; and such surplus stores may be entered for the private use of the master or owner of such ship, or of any passenger of such ship, to whom such surplus stores may belong, on payment of the proper duties; or be warehoused for the future use of such ship.

XXIX. AND whereas it is expedient that the officers of Customs Master required to give a content of goods, and names of crew and passengers. should have full knowledge of all ships departing from this colony,

Content.

and of all goods exported therefrom ; Be it enacted, that before any ship shall depart from the colony, the master shall bring and deliver to the Collector, or other proper officer, an entry outwards, in duplicate, in writing, under his hand, of the destination of such ship, stating her name, country, and tonnage, the name and country of the master, the number of the crew and passengers, and a content of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and the quantity and proper denominations and descriptions of the several sorts of goods ; and shall therein distinguish such goods as may have formed part of the original cargo inwards, and such as may have been shipped at the port of departure, and whether the goods so shipped be of foreign or colonial produce ; and shall make and subscribe a declaration of the truth of such content, as far as any of such particulars can be known to him ; and the master of every ship or vessel, bound from the colony, whether laden or in ballast, shall answer upon oath, before the Collector or other proper officer, all such questions concerning the ship and her cargo, (if any) and the crew and passengers, as shall be demanded of him by such officer ; and, thereupon, the Collector or other proper officer shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, 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 the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit and pay any sum not exceeding £100 : provided always, that before any goods shall be shipped for exportation to the United Kingdom, as being the produce of this colony, and upon which any advantage may be claimed at the port of importation, sufficient proof shall be made, to the satisfaction of the Collector, or other principal officer, that such goods are the produce of this colony, whereupon the Collector, or such other officer, is hereby empowered to grant a certificate to that effect ; and no goods shall be stated in such certificate of clearance of any ship or vessel from the said colony to be the produce thereof, unless such goods shall have been expressly stated so to be in the entry outwards of the same.

Officers demand clear-
ance.

XXX. IT shall be lawful for the officer of the Customs to go on board any ships after clearance outwards, within the limits of any port in this 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 £20 for every package or parcel of goods contained in such clearance, and not on board, or not satisfactorily accounted for.

Forfeiture,

XXXI. THERE shall be allowed upon the exportation of goods imported into any Port in 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 proof be made, to the satisfaction of the Collector or other principal officer, that the full duties on importation at such port had been paid; and that no drawback shall be allowed upon any goods chargeable upon 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 the 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.

Drawback, provided satisfactory proof be made,

XXXII. 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 the Customs, or entered for shipment, with intent fraudulently to obtain any drawback, shall be forfeited; and every person who shall enter for drawback, or so produce to any officer of the 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 the drawback in such case, at the election of the Collector or other principal officer.

No drawback upon damaged goods.

XXXIII. 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.

No drawback, unless name of owner.

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.

No goods to be water-borne on Sundays or holidays.

XXXIV. No goods to be exported from the warehouse, or goods entered for drawback, shall be put off from any wharf, quay, or other place, or shall be water-borne, in order to be exported, except on days not being Sundays, or holidays; and in the day time; nor shall any such goods then be put off, or water-borne for exportation, unless in the presence of, or with the authority of the proper officer of the Customs, nor except from some wharf or place appointed by the Collector, or other proper officer of Customs, for the shipping of such goods by sufferance.

Coasting-trade.

XXXV. AS it is necessary that the officers of the Customs should have cognizance of all ships carrying goods coastwise, from one part of the colony to another part of the same, and of all goods so carried, in order that the laws for regulating the importation of goods, from and to parts beyond the seas, may not be evaded; it is therefore enacted, that all trade by sea, from one part of this colony, to any other part thereof, shall be deemed to be a coasting trade; and any ship, while employed therein, shall be deemed to be a coasting ship; and that no goods brought from any one part of this colony to any other part thereof, having been first legally imported, or being goods of colonial growth or produce, shall be deemed in law to be goods imported into the colony.

Coasting ship not to put out or take in goods at sea.

XXXVI. No goods shall be carried in any coasting ship, except such as shall be laden to be so carried at some port or place in the colony; and 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 sea, 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, at the port in this colony where such ship shall afterwards first arrive, the master of such ship shall forfeit a sum not exceeding £200.

Master to keep a cargo book, &c.

XXXVII. THE master of every coasting ship shall keep a cargo book of the same, stating the name of the ship, of the master, and of

the port to which she belongs, as well as of the port or place to which she is bound on each voyage, and shall enter therein an account of all goods taken on board such ship, stating the description of the packages, and of the goods therein, and the quantities and description of the goods stowed loose, and the names of the respective shippers and consignees, as far as any such particulars shall be known to him; and there shall also be noticed in such book, at the port or place of discharge, the respective days upon which any of such goods are delivered out of such ship, and also the respective times of departure from the port or place of loading, and of arrival at the port or place of unloading; and such master shall produce such book for the inspection of the coast-waiter, or other proper officer, so often as the same shall be demanded, and who shall be at liberty to make any note or remark therein; and if such master shall fail correctly to keep such book, or to produce the same; or if at any time there be found on board such ship any goods not entered in the cargo-book as laden, or any goods noted as delivered; or if, any time, it be found that any goods entered as laden, or any goods not noted as delivered, be not on board, the master of such ship shall forfeit any sum not exceeding £20.

XXXVIII. BEFORE any coasting ship shall depart from the port or place of lading, where a Custom House officer may be stationed, an account, together with a duplicate of the same, all fairly written or partly written and partly printed, and signed by the master, shall be delivered to the Collector or other proper officer, and in such account shall be set forth such particulars as are required to be entered in the cargo book, of all goods in original packages, liable to duty on importation, distinguishing such goods as are shipped under bond, and generally whether any other goods are on board, and the Collector shall select and retain one of such accounts and shall return the other, dated and signed by him, and noting the clearance of the ship thereon; and such account shall be the clearance of the ship for the voyage and the transire for the goods expressed therein, and if any such account be false, or shall not correspond with the cargo book, the master shall forfeit any sum not exceeding £20.

Duplicate account given by master to the Collector.

XXXIX. BEFORE any goods shall be unladen from any coasting ship at the port or place of discharge, where a Custom House officer may be stationed, the master, owner, wharfinger or agent of such ship, shall deliver the transire to the Collector or other

Master, &c., to deliver transfer to Collector,

principal officer of such port, who shall thereupon grant an order for the unloading of such ship at the wharf or place specified in such order ; provided always, that if there be any goods on board such ship under bond to be re-warehoused at the port of arrival, the master, owner, wharfinger, or agent of such ship, or the consignee of such goods, shall, before landing the same, deliver to the Collector a bill of entry of such goods, together with a duplicate thereof, to re-warehouse the same according to the condition of the bond given at the port of shipment, or shall enter the said goods for Home consumption, and pay down all duties of Customs, as the case may be ; and thereupon the Collector shall grant an order for the landing of such goods, in the presence or by the authority of the Coastwaiter or other proper officer, to be warehoused or delivered, as the case may be.

XI. It shall be lawful in any case, and at all times, for any officer of the Customs to go on board any coasting ship in any port or place in the colony, or at any period of her voyage, and strictly to search such ship, and to examine all goods on board, and all goods being laden and unladen, and to demand all documents which ought to be on board such ship.

XLI. NO goods (except the personal baggage of passengers,) shall be unshipped from any ship arriving coastwise, at any port or place in this colony, where a Custom House officer shall be stationed, nor shall any goods be shipped or water borne to be shipped at any port where a Custom House officer shall be stationed, to be carried coastwise, except on days not being Sundays or Holidays, and in the day time, within legal hours ; nor shall any spirits, wine, or tobacco be unshipped, shipped, or water borne at any place on the coast of this colony where a Custom House officer is not stationed, without the authority of the principal officer of the Customs at the port from which such vessel last cleared for the then coasting voyage, under a penalty not exceeding £20 : Provided always, that in the case of steam vessels employed in the coasting trade, or calling at any of the ports in the said colony, for the purpose of landing post office mails or passengers, the times of landing and shipping shall be under such regulations as the Collector or other principal officer may appoint, with the sanction of the Governor.

Passengers' baggage, &c.
not subject to coast regulations,

XLII. PASSENGERS' baggage comprising all articles of

apparel, household furniture or effects, liquors or provisions taken by passengers for their private use, or small quantities of shop goods taken by tradesmen, who shall be passengers on board steam or sailing ships employed in conveyance of passengers coastwise from one port to another, shall not be subjected to coast regulations, but where either steam or sailing ships carry goods for freight, although the owner may be passenger, such ships and goods shall be subject to like regulations as hereinbefore provided for coasting ships.

XLIII. ALL bonds relating to the Customs required to be ^{Bonds.} given in respect of goods or ships, shall be taken by the Collector, 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.

XLIV. IT shall be lawful for the officers of the Customs to take such samples of any goods as may be necessary for ascertaining the amount of any duties payable upon the same; and also to permit moderate samples to be taken of any goods warehoused, without payment of duty. ^{Samples.}

XLV. IF any person shall counterfeit or falsify, or use, when counterfeited or falsified, any entry, warrant, cocket, transire, or other document for the unloading, lading, entering, reporting, or clearing of any ship, or for the landing, shipping, or removing of any goods stores, baggage, or articles whatever, 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 of such purposes, or shall falsely make any oath or affirmation required by this or any other Ordinance for regulating the trade of the said colony, or shall forge or counterfeit a certificate of the said oath or affirmation, or shall publish such certificate, knowing the same to be so forged or counterfeited, every person so offending, shall, for every such offence, forfeit any sum not exceeding £200. ^{Forgery}

XLVI. AND whereas it is necessary for the purposes of this Ordinance, that the limits of the several ports of this colony should be defined; be it enacted, that for such purposes, the port of Fremantle shall include the waters lying between a line drawn from the N. end of Rottnest to the S. end of Garden Island, and the coast line of the

main land from the Winding Sheet on the N. to Cape Peron on the S.

The port of Bunbury shall extend from Point Casuarina on the W., to one league N. of the mouth of the Leschenault Inlet.

The port of Vasse shall extend 1 league each way, E. & W. of the Tub Beacon, and three miles to the seaward.

The port of Albany shall include the waters lying W. of a line between the extreme point of Bald Head on the S., and Bar Point on the N.

The port of Champion Bay shall extend from Point Moore, on the S., to the mouth of the Chapman on the N.

Port Gregory shall include all within the ledges forming the Port or Harbour; provided always, that it shall be lawful for the Governor to alter or vary the boundaries of any of the said ports, or to sub-divide the same, and to establish any new port or ports, as to His Excellency may seem meet, by proclamation to be published in the "Government Gazette."

Collector to charge warehouse rent.

XLVII. WHENEVER any goods shall be taken to, and received in, any of the Queen's warehouses in the said colony, for security of the duties thereon, or to prevent the same coming into home use, it shall be lawful for the Collector to charge, demand, and receive warehouse rent for such goods, for all such time as the same shall remain in such warehouse, at rate not exceeding that specified in the schedule annexed to this Ordinance.

To sell goods, if duty not paid, within four months.

XLVIII. IN case any goods shall not be duly cleared from the Queen's warehouse within four calendar months, (or sooner, if they be of a perishable nature,) or if hereinbefore required to be sooner cleared, it shall be lawful for the Collector or other principal officer to cause such goods to be publicly sold by auction, for home use, or for exportation, as the case may be; and the produce 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 expenses; and the overplus, if any, shall be paid to the person duly authorised to receive the same: Provided always, that it shall be lawful for the said Collector, or other principal officer, to cause any such of the said goods to be destroyed as cannot be sold for a sum sufficient to pay such duties, charges, and expenses, if sold for home use, or sufficient to pay such charges and expenses if sold for exportation: provided also, that if such goods shall have been landed by the officers of Customs, and the freight of the same shall not have been paid, the produce of such sale shall be first applied to the payment of such freight.

XLIX. AND whereas it is expedient to make regulations for the warehousing of spirits, wines and tobacco, and such other goods, ^{Warehouse regulations ,} &c. subject to duty on importation, as may be from time to time authorised as hereinafter provided, and for the appointment of the ports which shall be warehousing ports, and of proper warehouses, for the lodging and securing such goods therein; Be it enacted, therefore, that it shall be lawful for the Governor, with the advice of his 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 warehouses for the warehousing and securing spirits, wines and tobacco, and such other goods as shall be admitted to be warehoused as aforesaid.

L. AND all appointments of 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.

LI. AND it shall be lawful for the said Governor, with the advice of his Executive Council, by his warrant, from time to time to revoke any former warrant, or to make any alteration in, or addition to any former warrant made by him as aforesaid; every warrant of appointment made by the said Governor as aforesaid, as well those of original appointment as those of revocation, alteration or addition, shall be published in the Government Gazette.

LII. IT shall be lawful for the importer of any spirits, wine, or tobacco, or other goods, authorized as aforesaid, to warehouse the same in the warehouses so provided, without payment of any duty, on the first entry thereof, subject, nevertheless, to the rules, regulations, and conditions hereinafter contained: Provided always, that for every package of goods so warehoused, the importer or proprietor thereof shall pay for, and as warehouse rent, such sum or

sums not exceeding the sums set forth in the said Schedule, and at such periods, and in such manner as the Governor shall from time to time appoint and direct; and all such sums shall be paid, received, and appropriated as duties of Customs: Provided also, that all goods so warehoused, shall be stored in such parts or divisions of the warehouse as the Collector or other proper officer may direct, and in such manner as that easy reach may be had to every package.

Bond and security for
goods entered.

LIII. UPON entry of any goods to be warehoused, the importer of such goods, instead of paying down the duties due thereon, shall give bond, with one or more sufficient surety or sureties, to be approved of by the Collector, in double the amount of duties payable on such goods, with condition for the safe depositing of the same in the warehouse mentioned in such entry, and for the payment of all duties due upon such goods, or for the exportation thereof, and with further condition that no part of such goods shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon due entry for exportation; and if, after such bond shall have been given, the goods, or any part thereof shall be sold or disposed of, so that the original bond shall be no longer interested in, or have control over, the same, it shall be lawful for the Collector to admit fresh security to be given by the bond of the new proprietor, or other person having control over such goods, with one or more sufficient surety or sureties, and to cancel the bond given by the original bond of such goods, or to exonerate him to the extent of the fresh security so given.

Forfeiture.

LIV. IF any goods, which have been entered to be warehoused, shall not be duly carried and deposited in the 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 re-landed, except with the permission of the proper officer of the Customs, such goods shall be forfeited.

Entry upon goods.

LV. UPON the entry and landing of any goods to be warehoused, the proper officer of the 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 warehouse, except upon due entry and under the care of the proper officer for exportation, or upon due entry and payment of duty for home use.

LVI. THAT it shall be lawful in the warehouse to sort, separate, pack and repack, 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 his 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 of Customs shall permit; and also, in the 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, in the warehouse, to fill up any casks of wine or spirits from any other casks of the same, respectively, secured in the same warehouse; and also, in the warehouse, to take such moderate samples of goods as may be allowed by the Collector of Customs, without entry or payment of duty: Provided always, 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 of Customs shall from time to time require and direct, with the sanction and concurrence of the Governor.

Repacking tobacco in the Custom House.

LVII. AND as it may happen that after the repacking into proper packages of any parcel of goods which have been unpacked and separated, or drawn off from the original package in any of the cases hereinbefore provided for, there may remain some surplus quantities of the respective parcels of such goods, which may not be sufficient to make or fill up any one of such proper packages, or it may happen that some part of such goods, when separated from other parts, may be such refuse, or in so damaged a state as to be worthless, or that the total quantity of such parcel of goods may be reduced by the separation of dirt or sediment, or otherwise; it is therefore enacted, that after such goods have been so repacked in proper packages, it shall be lawful for the Collector of Customs, or other principal officer, at the request of the importer or proprietor of such goods, to cause or permit any of such refuse, damaged or surplus goods, not contained in any of such packages, to be destroyed:

Destroying surplus or damaged goods after, re-packing.

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 otherwise in any case provided by this Ordinance: Provided always, that it shall be lawful for the Collector of Customs to accept the abandonment for the duties of any whole package 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, may be recovered from the proprietor in like manner as duties of Customs, or debt to the Crown.

Goods to be cleared within
three years of entry there-
of.

LVIII. ALL goods which shall have been so warehoused or re-warehoused, 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 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 warehouse; provided always, that it shall be lawful for the Collector or other principal officer to grant further time for any goods to remain warehoused, if he shall see fit so to do.

Duties remitted.

LIX. IF any goods entered or warehoused, or entered to be delivered from the 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 delivering from the warehouse, it shall be lawful for the Governor to remit, or return, the duties payable, or paid, on the quantity of goods so lost or destroyed.

LX. UPON the entry outwards of any goods to be exported from the warehouse, the person entering the same shall give security by bond in double the duties of importation on the quantity of such goods, with one sufficient surety, to be approved of by the Collector or other principal officer that the same shall be landed at the place for which they shall be entered outwards, or be otherwise accounted for, to the satisfaction of the Collector or other proper officer.

Security by bond.

LXI. AND whereas spirits, wines and tobacco, and certain other goods, are liable in time to decrease in quantity from natural causes; be it therefore enacted, that it shall be lawful for the proprietor or importer of any such goods, to require the same to be re-gauged, re-measured, or re-weighed, at the time when the same shall be respectively delivered from the said warehouse, and the duties respectively payable thereon shall be paid according to the quantities ascertained upon such re-gauging, re-measuring, or re-weighing.

Decreased goods to be re-measured, &c., upon delivery.

LXII. GOODS warehoused at any warehousing port in the said colony, being first duly entered, may be delivered under the authority of the proper officer of the Customs, without payment of duty, for the purpose of removal to another warehousing port in 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.

Delivery of goods entered.

LXIII. IF any embezzlement, waste, spoil, or destruction shall be made of, or in, any goods or merchandize, which shall be warehoused in any warehouse under the authority of this or any other Ordinance, by or through any wilful misconduct of any officer of the Customs, such officer 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 so prosecuted to conviction by the importer, consignee, or proprietor of the goods or merchandize so embezzled, wasted, spoiled, or destroyed, then, and in such case, no duty shall be payable for or in respect of such goods or merchandize so embezzled, wasted, spoiled, or destroyed; and no forfeiture or seizure shall take place of any goods or merchandize so warehoused in respect of any deficiency caused by such embezzlement, waste, spoil, or destruction, and the damage occasioned by such embezzlement, waste, spoil or destruction of such goods or merchandize, shall be repaid

Embezzlement or waste by any officer of Customs.

and made good to such importer, consignee, or proprietor, by the Collector or other principal officer of the Customs, under such orders, regulations, and directions as shall be for that purpose made and given by the Governor of the said colony.

LXIV. IF any importer or proprietor of any goods warehoused, or any other person, shall, by any contrivance, fraudulently open the warehouse, or gain access to the goods, except in the presence of the proper officer, acting in the execution of his duty, such importer, proprietor, or other person, shall forfeit and pay, for every such offence, any sum not exceeding £100.

LXV. THE master or owner of any ship, being of the burthen of thirty tons at the least, bound on a voyage to foreign parts, shall be permitted to ship such quantities of spirits, wine, tobacco and cigars, free of duty, from the warehouse, as stores, 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 an ounce of 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 directions and regulations, as the Collector shall appoint: provided also, that the master or owner of such ship shall previously enter into a bond, with one or more sufficient surety or sureties, in double the amount of duties payable upon the spirits, wine, tobacco, and cigars so shipped, that no part thereof shall be relanded in the said colony, without due entry at the Custom House.

LXVI. IT shall not be lawful for any person to export any goods so warehoused, or to enter for exportation to parts beyond the seas, any goods so warehoused, in ships which shall not be of the burthen of thirty tons, or upwards,

LXVII. ALL spirits, wines, tobacco, or other goods liable to duty, which shall be found in the act of removal, 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 in whose possession the same shall be found or seized shall prove to the contrary.

LXVIII WHEN any ship or boat shall be found within the

limits of any port within the meaning of this Ordinance, or within one league of any part of this territory, and shall not bring to upon signal made by any ship or boat in Her Majesty's service, or in the service of the Colonial Government of this colony, hoisting the proper pennant and ensign, in order to bring such ship or boat to, and thereupon chase shall be given, if any person or persons 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 such case, the said ship or boat shall be forfeited.

LXIX. IF any ship or boat whatsoever shall be found within one league of any part 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, or the deficient part thereof, such ship or boat, with her guns, furniture, ammunition, tackle and apparel, shall be forfeited: provided, always, that if it shall be made to appear to the satisfaction of the Governor of this colony, or of the court before which the case may be heard, that the landing of the said cargo was wholly unknown to the owner of such ship, and contrary to his instructions, then, and in that case, the said Governor or court, as the case may be, is hereby authorised to direct the said ship to be delivered up to the said owners, and the master thereof, shall forfeit and pay 20s. for every ton register measurement of the said ship. Forfeiture.

LXX. 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 or 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 same package shall be seized by any officer of the Customs and forfeited, together with the package 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. Seizure of goods concealed in others.

LXXI. ALL ships and boats made use of in the unlawful removal, carriage, or conveyance of any goods liable to forfeiture under this or any other Ordinance relating to the Customs, shall be forfeited, with their respective guns, furniture, ammunition, tackle and apparel. Forfeiture of unlawful ships.

Masters of ships required to paint name, &c., on boats.

LXXII. THE master of any ship shall, within twenty-four hours after his report, 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, and the master's name, within the transom, in white or yellow Roman letters, not less than two inches in length, on a black ground, and in default thereof, such master shall forfeit and pay a sum not exceeding £10.

Forfeiture of ships with false bulk-heads, &c.

LXXIII. ALL ships and boats, belonging in the whole, or in part, to 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 the said ship or boat, adapted for the purpose of concealing goods, or having any hole, pipe, or device, in or about the ship or boat, adapted for the purpose of running goods, shall be forfeited, with all guns, furniture, ammunition, tackle and apparel, belonging to such ship or boat, and all goods liable to the payment of duties, or prohibited to be imported into the said colony, found concealed on board of any ship or boat, or in any of the packages of goods on board, or in or underneath the ballast, or in any other place on board such ship or boat, shall be forfeited.

Forfeiture of uncustomed goods.

LXXIV. 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 shall be imported to any part of the said colony, or if any goods which shall have been warehoused, or otherwise secured in the said colony, either for home consumption or for exportation, shall be clandestinely or illegally removed from or out of any warehouse or place of security, then, and in such case, all such goods as aforesaid shall be forfeited, together with all horses and other animals, and all carriages and other things made use of in the removal of such goods.

Ships liable to forfeiture may be seized.

LXXV. ALL ships and boats, and all goods whatsoever, liable to forfeiture under this or any other Ordinance relating to the Revenue of Customs, shall and may be seized in any place, either upon land or water, by any officer of Her Majesty's navy, on full pay, Justice of the Peace, officer of the Customs, or any person having authority to seize from the Governor of the said colony; and all vessels, boats, and goods, so seized, shall, as soon as conveniently may be, be delivered into the care of the proper officer appointed to receive the same.

LXXVI. IT shall be lawful for any officer of Customs, or persons acting under the direction of the Governor of the said colony, having a writ of assistance under the hand of the Commissioner of the Civil Court of the said colony, to take a constable or other public officer inhabiting near the place, 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, and there to seize, and from thence to bring any uncustomed or prohibited goods, and to put and secure the same in the Queen's Warehouse, in the port next to the place from whence such goods shall have been so taken as aforesaid.

Officer is entitled to constable's assistance.

LXXVII. ALL Writs of Assistance, issued as aforesaid, shall continue and be in force during the whole of the reign in which such Writs shall have been granted, and for six months from the conclusion of such reign.

Writ to continue during whole reign.

LXXVIII. IT shall be lawful for every and any Justice of the Peace, and officer of the Customs, or other person acting in his aid or assistance, or duly employed for the prevention of smuggling, upon reasonable suspicion, to stop and examine any cart, waggon, or other means of conveyance, for the purpose of ascertaining whether any smuggled 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, waggon, or other conveyance, having had probable cause to suspect that such cart, waggon, or other conveyance, had smuggled goods 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, waggon, or other conveyance, refusing to stop, when required so to do, in the Queen's name, shall forfeit a sum not exceeding £100.

Justice, &c., to stop cart, &c., for purpose of examination.

LXXIX. EVERY person who shall unship, or be aiding or assisting, or be otherwise concerned in the unshipping of any 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 goods which shall have been illegally unshipped without payment of duties, or which shall have been illegally removed, without payment for the same, from any warehouse or place of security in which they may have been deposited, and every person to whose hands and possession any such uncustomed or prohibited goods shall knowingly come, or

Not to harbour or conceal goods.

who shall assist or be in anywise concerned in the illegal removal of any goods from any warehouse, or place of security, in which they shall have been deposited, as aforesaid, shall forfeit, either the treble value thereof, or a penalty not exceeding £100, at the election of the Collector of Customs.

Penalty fixed by value of goods.

LXXX. IN all cases where any penalty, the amount of which is at any time to be decided or determined by the value of any goods, is directed to be sued for under 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 be deemed and taken to be according to the rate and price which goods of the like sort or denomination, and of the best quality, have usually been sold for at such time at the place of importation, and upon which the duties due upon importation have been paid.

Forfeits within reasonable time.

LXXXI. IF any goods subject to forfeiture, under this or any other Ordinance relating to the Customs, shall be stopped or taken by any Officer hereinbefore authorised in that behalf, such goods shall be conveyed to the Custom House nearest to the place where the 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 and taken; and in case any such Officer, stopping such goods, shall neglect to have the same conveyed to such Custom House, within a reasonable time, such officer shall forfeit a sum not exceeding £20.

£100, or treble the value.

LXXXII. EVERY person who shall unship, or be aiding, assisting, or concerned in the unshipping of any spirits, wine or tobacco, or other 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 of any such spirits, wine, tobacco, or other goods liable to forfeiture, shall forfeit and pay, for every such offence, any sum not exceeding £100, or treble the value of such goods, at the election of the Collector, with the sanction of the Governor; and every such person may be detained by any Justice of the Peace or Officer of the Customs duly employed for the protection of the revenue, and for the prevention of smuggling in the said Colony, and taken before any Justice of the Peace, to be dealt with as hereinafter directed.

Officers making collusive seizure to forfeit £100.

LXXXIII. IF any officer of the Customs or other person duly

authorised to act as such, should 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 neglect or non-performance of his duty, every such officer, or other person, shall forfeit for every such offence, a sum not exceeding £500.

LXXXIV. EVERY person who shall give, offer, or promise to give, any bribe, recompense, or reward, or shall make any collusive agreement with any such officer as aforesaid, to induce him in any way to neglect his duty, or to do or to conceal, or to connive at any act, whereby any of the provisions of any Colonial Ordinance or Act of the Imperial Parliament, or any 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 a sum not exceeding £200.

Persons offering a bribe,
to forfeit £200.

LXXXV. IF any person shall obstruct any officer of the navy on full pay, Justice of the Peace, Officer of the Customs, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the execution of his duty, or in the due seizing of any goods liable to forfeiture under this or any other Ordinance relating to the Customs, or shall rescue, or cause to be rescued, any goods which have been seized, or shall attempt or endeavour to do so, 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, then, and in such case, the person so offending shall forfeit, for every such offence, any sum not exceeding £100,

Obstruct or endeavour to
rescue.

£100.

LXXXVI. IF any person shall by force or violence, assault, resist, oppose, molest, hinder, or obstruct, any officer of the navy on full pay, Justice of the Peace, officer of Customs, or other person acting in his aid or assistance, or duly employed for the prevention of smuggling, in due execution of his office or duty, such person shall be guilty of a misdemeanour, and being convicted thereof in any court of Record, shall be sentenced to be imprisoned in any house of correction or 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.

Resist or oppose.

LXXXVII. ALL ships, boats, and goods whatsoever, which shall have been seized and condemned for a breach of any law re-

Vessels and goods sold. relating to the Customs, shall be disposed of as soon as conveniently may be, after the condemnation thereof, in such manner as the Collector, with the sanction of the Governor, shall direct.

LXXXVIII. ALL ships, boats, and goods, which by any law, at any time in force in the said colony, shall be, or have been declared to be forfeited, may be seized by any officer of the Customs.

Penalty. LXXXIX. 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 the Court of Vice Admiralty, in the name of the Advocate General of the said colony, or in the name or names of some officer or officers of the Customs, or in cases where the penalty, or the value of the goods forfeited does not exceed the sum of £100, by information before any two or more Justices of the Peace for the said colony.

Justice of the Peace may order detention. XC. AND whereas it is expedient that time should be allowed to prepare informations, convictions, and warrants of commitment; Be it declared and enacted, that when any person shall have been detained by any officer of the navy on full pay, Justice of the Peace, officer of the Customs, or any person acting in his 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 to answer any charges preferred against him under this Ordinance, and it shall appear to such Justice that there is reasonable cause to detain such person, such Justice may, and he is hereby authorized and required to order such person to be detained a reasonable time, and, at the expiration of such time, to be brought before any Justice or Justices of the Peace, to be dealt with according to law.

Justice of the Peace, or officer, &c., may detain. XCI. 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 so committing the offence for which he is liable, or, after detention, shall make his escape, it shall and may be lawful for any officer of the navy on full pay, Justice of the Peace, officer of Customs, or other person acting in his aid or assistance, or duly employed for the prevention of smuggling, to detain such person so liable to detention as aforesaid, 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.

XCII. ALL forfeitures and penalties recovered under this or any other Ordinance relating to the Customs, shall be paid into the hands of the Collector of Customs at the port or place where, or nearest to where, the same shall have been recovered, and shall be divided, paid, and applied, (after deducting the charges of prosecution and other contingent expenses) as follows : that is to say—one moiety Half to Queen; half to informers and seize rs. to the Colonial Treasurer, to the use of Her Majesty, her heirs, and successors, for the public uses of the said colony, and the support of the Government thereof; and the other moiety to or among the informer or informers, the seizer or seizers, as the Governor shall from time to time direct.

XCIII. 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, 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, or goods shall have been seized, or the owner of them, or some person authorised by him, or acting in his behalf, shall, within one month from the day of seizing the same, give notice in writing to the Collector, at the nearest port, that he claims the ship, boat, or goods, or intends to claim them; and as soon as the person so claiming shall have entered into the security required by law for prosecuting such claim, the ship, boat, or goods, 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 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.

XCIV. UPON the exhibition of any information before any Justice of the Peace, for any offence against this or any other Act or Ordinance relating to the Customs, or to trade or navigation, whether the party charged in respect of such offence be or be not liable to be detained in manner hereinbefore mentioned, such Justice is hereby required to issue a summons for the appearance of the persons against whom such information is exhibited, before two Justices of the Peace; and such summons, directed to such party, being left at his place of residence, or on board any ship to which such person may belong, shall be deemed to have been sufficiently

served: provided that if it shall be made to appear, to the satisfaction of the Justice issuing such summons, or of any two Justices, that no such service of the summons, as is hereinbefore required, has been made, all subsequent proceedings had, or taken thereupon, shall be by him or them set aside.

Distress.

XCV. UPON the appearance or default of any party so summoned, it shall be lawful for any two 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 party, or upon the oath of one or more credible witness or witnesses, to convict such party in the penalty or penalties sued for by such information; and in case of non-payment thereof, the same shall be levied by distress and sale of the goods and chattels of such party, wherever the same shall be found; and in default of sufficient distress, it shall be lawful for such Justices, or either of them, to commit such party to any of Her Majesty's Gaols in the said colony, there to be imprisoned with or without hard labour for any term not exceeding eighteen calendar months, unless the said penalty or penalties, with costs, be sooner paid.

Condemn goods.

XCVI. WHEN any information shall have been exhibited before any Justice of the Peace, for the forfeiting of any goods whatsoever, seized under this or any other Ordinance relating to the Customs, it shall be lawful for the said Justice to summon the party to whom such goods belonged, or from whom they were seized, to appear before any two Justices of the Peace; and such summons, directed to such party, being left at his or her last known place of residence, or on board any ship to which such party may belong, shall be deemed to have been sufficiently served; and upon the appearance or default of such party, any two Justices of the Peace may proceed to the examination of the matter, and upon due proof that such goods are liable to forfeiture under this or any other Ordinance relating to the Customs, may condemn the said goods.

XCVII. EVERY information for any penalty or forfeiture, and every conviction and 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.

Certiorari not to apply.

XCVIII. NO writ of certiorari shall issue from any Superior

to remove any proceedings before any Justice or Justices of the Peace under this or any other 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 person against whom such proceeding shall have been directed, or who shall have been so convicted, or his attorney or agent, shall state in an affidavit in writing, to be duly sworn, the grounds of objection to such proceedings or conviction, and, upon the 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 they are hereby required, to amend any information, conviction, or warrant of commitment for any offence under any such Ordinance, at any time, whether before or after conviction.

XCIX. 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 of Her Majesty's Courts of Record, or in the Court of Vice-Admiralty in the said colony, unless such claim or appearance be in the true and real name or names of the owner or owners of such ship, boat, or goods, describing the place of residence and the business or profession of such person or persons; and if such person or persons shall reside in Perth or Fremantle, or within ten miles of Fremantle, oath shall be made by him, her, or them, before one of the Judges of the court into which the said ship, boat, or goods, are returned, or in which such information is filed, that the said ship, boat, or goods, was, or were really and truly the property of him, her, or them, at the time of such seizure; but if such person or persons shall not be resident in Perth or Fremantle, or within ten miles of Fremantle, then, and in such case, oath shall be made in like manner by the Agent or Attorney or Solicitor, by whom such claim or appearance shall be entered, that he is, or acts as, the Agent, Attorney, or Solicitor of such owner or owners, and that he enters such claim or appearance on behalf of such owner or owners, and that, to the best of his knowledge and belief, such ship, boat, or goods, was, or were, at the time of such seizure thereof, *bond fide* and truly the real property of the person or persons in whose name or names such claim or appearance is entered; and on failure thereof, the

Real name of owner.

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 the pains and penalties to which persons are liable for wilful and corrupt perjury.

Sureties.

C. UPON the entry of any claim to any ship, boat, or goods, seized for any cause of forfeiture, or upon any appearance to any information filed for such forfeiture, the person or persons who shall enter the claim or appearance as the owner or owners thereof, (in case such claimant or claimants shall reside in the said colony) shall be bound, with two other sufficient sureties, in the penalty of £100, to answer and pay the costs occasioned by such claim or appearance; and if such owner or owners 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 such claim or appearance.

Judge to certify.

CI. IN case any information or suit shall be commenced or brought to trial on account of the seizure of any ship, boat, goods, merchandize, or commodities whatsoever, or any horses or other animals, or any carriage seized as forfeited by this or any other Ordinance relating to the Customs, wherein a verdict 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 in the record that there was such probable cause, and in such case the person who made such seizure shall not be liable to any action, indictment, or other suit or prosecution, on account of such seizure; and in case any action, indictment, suit, or other prosecution, shall be commenced and brought to trial against any other person or persons whomsoever, on account of any such seizure as aforesaid, wherein a verdict shall be given against the defendant or defendants, if the Judge or Court before whom such information or suit shall have been tried shall have certified in 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 twopence damages, nor to any costs of suit; nor shall the defendant in such prosecution be fined above one shilling.

CII. NO writ shall be sued out against, nor a copy of any process served upon any officer of the navy or Customs, or Justice of the Peace, for anything done in the execution of, or by reason of his office, until one 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 of the person 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 persons who is to bring such action, and the name and place of abode of the attorney or agent; and that a fee of twenty shillings shall be paid for preparing and serving of every such notice, and no more.

CIII. NO plaintiff in any case where an action shall be grounded on any such act done by the defendant, shall be permitted to produce evidence of any cause of 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.

CIV. IT shall be lawful 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 person complaining, or to his agent or attorney; and in case the same is not accepted, to plead such tender in law to any action to be brought against him, grounded on such writ or process, together with the plea of not guilty, and other pleas, with leave of the Court; and if issue be joined thereon, and 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

Cause of action.

Officer may render
amends within a month.

defendant in 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, her, or their costs of suit.

CV. 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 and may be lawful for him, by leave of the Court, where such action shall be 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 judgments 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.

CVI IF any action or suit be brought or commenced as aforesaid, such action or suit shall be brought or commenced within six months next after the cause of action shall have arisen, and not afterwards, and the defendant 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 a verdict, judgment, or demurrer shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can or may have in other cases where costs are given by law.

CVII. WHENEVER any person shall be charged with any offence against this or any other Ordinance relating to the Customs, or for which he may be prosecuted by information or indictment in the Civil Court, or any Court of Quarter Sessions in the said colony, and the same shall be made appear to the Commissioner of the said Civil Court, or to the Chairman of any such Court of Quarter Sessions, by affidavit, or by certificate of an information or indictment being filed against such person in any of the said Courts for such offence, it shall and may be lawful for such Commissioner or Chairman to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended, and brought before him, or before some Justice of the Peace, in order to his being bound to the Queen's Majesty, with two sufficient sureties, in such sum as in the said warrant shall be expressed, with condition to appear in the Court, and at the time mentioned in such warrant, and to answer all and singular informations and indictments for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Commissioner, Chairman,

and Justice, respectively, to commit such person to a common gaol, there to remain until he shall have become bound as aforesaid, or shall be discharged by order of such Commissioner, or by order of such Chairman of the Quarter Sessions: and the recognizance to be thereupon taken, shall be returned and filed by the Clerk of the Peace, or other proper officer, 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 to be discharged by such Commissioner, or by such Chairman of the Quarter Sessions. And when any person, by virtue of any process issued out of the said Civil Court, is now detained, or shall hereafter be committed to, and detained in any gaol, for want of bail, it shall be lawful for the prosecutor of 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 or information, cause an appearance, and also a plea or a demurrer to be entered in the said Civil Court to such indictment or information, an appearance and a plea of not guilty will be entered thereto, in the name of such person; and in case he 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 the Commissioner of the said Court, or before any Justice of the Peace, 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 usual 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 court before which 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.

Last known abode.

CVIII. 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 and may 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 known 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 or indictment will enter a plea of not guilty on his behalf, and upon affidavit being made and filed in the Court of the delivery of a copy of such information or indictment, with notice endorsed thereon as aforesaid to such person, or to his attorney or agent, or at his last known place of abode, as the case may be, it shall be lawful for the prosecutor of such 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.

Proof on owner.

CIX. IF any goods in the possession of the importer or lander of such goods shall be seized for the non-payment of duties, or any other cause of forfeiture, and any dispute shall 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 and stop the same.

CX. IN case of any information or proceedings had under this or any other Ordinance relating to the Customs, the averment that the Collector has directed or elected such information or proceedings to be instituted, or that any ship 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 the Customs, and where the offence is committed in any port in the said colony, the naming of such port in any information or proceedings shall be sufficient, without proof as to such fact or facts, unless the defendant in such case shall prove the contrary.

CXI. ALL persons employed for the prevention of smuggling under the direction of the Governor of the said colony, or of any Officer or Officers in the service of the Customs, shall be deemed and taken to be duly employed for the prevention of smuggling, and the averment in any information or suit that such person was duly employed, shall be sufficient proof thereof, unless the defendant in such information or suit shall prove to the contrary.

CXII. IF upon any trial a question shall arise whether any person is an officer of the navy on full pay, or an officer of the Customs, or is duly employed for the prevention of smuggling, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation, unless sufficient proof shall be given to the contrary. Officer need not shew Commission.

CXIII. ALL suits, indictments, or informations exhibited for any offence against or forfeiture under this or any other Ordinance relating to the Customs in any of Her Majesty's Courts of Record, or in the Court of Vice Admiralty in the said colony, shall be had, brought, sued, or exhibited within three years next after the date of the offence committed or forfeiture incurred, and shall be exhibited before any one or more Justice or Justices of the Peace within six months next after the date of the offence committed, or forfeiture incurred.

CXIV. 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 Justice or Justices of the Peace against such person for such offence at any time afterwards, although more than six months shall have expired. More than six months.

CHARLES FITZGERALD,

GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council, }
the 6th day of June, 1854. }*

A O'GRADY LEFROY,
Clerk of the Council.

SCHEDULE,

Puncheon, Pipe, or Butt	6d per week
Hogshead	3d “ “
Quarter Cask	2d “ “
Octave	1d “ “
Barrel	2d “ “
Keg Tobacco	2d “ “
Half a Tierce	2d “ “
Tierce	3d “ “
Cases of Wine above two gallons	2d “ “
All small packages of any description—per package	1d “ “
Tea, per Chest	1d “ “
Do. per Ton	1s. 0d “ “
Sugar per Ton	1s. 0d “ “
All packages deposited in the Queen's Warehouse for	
a month, per package 1s.; if exceeding 10 cubic	
feet to be charged by the Ton	
	1s. 0d