

No. IX.

An Act to amend the Law relating to the General Regulation of the Customs in New South Wales. [30th October, 1846.]

CUSTOMS.

WHEREAS by an Act passed in the ninth year of the reign of Her present Majesty intituled "*An Act to provide for the General Regulation of the Customs in New South Wales*" it is amongst other things enacted that vessels engaged in the coasting trade shall carry goods only under the regulations therein set forth And whereas it is expedient to alter and amend the said recited Act in manner hereinafter provided Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That so much of the said recited Act as relates to vessels engaged in the coasting trade shall be and the same is hereby repealed except as to any matter or thing done or commenced to be done under the same.

Preamble.

⁹ Victoria No. 15

repealed in so far as relates to vessels engaged in the coasting trade.

(*Regulation—Colonial Trade.*)

Coastwise.

2. And be it enacted That all vessels the property of Her Majesty's subjects trading from one part of the said Colony to another part thereof between Cape Capricorn in or about the latitude of twenty-three degrees and a half south and the eastern limits of the Province of South Australia shall be considered as engaged in the coasting trade.

Coasting trade.

3. And be it enacted That no goods shall be carried in any coasting vessel except such as shall be laden to be so carried at some port or place in this Colony and that if any goods shall be taken into or put out

What goods shall be carried coastwise.

out

Customs.

out of any coasting vessel at sea or if any coasting ship or vessel 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 vessel 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 vessel shall afterwards first arrive the master of such vessel shall forfeit a sum not exceeding two hundred pounds.

Goods carried coastwise under what regulations.

4. And be it enacted That no goods shall be laden on board any vessel in any port or place of the said Colony as aforesaid where any officer of the Customs shall or may be hereafter stationed to be carried coastwise nor having been brought coastwise shall be unladen until due notice in writing signed by the master shall be given to the Collector or other proper officer of Customs by the master owner or agent of such vessel of the intention to lade goods on board the same to be so carried or of the arrival of such vessel with goods so brought as the case may be nor until proper documents shall have been granted as hereinafter directed for the lading or unlading of such goods and such goods shall not be so laden or unladen except at such times and places and in such manner and by such persons and under the care of such officers as shall be appointed by the Collector or other proper officer for that duty and all goods liable to duty on importation laden water-borne or unladen contrary to this Act shall be forfeited and the master of any vessel so lading or unlading any goods contrary to the true intent and meaning of this Act shall forfeit and pay a sum not exceeding ten pounds.

Particulars in notice.

5. And be it enacted That in such notice shall be stated the name and tonnage of the ship or vessel and the name of the port to which she belongs and the name of the master and the name of the port to which she is bound or from which she has arrived and the name or description of the wharf or place at which her lading is to be taken in or discharged (as the case may be) and such notice shall be signed by the master owner or agent of such ship or vessel and shall be entered in a book to be kept by the Collector of Customs for the information of all parties interested and every such notice for the unlading of any ship or vessel shall be delivered within twenty-four hours after the arrival of such ship or vessel under a penalty not exceeding twenty pounds to be paid by the master of such ship or vessel.

After notice given of lading goods on board coasting vessels Collector may grant a general sufferance.

6. And be it enacted That when due notice shall have been given to the Collector or other principal officer of Customs at the port of lading of the intention to lade goods on board any coasting vessel such Collector or principal officer shall grant a general sufferance for the lading of goods (without specifying the same) on board such ship or vessel at the wharf or place which shall be expressed in such sufferance and such sufferance shall be a sufficient authority for the lading of any sort of goods except such (if any) as shall be expressly excepted therein Provided always that before any sufferance be granted for any goods from the warehouse on which the duty has not been paid or for any goods liable to duty at the port of discharge the master or owner of any such ship or vessel or the shipper of any such goods shall give bond with one sufficient surety in treble the value of the goods that the same shall be landed at the port for which such sufferance is required or otherwise accounted for to the satisfaction of the Collector or other principal officer of Customs at the port of shipment.

Master of vessel to keep a cargo book.

7. And be it enacted That the master of every coasting vessel shall keep or cause to be kept a cargo book of the same stating the name of the vessel and of the master and of the port to which she belongs and of the port to which she is bound on each voyage and in which book shall be entered at the port of lading an account of all goods liable to duty

Customs.

duty taken on board such vessel stating the description of the packages and the description of the goods therein and the quantities and description of any goods stored loose and in which book at the port of discharge shall be noted the respective days upon which any of such goods shall be delivered out of such vessel and also the respective times of departure from the port of lading and of arrival at any port 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 if such master shall fail to keep such book or to produce the same or if at any time there be found on board such vessel any goods not entered in the cargo book as laden (except any personal baggage belonging to any person being a passenger by such vessel) or any goods noted as delivered or if at 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 vessel shall forfeit any sum not exceeding twenty pounds.

Coastwise.

8. And be it enacted That before any coasting vessel shall depart from the port of lading an account together with a duplicate of the same all fairly written and signed by the master shall be delivered to the Collector or other principal officer of Customs and in such account shall be set forth such particulars as are required to be entered in the cargo book of all goods liable to duty at the port of discharge and generally whether any British or Colonial goods be laden on board and the said Collector or other principal officer shall select and retain one of such accounts and shall return the other after having dated and signed the same and note thereon the clearance of the ship and such account shall be the clearance of the ship for the voyage and the transire of the goods expressed therein and if any such account be false or shall not correspond with the cargo book the master shall forfeit a sum not exceeding fifty pounds.

Account of Foreign goods to be delivered to the Collector.

9. And be it enacted That before any goods be unladen from any coasting vessel at the port of discharge the master owner wharfinger or agent of such vessel shall deliver the transire to the Collector or other principal officer of Customs of such port who shall thereupon grant an order for the unloading of such vessel at the wharf or wharves place or places specified in such order Provided always that if any of the goods on board such vessel be subject to any duty of Customs payable on arrival coastwise at such port the master owner wharfinger or agent of such ship or the consignee of such goods shall also deliver to the said Collector or other principal officer a bill of the entry of the particulars of such goods expressed in words at length together with a copy thereof in which all sums and numbers may be expressed in figures and shall pay down all duties of Customs which shall be due and payable on any such goods and thereupon the said Collector or other principal officer shall grant an order for the landing of such goods in the presence of or by the authority of the coast-waiter.

Transire to be delivered to Collector before goods unladen.

10. And be it enacted That no goods (except the personal baggage of any passenger) shall be unshipped from any vessel arriving coastwise at any port or place in the said Colony where any officer of Customs shall or may be hereafter stationed and also that no goods shall be shipped or water-borne to be shipped at any such port or place to be carried coastwise but only on days not being Sundays or Holidays and in the day time that is to say betwixt sunrise and the hour of six o'clock in the afternoon nor shall any such goods be so unshipped shipped or water-borne unless in the presence or with the authority of the proper officer of the Customs nor unless at places which shall be appointed or approved by the proper officer of the Customs Provided always that in the case of steam vessels employed in the coasting trade the times of landing and shipping

Times and places for landing and shipping.

*Small Debts Recovery.**Coastwise.*

may be extended from sunrise to such hour and under such regulations as the Collector or other principal officer of Customs may appoint Provided also that nothing in this Act contained shall prevent the shipping of goods (on which any duty due on importation has been paid or which are not subject to duty) to be carried coastwise or the unshipping of any such goods which have been carried coastwise at any port or place where there is not an officer of Customs stationed without the presence or authority of an officer of Customs.

Penalties and forfeitures how to be sued for.

11. And be it enacted That all penalties and forfeitures incurred or imposed by this or any other Act 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 in the name of Her Majesty's Attorney General or in the name or names of some officer or officers of Her Majesty's Customs except in cases where the penalty does not exceed the sum of one hundred pounds which shall be heard and determined in a summary way before any two or more Justices of the Peace sitting in Petty Sessions in the district where the offence to be tried shall be alleged to have been committed.

Appropriation of fines and forfeitures.

12. And be it enacted That all fines and forfeitures recovered under this Act shall be paid into the hands of the Collector of Her Majesty's Customs at the port or place where or nearest to where the same shall have been recovered and shall be divided and paid (after deducting the charges of prosecution and other contingent expenses) as follows—that is to say one moiety to Her Majesty Her Heirs and Successors for the public uses of this Territory and in support of the Government thereof and which moiety shall be applied in such manner as may from time to time be directed by any Acts of the said Governor and Legislative Council and the other moiety to the seizing officer or to the person or persons who shall sue or who shall have sued for such fine or forfeiture.