An Act to amend the Laws of the Customs in South Australia.

[Assented to, December 16, 1854.]

WHEREAS it is expedient to amend the Laws of Customs in South Australia—Be it therefore Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

1. From and after the first day of January, one thousand eight hundred and fifty-five, this Act shall commence and take effect; and the Ordinance passed on the ninth day of October, one thousand eight hundred and forty-six, intituled an "An Act to consolidate and amend the Laws of the Customs in South Australia;" and also an Ordinance passed on the twenty-third day of November, one thousand eight hundred and forty-eight, "To amend the Laws of the Customs in South Australia;" and also an Ordinance passed on the fourteenth day of August, one thousand eight hundred and forty-nine: "Further to amend the Laws of the Customs in South Australia;" shall be, and the same are hereby repealed, excepting always in so far as the said Ordinances may repeal any former law, or any part thereof, and excepting so far as relates to anything lawfully done before the commencement hereof.

2. In interpreting this Act the several terms and expressions following shall be construed respectively in manner hereinafter directed, that is to say, the term "Law of Customs" shall be construed to mean this or any other Act or Ordinance at any time in force within the Province relating to Customs, Trade, or Navigation; the term "goods" shall be construed to mean all kinds of goods, wares,
wares, merchandize, and other articles, to which the provisions of any Law of the Customs may be applicable; the term "spirits" shall be construed to mean all kinds of spirituous liquors, strong waters, cordials, sweetened spirits, liqueurs, and spirits intended to be used as perfumery; the term "ship" shall be construed to mean ship or vessel generally, unless such term shall be used to distinguish a ship from sloops, brigantines, and other classes of vessels; 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 only be 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, or landsman, being one of the crew of any ship; that the term "British Possessions" shall be construed to mean 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; the word "port" or the word "place" shall be taken to mean any harbor, haven, roadstead, bay, inlet, creek, or navigable river; the word "package" any parcel, bundle, box, bale, truss, case, or any other mode, vessel, covering, or enclosure, in which goods, wares, or merchandize, liquid or solid, may be packed, enclosed, or contained; and that the singular number and masculine gender shall be construed to include the plural and feminine, and vice versa, unless such construction is repugnant.

3. It shall be lawful for the Governor of the said Colony to appoint by warrant under his hand and seal of the Province, proper persons to execute the duties of the several offices necessary to the due management and collection of the Customs and all matters concerned therewith, and to require of such persons such securities for their good conduct therein as His Excellency shall deem to be reasonable and necessary, and also, as occasion may require, to remove any such person from his office: Provided that the several persons filling or discharging the duties of such several offices at the time of the commencement of this Act, shall continue to fill and discharge the duties of and exercise all authorities connected with such offices until such appointments be made respectively.

4. Every
4. Every person employed on any duty or service relating to the Customs within the said Colony or its dependencies, by the order or with the concurrence of the Governor thereof, whether previously or subsequently expressed, shall be deemed to be the officer of Customs for that duty or service, and that every act, matter, or thing, required by any law at any time in force to be done or performed by, to, or with any particular officer nominated in such law for such purpose, being done or performed by, to, or with any person appointed by the Governor of the said Colony, to act for in behalf of such particular officer, the same shall be deemed to be done or performed by, to, or with such particular officer.

5. Every person who shall be appointed to any office or employment in the service of the Customs shall, at his admission thereto, make the following declaration, that is to say—

"I, A. B., do declare that I will be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge and inspection, in the service of Her Majesty's Customs, and that I will not require, take, or receive any fee, perquisite, gratuity, or reward, whether pecuniary, or of any sort or description whatsoever, either directly or indirectly, for any service, act, duty, matter, or thing, done or performed, or to be done or performed, in the execution or discharge of any of the duties of my office or employment, on any account whatever, other than my salary, or what is or shall be allowed me by law, or by any special order of the Governor of the Colony for the time being."

6. 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 anything 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 order or permission of the Governor of the said Colony, every such officer; clerk, or other person so offending shall, on proof thereof, be dismissed from his office; and if any person, not being a person duly appointed to some office in the Customs, shall give, offer, or promise to give any such fee, perquisite or reward, such person shall for every such offence, forfeit a sum not exceeding One Hundred Pounds nor less than Ten Pounds.

7. No officer of Customs, or person employed in the collection or management of, or accounting for, the revenue of Customs, or any part thereof, nor any clerk or other person acting under them, 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
son 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.

8. No day shall be kept as a public holiday by the Customs except Christmas-day, Good Friday, the Anniversary of the Foundation of the Colony in every year, and any days appointed by the order of the Governor of the said Colony, and also such days as shall be appointed for the celebration of the Birth days of Her Majesty and her successors: Provided that it shall be lawful for the Governor to declare every Saturday after the hour of twelve at noon to be a public holiday.

9. In all cases where proof or evidence 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 principal officer of the Customs at the place where such proof or affirmation shall require to be made, or before the persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

10. Upon examinations and enquiries made by the Collector, principal officer of Customs, or other person appointed by the Governor of the said Colony to make such examinations and enquiries 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 shall deliver testimony on oath or affirmation, to be administered by such Collector, officer, or other person as shall examine such person, and who are hereby authorized to administer such oath or affirmation; and every person so examined who shall be convicted of making a false oath or affirmation touching any of the facts so testified on oath or affirmation, or giving false evidence on oath before such Collector, officer, or other person in conformity to the directions of this Act, shall be deemed guilty of perjury, and shall be liable to the pains and penalties thereof.

11. No goods shall be unladen from any ship arriving from parts beyond the seas at any port or place in the said Colony, nor shall bulk be broken after the arrival of such ship within one league of the coasts 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 times and places, and in such manner, and by such persons, and under the care of such officers, as are hereinafter directed; and that all goods not duly reported, or which 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 One Hundred Pounds nor less than Ten Pounds; and if,
after the arrival of any ship within one league of the coast of the
said Colony, any alteration be made in the stowage of the cargo of
such ship, so as to facilitate the unlading of any part of such cargo,
or if any part be staved, destroyed, or thrown overboard, or any
package be opened, such ship shall be deemed to have broken bulk.

12. It shall be lawful for the Collector or other principal officer
of Customs to station an officer or officers 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 an officer is so stationed shall provide
every such officer sufficient room under the deck in some part of
the forecastle or steerage for his bed or hammock, and in case of
neglect or refusal so to do shall forfeit any sum not exceeding
Twenty Pounds.

13. That the master of every ship arriving from parts beyond
the seas at any port in the said Colony, whether laden or in ballast,
shall, within forty-eight hours after such arrival, and before bulk be
broken, deliver at the Custom House of such port a report of such
ship in the form following, or to the same effect, and containing the
several particulars indicated or required thereby, and if the cargo
of such ship shall have been laden at several places shall state the
names of those places, in column 1, in the order of time in which
the same were laden opposite to the goods so laden.

<table>
<thead>
<tr>
<th>Port of</th>
<th>REPORT.</th>
</tr>
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<tbody>
<tr>
<td>Ship's Name</td>
<td>Tonnage</td>
</tr>
<tr>
<td></td>
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</tr>
</tbody>
</table>

*Here state the Particulars according to the above Headings.*

**CARGO.**

<table>
<thead>
<tr>
<th>1.</th>
<th>2.</th>
<th>3.</th>
<th>4.</th>
<th>5.</th>
<th>6.</th>
<th>7.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name or Names of Places where laden in order of Time.</td>
<td>Marks</td>
<td>Nos.</td>
<td>Packages or Descriptions of Goods, and Particulars of Goods stowed loose, intended to be imported at this Port.</td>
<td>Name of Consignee</td>
<td>Particulars of Packages and Goods (if any) for any other Port.</td>
<td>Goods (if any) to be transhipped, or to remain on board for Exportation.</td>
</tr>
</tbody>
</table>

*Here state the Particulars according to the above Headings, or if in Ballast, state "in Ballast only."*
Regulation—
Inwards.

Surplus Stores remaining on board, viz.

Number of Passengers (if any) ... ... ...
Agent's Name and Address ... ... ...

I declare that the entry above written is a just report of my ship and her lading, and that the particulars therein inserted are true to the best of my knowledge, and that I have not broken bulk or delivered any goods out of my said ship since her departure from ... the last Foreign place of loading (except, if so, stating where.)

(Signed)
Signed and declared this day of

In presence of
(Countersigned)

Colr. or Comtr.

And the master shall further answer all such questions concerning the ship, cargo, crew, passengers, and voyage, as shall be demanded of him by such Collector or other 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 not truly answer the questions demanded of him, he shall forfeit a sum not exceeding One Hundred Pounds, nor less than Twenty Pounds.

14. That the master of every ship shall, at the time of making such report, deliver to the Collector or other principal officer of Customs the outward manifest of the cargo of such ship, and the certificate of clearance from her last port, duly authenticated by the Collector or other principal officer of Customs, in all cases where, by the law of any country, such manifest and certificate are rendered necessary; and if required by the Collector or other principal officer, shall answer all such questions relating to the ship, cargo, crew, passengers, and voyage, as shall be put to him by such Collector or other principal officer; and in case of refusal or failure to produce such manifest, and certificate of clearance, or to answer such questions, or to answer them truly, or if such manifest and certificate of clearance, shall be false, then and in every such case such master shall forfeit and pay a sum not exceeding One Hundred Pounds, nor less than Ten Pounds: And also that when any vessel shall be wrecked or cast ashore upon any part of the coast within the limits of the said Province, the master or owner thereof shall forthwith make a report inwards of such ship and cargo, so far as it may be possible for him to do so, at the nearest Custom House to that part of the coast where such vessel shall be wrecked or cast ashore; and if such master or owner shall fail to make such report, he shall forfeit a sum not exceeding One Hundred Pounds, nor less than Ten Pounds.

15. The
15. The master of every ship required to have a manifest on board shall produce such manifest to any officer of Customs who shall come on board such ship after her arrival within one league of the coast of the said Colony, or within the limits of any port thereof, and who shall demand the same for inspection; and such master shall also deliver to any such officer a true copy of such manifest signed by the master, if required so to do; and if such master shall not in any case produce such manifest, or shall not deliver such copy, he shall forfeit and pay for every such offence any sum not exceeding Fifty Pounds.

16. When any ship shall arrive within the limits of any port in the said Colony, and shall not bring-to, being approached and hailed or otherwise signalled by any boat belonging to Her Majesty's Customs, hoisting and carrying the Custom House flag, the master of such ship shall forfeit and pay a sum not exceeding One Hundred Pounds, nor less than Ten Pounds.

17. It shall be lawful for the proper officers of Customs to board any ship arriving at any port of the said Colony, or being within one league of the coast thereof, and freely to stay on board until all goods laden therein shall have been duly delivered from the same; and such officers shall have free access to every part of such ship, with power to fasten down hatchways, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure, any goods on board such ship; and if any place or any box or chest be locked, and the keys be withheld, such officers, if they be of a degree superior to tide-waiters, may open any such place, box, or chest, in the best manner in their power, and if they be tide-waiters, and 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 liable to duty 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 ship shall forfeit a sum not exceeding One Hundred Pounds, nor less than Twenty Pounds.

18. That the person entering any goods inwards (whether for payment of duty, or to be warehoused upon the first perfect entry thereof, or for payment of duty upon the taking out of the warehouse, or whether such goods be free of duty) shall deliver to the Collector, or other proper officer of Customs, a bill of the entry of such goods fairly written, or fairly written in part and fairly printed in part, in words at length in the form following, or to the same effect, and containing the several particulars indicated or required thereby.
Regulation—
Inwards.

ENTRY.

<table>
<thead>
<tr>
<th>Goods to be Warehoused</th>
<th>Duty Paid Goods</th>
<th>Home Consumption</th>
<th>Transhipment</th>
<th>Duty Free</th>
</tr>
</thead>
<tbody>
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<td></td>
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<td></td>
<td></td>
<td>as the case may be.</td>
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<table>
<thead>
<tr>
<th>Port of Importer's Name</th>
<th>Ship's Name.</th>
<th>British or Foreign.</th>
<th>Master's Name.</th>
<th>Port or Place from whence imported.</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>If for Transhipment, Name of Export Ship.</th>
<th>Master.</th>
<th>Destination.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Marks.</th>
<th>Numbers.</th>
<th>Number of Packages, Quantities, and Descriptions of Goods as charged in Table of Duties.</th>
<th>If charged at value, Value to be stated in Words at Length.</th>
</tr>
</thead>
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<td></td>
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</table>

Total amount of Duty payable on this entry £ s. d

Dated this day of 18

(Signed) Importer or Agent,

And shall pay any duty which may be payable upon the goods mentioned in such entry, and such person shall also deliver at the same time duplicates or triplicates, as the case may require, of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill shall be written, or partly
partly written and partly printed, and arranged in such form and manner, and the copies of such duplicates or triplicates shall be such and so many as the Collector or other principal officer of Customs shall require; and such bill being duly signed by the Collector or other proper officer shall be the warrant for the landing and delivery of such goods.

19. The importer of any goods intended to be warehoused without payment of duty on the first entry thereof, or his agent, shall deliver to the Collector a bill of entry of such goods, together with such duplicates or triplicates as he may require, in the same manner and form and containing the same particulars as are herein before required on the entry of goods to be delivered for home consumption on the landing thereof, as far as the same shall be applicable, and the name and description of the warehouse in which such goods are intended to be warehoused, and the name of the person in whose name they are to be so warehoused; and such bill of entry, when signed by the Collector or other proper officer, shall be transmitted to the proper officer of Customs, and be the warrant for the due warehousing of such goods.

20. That the importer of any goods, after the arrival of the importing ship shall, within fourteen days if the ship be above, and within seven days if the ship be of or under, two hundred tons register tonnage, make perfect entry inwards of such goods, and land the same; and in default of such entry and landing, it shall be lawful for the Collector, or other proper officer of Customs, to convey such goods to a Bonded Warehouse; and whenever the cargo of any ship shall have been discharged with the exception only of a small quantity of goods, it shall be lawful for the Collector, or other proper officer of Customs, to convey such remaining goods, and at any time to convey any small packages of goods, to a Bonded Warehouse, although such fourteen days, and seven days, respectively, shall not have expired, there to be kept awaiting the due entry thereof during the remainder of such fourteen days and seven days, respectively; and if the duties due upon such goods be not paid within three calendar months after such fourteen days and seven days respectively shall have expired, or within such longer period as the Collector of Customs shall in any case permit, together with all charges of removal and warehouse rent, the same shall be sold, and the proceeds thereof shall be applied first to the payment of duties, next of freight and charges, and the overplus (if any) shall be paid to the proprietor of the goods or other person duly authorized to receive the same: Provided, that in the case of goods subject to the performance of quarantine, the date on which the same shall be released from quarantine shall be substituted for the date of the arrival of the ship.

21. Whenever any goods shall remain on board any importing ship beyond the period of twenty-eight days, after the arrival of such ship, or beyond any such further period as the Collector may allow, such ship shall be detained by the proper officer of Customs.
toms until all the reasonable expenses of watching or guarding such goods beyond such twenty-eight days, or such further time, if any, allowed, as aforesaid, be paid.

22. No entry nor any 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 and in the manifest where a manifest is required, and in the certificate or other document where any is required, by which the importation or entry of such goods is authorized, 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.

23. Every person who shall make or cause to be made any such entry of any goods, not being duly authorized thereto by the proprietor or consignee of such goods, shall for every such offence forfeit a sum not exceeding One Hundred Pounds nor less than Ten Pounds.

24. If the importer of any goods or his known agent shall make and subscribe a declaration before the Collector, or other proper officer of Customs, 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 of such goods by the best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the officers of Customs and at the expense of the importer, and may be seen and examined by such importer in the presence of the proper officer; and within three days after the goods shall have been so landed, the importer shall make a perfect entry thereof, and shall either pay all duties due thereon, or duly warehouse the same; and in default of such entry within such three days, such goods shall be taken to the Queen's Warehouse; and if the importer shall not, within one month after such landing, make perfect entry of such goods, and pay the duties due thereon, together with 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 authorized to receive the same.

25. If the goods in any entry be charged to pay duty according to the number, measure, or weight thereof, such number, measure, or weight shall be stated in the entry; and if the goods in such entry be charged to pay duty according to the value thereof, such value shall be ascertained by the production of the invoice of the goods referred to in such entry, and by the declaration of the importer.
porter of such articles, or his known agent, in manner and form following: that is to say—

"I, A. B., do hereby declare that the invoice now produced, is a genuine invoice, and that the values of the articles therein contained, is the current value of the same articles at the same place from which the same were imported—Witness my hand, this day of one thousand eight hundred and A.B. The above declaration, signed the day of in the presence of C. D., Collector, or other principal officer."

Which declaration shall be written on the bill of entry of such articles, and shall be subscribed with the hand of the importer thereof, or his known agent, in the presence of the Collector, or other principal officer of Customs, at the port of importation; and such invoice price, with the addition of Ten Pounds per centum thereon, shall be deemed to be the value of the articles upon which the duties due thereon shall be charged and paid: Provided also, that if it shall appear to the Collector, or other proper officer, that such articles have been found invoiced below the real and true value thereof, at the place from whence the same were imported, or if the invoice price is not known, the articles may in such case be examined by two competent persons, to be nominated and appointed by the Governor, and such persons shall declare on oath, if required, before the Collector, or other proper officer, what is the true and real value of such articles at the port of importation in the said Province, and the value so declared shall be deemed to be the true and real value of such articles, and upon which the duties due thereon shall be charged and paid.

26. If the importer of such goods shall refuse to pay the duties imposed thereon, together with the charges that shall have been occasioned by such examination, it shall and may be lawful for the Collector, or other proper officer of the Customs, and he is hereby required to take and secure the same, with the packages thereof, and to cause the same to be publicly sold, within 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 payment to the importer of the amount in respect of which he was willing to pay duty upon such goods, and in the next place, in payment of the said duties, together with the charges that shall have been occasioned by the said sale and examination, and the overplus, if any, shall be paid, one moiety to the officer of Customs who may have detained the same goods, and the other to the Collector of Customs, and carried to account as duties of Customs.

27. If, notwithstanding what is hereinbefore provided, upon the examination of any goods entered for duty which are chargeable with duty upon the value thereof, it shall, appear to the Officer of
of Customs that such goods are not valued according to the true value thereof, or that they are properly chargeable with a higher rate or amount of duty than that to which they would be subject according to the value thereof as described in the entry, and after such goods shall have been examined by two competent persons, to be nominated and appointed by the Governor as aforesaid, and declared by them on oath, if required, to be invoiced below the real and true value thereof, it shall be lawful for such Officers to detain the same; in which case they shall forthwith give notice, in writing, to the person entering the same, of the detention of such goods, either by delivering such notice personally, or by transmitting the same by post to such person, addressed to him, at his place of abode, as stated in his entry; and the Collector of Customs shall, within seven days after the detention of such goods, determine either to deliver such goods on the entry of such person, or to retain the same for the use of the Crown, in which latter case, they shall cause the value at which the goods were so entered, together with an addition of Fifteen per Cent., and the duties already paid on such entry, to be paid to the person entering the same in full satisfaction for such goods, or may permit such person, on his application for that purpose, to amend such entry, at such value and on such terms as they may direct; and, if the Collector shall retain such goods, he shall and may dispose of them for the benefit of the Crown, and if the proceeds arising therefrom in case of sale shall exceed the sums so paid, and all charges incurred by the Crown, one moiety of such surplus shall be paid to the Officer of Customs who may have detained the same goods, and the other to the Collector of Customs, and carried to account as duties of Customs.

28. If any goods which are liable to the payment of duty shall receive damage during the voyage, an abatement of such duties shall be allowed in proportion to the damage so received, provided due proof be made to the Collector that such damage was received after the goods were shipped in the ship importing the same, and before they were landed in this Province; and provided claim to such abatement of duties be made at the time of the first examination of such goods.

29. The officers of 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 shall choose two incumbent 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 proportion of damage so declared by such merchants.

30. No
30. 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 within the legal hours—that is to say, between eight in the morning and four in the afternoon from the first day of October to the thirty-first day of March, and between nine in the morning and four in the afternoon from the first day of April to the thirtieth day of September, excluding Saturdays; and on every Saturday throughout the year from eight o'clock in the morning until twelve o'clock at noon, unless special authority be given by the Collector of Customs, and then only upon depositing the overtime pay due to the officer or officers attending; nor shall any goods be so unshipped or landed unless in the presence or with the authority of the proper officer of Customs, and such goods shall be landed at some wharf, or place appointed for the landing of goods; and 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 Customs, and all goods unladen contrary to this or any law of the Customs shall be forfeited, and all persons concerned, whether directly or indirectly, in the landing of goods before due entry be passed and warrant granted, shall be subject to a penalty not exceeding Fifty Pounds nor less than Ten Pounds.

31. That if any goods which shall be hereafter imported shall be removed from any ship, wharf, or other place previous to examination thereof by the proper officers of Customs, except by an order of or with an authority in writing from such officer, and for such purpose as shall be therein expressed and in due conformity therewith, every person who shall assist or be in anywise concerned in such removal, or who shall knowingly harbor, keep or conceal, or knowingly permit or suffer to be harbored, kept, or concealed any such goods, or to whose hands or possession any such goods shall knowingly come, shall forfeit either the treble value thereof or the penalty of One Hundred Pounds at the election of the Collector or other principal officer of Customs.

32. That the unshipping, carrying and landing of all goods, and the carriage and removal of the same to the proper place after landing for examination or for weighing, and the putting into and taking out of the scales after weighing, and the opening and closing of the same, and the carriage thereof to the warehouse, shall be performed by or at the expense and risk of the importer; and the importer or person entering any timber or wood to be charged with duty by measurement, shall, at his expense, pile, sort, frame, or otherwise place the same in such manner as the Collector of Customs may deem necessary to enable the officers to measure and to take the account thereof, and in all cases where the same is measured in bulk the measurement shall be taken to the full extent of the pile, and no allowance shall be made by the officer on account of any interstices, but battens, boards, deals, and planks exceeding twenty-one feet in length may be measured by the piece and the account thereof taken separately.

33. If
Regulation—Outwards.

33. If the proper officer of Customs shall place any lock, mark, or seal upon any stores on board any ship arriving within any port of the said Colony, and such lock, mark, or seal be wilfully opened, altered, or broken, or if any such stores be secretly conveyed away, either while the ship remains within such port or before she shall have arrived at any other port within the said Colony to which she may then be about to proceed, the Master of such ship shall forfeit the sum of Fifty Pounds.

34. If any indecent or obscene print, painting, book, card, lithographic or other engraving, or any other indecent or obscene article shall be imported into the said Colony, the same shall be forfeited, and shall and may be seized by any officer of Customs, and destroyed as the Collector of Customs shall direct.

35. No goods shall be shipped or water-borne to be shipped on board any ship in any port or place in the said Colony to be carried to parts beyond the limits thereof before due entry outwards of such ship, and before such ship depart due entry of such goods shall be made, and no goods shall be so shipped except at such times and places and in such manner and by such persons as are herein directed, and any person shipping goods which shall be shipped or water-borne to be shipped contrary hereto, shall forfeit and pay any sum not exceeding Thirty nor less than Ten Pounds.

36. The Master of any ship bound from the said Colony shall, before any goods be laden therein, deliver to the Collector or other proper officer of Customs an entry outwards, signed by such Master, in the following form or to the same effect and containing the several particulars indicated or required hereby—

ENTRY OUTWARDS.

Port of (Name of Port of Exportation).

<table>
<thead>
<tr>
<th>Ship's Name.</th>
<th>If British, Name of Port of her Registry.</th>
<th>If Foreign, Name of Country to which she belongs.</th>
<th>Tonnage.</th>
<th>Master's Name.</th>
<th>Port of Destination.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

(Signed) Master or Agent.

Date of entry

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

And
And if any goods be laden on board any ship before such entry be made, the Master of such ship shall forfeit and pay the sum of Fifty Pounds, and before such ship depart the Master shall deliver to the Collector, or other proper officer, a content in writing signed by him in the form or to the effect following and containing the several particulars therein required—

CONTENT.

<table>
<thead>
<tr>
<th>Ship's Name</th>
<th>Tonnage and Number of Guns</th>
<th>If British, Port of Registry; if Foreign, the Country</th>
<th>Name of Master</th>
<th>Number of Passengers or Troops</th>
</tr>
</thead>
<tbody>
<tr>
<td>Here state the Particulars according to the above Headings.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marks and numbers of Packages</th>
<th>Quantity and Description of Goods</th>
<th>Shippers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>If any goods have been reported inwards for Exportation in such ship they must be so stated.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Cleared

Examined

(Signed) Searcher.

Dated

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

(Signed) Master.

Signed and declared, this day of

before me,

(Signed) Collector or Comptroller.

And shall make and subscribe a declaration to the truth of such content so far as any of such particulars can be known to him, and the Master of every ship bound from the said Colony, whether in ballast or laden, shall, before departure, come before the Collector or other proper officer and answer upon affirmation all such questions concerning the ship, and cargo (if any), and the crew, passengers, and voyage, as shall be demanded of him by such officer, and thereupon the Collector or other proper officer (if such ship be laden) 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 any
Regulation—Out-wards.

any ship shall depart without such clearance, or if the Master shall deliver a false content or shall not truly answer any question demanded of him, he shall forfeit and pay any sum not exceeding One Hundred nor less than Twenty Pounds: Provided always, that where it shall be necessary to lade any heavy goods on board any ship before the whole of the inward cargo is discharged, it shall be lawful for the Collector to issue a stiffening order for that purpose previous to the entry outwards of the ship.

Time of clearance.

37. No clearance shall be granted unless all the inward cargo shall have been duly accounted for to the satisfaction of the Collector, and all other requisites of law complied with, and no clearance shall be demanded unless all official documents connected with the ship shall have been deposited with the proper officer before two o'clock post meridian on the day on which such clearance is required: Provided that nothing shall prevent the principal officer of Customs from granting a clearance on any day, although such papers have been delivered later than two o'clock on that day.

38. No goods shall be stated in such certificate of clearance of any ship to be the produce of the said Colony unless such goods shall have been expressly stated so to be in the entry outwards of the same, and before any goods shall be shipped for exportation, as being the produce of the said Colony and its dependencies, and upon which any advantage shall be claimed at the port of importation, sufficient proof shall be made to the satisfaction of the Collector or other principal officer of Customs, that such goods are the produce of the said Colony and its dependencies, whereupon the Collector or other principal officer is hereby empowered to grant a certificate to that effect: Provided that it shall be lawful for the Collector to grant certificates of produce from neighboring Colonies, upon proof made to his satisfaction, that such goods are the produce of those Colonies.

39. That the person entering outwards any goods, in respect to which no bond is required, to be exported to parts beyond the seas from any part in the said Colony, shall deliver to the Collector or other principal officer of Customs a Shipping Bill of such goods in the following form or to that effect and containing the particulars indicated therein or required thereby—

**SHIPPING BILL FOR FREE GOODS.**

<table>
<thead>
<tr>
<th>Ship's Name</th>
<th>British or Foreign</th>
<th>Master's Name</th>
<th>Port or Place of Destination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Marks
I declare the value of the above Goods to be

(Signed)

Exporter or Agent,  
Pro Collector.

Dated this day of 18.

And such person shall also deliver, at the same time, duplicates or triplicates of such Bill, in which all particulars shall be written and arranged in such form and manner, and so many copies of such duplicates or triplicates shall be delivered as the Collector or other principal officer of Customs shall require, and such Bill, being duly signed by the Collector or other proper officer, shall be the warrant for the shipment of such goods.

40. Before any warehoused goods, or goods entitled to any drawback of Customs, shall be shipped or water-borne to be shipped for exportation, or before any goods be transhipped, the exporter or his agent shall deliver to the Collector or other proper officer, a Shipping Bill of such goods in the form following, or to that effect, and containing the particulars indicated therein, or required thereby—

**SHIPPING BILL**

<table>
<thead>
<tr>
<th>Port of Exporter's name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goods from the Warehouse</td>
</tr>
<tr>
<td>Drawback of Customs</td>
</tr>
<tr>
<td>Transhipment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ship's Name.</th>
<th>Whether British or Foreign, if Foreign, the Country.</th>
<th>Master's Name.</th>
<th>Port or Place of Destination.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imported by</td>
<td>the day of</td>
<td>185, in the</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Total number of Packages Value

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

(Signed)  
Exporter or Agent,  
Pro Collector.

Dated day of  

And
And such person shall also deliver at the same time, duplicates or triplicates of such bills, in which all particulars shall be written and arranged in such form and manner, and so many copies of such duplicates or triplicates shall be delivered, as the Collector or other principal officer of Customs shall require, and such bill being duly signed by such Collector or other proper officer, shall be the warrant for the shipment of such goods.

41. There shall be allowed upon the exportation of goods, wares, or merchandize, other than spirits, wines, tobacco, and beer, imported into any port in the said Province, the value of which goods shall amount to Fifty Pounds, a drawback of the duty paid thereon: Provided always, that due proof be made to the Collector or other principal officer that the full duties on importation had been paid: Provided also, that bond be given with one or more sufficient sureties to be approved of by the Collector or other proper officer, in double the amount of the drawback claimed, that such goods shall not be landed in any part of the Province: And provided that the goods shall be shipped within two years from the day of importation thereof, and that such drawback is duly claimed within one year from the day of such shipment: Provided also, that no drawback shall be allowed upon any goods which by reason of damages, or decay, shall become of less value for home use than the amount of such drawback, and all goods so damaged, which shall be cleared for any drawback, shall be forfeited, and the person who caused such goods to be so cleared shall forfeit the sum of Two Hundred Pounds, or treble the amount of the drawback in such case, at the election of the Governor: Provided also, that the package containing such goods shall not have been opened, or any of the contents taken therefrom, except for examination or sample.

42. A drawback of the whole of the duties of Customs shall be allowed for wine intended for the consumption of the respective messes of the officers of Her Majesty's troops serving in South Australia, and of officers of Her Majesty's Navy, on board such of Her Majesty's ships in actual service as they shall serve in, and on all stores for Her Majesty's Service; or the same may be landed on first importation, or delivered out of bond free of duty, subject to such regulations as the Governor, or Collector of Customs, may from time to time in that behalf appoint.

43. If any goods which have been taken out of any warehouse to be exported from the same shall not be duly exported to parts beyond the limits of the said Colony or shall be relanded therein, such goods not having been duly relanded or discharged, or short-shipped under the care of the proper officer of Customs, the same shall be forfeited together with the ship, boat, or raft, which may have been used in so relanding or carrying such goods, and any person by or through whom such goods shall have been so taken or cleared or so relanded
relanded or carried shall forfeit treble the value of such goods or the sum of One Hundred Pounds, at the election of the Collector or other principal officer of Customs.

44. No goods shall be put off from any wharf, 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—that is to say, between sunrise and sunset; nor, except from some wharf or place appointed by the Governor of the said Colony, or the Collector of Customs: Provided always, that no goods, upon the exportation or transhipment of which bond is required, shall be shipped or water-borne to be shipped except during the legal hours appointed for landing goods.

45. If the proper officer of Customs shall place any lock, mark, or seal upon any goods taken from the warehouse without payment of duty, as stores on board any ship departing from any Port in the said Colony, and such lock, mark, or seal be wilfully opened, altered, or broken, or if any such goods be secretly conveyed away, either while such ship remains at her first port of departure, or at any other port or place within the said Colony, or on her passage from one such port or place to another, before the final departure of such ship on her foreign voyage, the master shall forfeit and pay any sum not exceeding Thirty and not less than Five Pounds.

46. Upon the entry outwards of any goods to be exported from the warehouse, or for drawback of duties of Customs, or of goods liable to duty, for transhipment, or munitions of war, the master of the ship shall give security by bond in double the duties of importation on the quantity of such goods, with one or more sufficient surety or sureties, to be approved by the Collector or other principal officer of Customs, of which sureties the exporter or his agent shall be one, that the same shall be landed at the place for which they shall be entered outwards, or otherwise accounted for to the satisfaction of such Collector or other proper officer.

47. It shall be lawful for any officer of Customs to go on board any ship after clearance outwards within the limits of any port of the said Colony, or within one league of the coast thereof, and to demand the clearance, and if there be any goods or stores on board not contained in the clearance, such goods or stores shall be forfeited; and if any goods contained in such clearance be not on board or be not satisfactorily accounted for, the Master shall forfeit any sum not exceeding One Hundred Pounds nor less than Ten Pounds for every package of goods contained in such clearance and not on board or not satisfactorily accounted for, and if at the time of any officer of Customs repairing on board any such ship for the purposes herein set forth such clearance shall not have been delivered to the master, it shall be lawful for the officer to produce the said clearance, or the master's content or report outwards, and to use such documents as or in lieu of the clearance for the purposes herein-before-mentioned, the term clearance being construed to signify the certificate
48. All ships trading from one part of the said Colony to another part thereof, shall be considered as engaged in the coasting trade.

49. No goods shall be carried coastwise, or in any coasting ship, except such as shall be laden to be so carried at some port or place in the said Colony; and that, if any goods shall be taken into or put out of any coasting ship at sea, or if any coasting ship shall touch at any place over the seas, or deviate from her voyage, unless forced by unavoidable circumstances, or, if the master of any coasting ship, which shall have touched at any place over the seas, shall not declare the same in writing under his hand to the Collector or other proper officer of Customs at the port in the said Colony where such ship shall afterwards first arrive, the master of such ship shall forfeit a sum not exceeding Two Hundred Pounds.

50. No goods shall be laden on board any ship in any port or place in the said Colony, where any officer of Customs shall or may be hereafter stationed, to be carried coastwise; nor having been brought coastwise, shall be unladen until due notice in writing, signed by the master, shall be given to the Collector or other principal officer of Customs by the master, owner, or agent of such ship, of the intention to land goods on board the same to be so carried, or of the arrival of such ship with goods so brought, as the case may be, nor until proper documents shall have been granted, as hereafter directed, for the lading or unloading 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 of Customs, 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 ship so lading or unloading any goods contrary to the true intent and meaning of this Act, shall forfeit and pay a sum not exceeding One Hundred Pounds.

51. Such notice shall contain the name and tonnage of the ship, the name of the port to which she belongs and is bound, or from which she has arrived, the name of the master, and the name or description of the wharf or place at which her lading is to be taken in or discharged, as the case may be, and such notice shall be signed by the master, owner, or agent of such ship, and shall be entered in a book to be kept by the Collector or other proper officer of Customs for the information of all parties interested, and every such notice for the unloading of any ship shall be delivered within twenty-four hours after the arrival of such ship, under a penalty not exceeding Twenty Pounds, to be paid by the master of such ship.

52. When
52. When due notice shall have been given to the Collector or other principal officer of Customs at the port of lading, of the intention to lade goods on board any coasting ship, such Collector or principal officer shall grant a general sufferance for the lading of goods (without specifying the same) on board such ship, at the wharf or place which shall be expressed in such sufferance, and such sufferance shall be a sufficient authority for the lading of any sort of goods, except goods from the bonding warehouses, or upon which the full duties due thereon have not been paid.

53. The master of every coasting ship shall keep or cause to be kept a cargo book of the same, stating the name of the ship, of the master, and of the port to which she belongs, and to which she is bound on each voyage, and in which book shall be entered, at the port of lading, an account of all goods taken on board such ship, stating the description of the packages, and the description of the goods therein, and the quantities and descriptions of any goods stowed loose, and in which book shall be noted the respective days upon which any of such goods shall be delivered out of such ship at the port of discharge, and also the respective times of departure from the port of lading, and of arrival at any port of unlading; and such master shall produce such book for the inspection of the tide-surveyor or other proper officer of Customs, 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 ship any such goods not entered in the cargo book as laden, or any such goods not noted as delivered be not on board, the master of such ship shall forfeit any sum not exceeding Twenty Pounds.

54. Before any coasting ship shall depart from the port of lading, an account, together with a duplicate of the same, written and signed by the master, shall be delivered to the Collector or other proper officer of Customs, and in such account shall be set forth such particulars as are required to be entered in the cargo book of all goods liable to duty on importation, distinguishing such goods as are liable to duty at the port of discharge, from such goods upon which the duties due have been paid, and generally, whether any free goods be laden on board; and the said Collector or other proper 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 transire or clearance of the ship for the voyage, and of the goods expressed therein, and if any such account be false, or shall not correspond with the cargo book, the master shall forfeit a sum not exceeding Fifty Pounds, and any goods liable to duty on importation, not duly inserted therein, shall be forfeited.

55. Before any goods be unladen from any coasting ship at the port of discharge, the master, owner, or agent of such ship, shall deliver the transire to the Collector or other principal officer of Customs of such port, who shall thereupon grant an order for the unloading of such ship at the wharf or place specified in such order; Provided...
Provided that if any of the goods on board such ship be subject to duty payable on arrival coastwise at such port, the master, owner, or agent of such ship, or the consignee of such goods, shall also deliver to the said Collector or other principal officer, a bill of the entry of the particulars of such goods, expressed in words at length, together with one or more copies thereof, in which all sums and numbers may be expressed in figures, and shall pay all duties which shall be due and payable on any such goods, and thereupon the said Collector or other proper officer, shall grant an order for the landing of such goods, in the presence of, or by the authority of the landing-waiter.

56. No goods (except the personal baggage of any passenger) shall be unshipped from any ship arriving coastwise at any port or place in the said Colony, where any officer of Customs shall or may be hereafter stationed, and no goods shall be shipped or waterborne, 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 daytime—that is to say, between the sun-rising and sunsetting—and at such places as shall be appointed or approved by such officer: Provided, in the case of all steam-vessels, the times of landing and shipping may be extended from sun-rise 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.

57. Upon the importation of any goods, it shall be lawful for the Collector or other proper officer of Customs, to allow the same to be transshipped from the importing to any other ship, not being less than fifty tons registered tonnage, if the goods be for exportation, or twenty-five tons if for removal coastwise: Provided that a bond be entered into to the satisfaction of such Collector or other officer, if the goods be liable to duty.

58. All bonds relating to the Customs, required to be given in respect of goods or ships, shall be taken by the Collector or other principal officer of Customs, for the use of Her Majesty; and after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, every such bond upon which no prosecution or suit shall have been commenced, shall be void, and may be cancelled and destroyed.

59. It shall be lawful for all officers of Customs to take such samples of any goods imported as shall be necessary for ascertaining the amount of any duties payable on the same, and also for the Collector or principal officer of Customs to permit moderate samples to be taken of any goods warehoused without payment of duty: Provided that if such aforesaid samples are not duly claimed and removed
removed within one month after they have been taken, they shall be sold as the Collector or principal officer of Customs may direct, and the proceeds thereof, after payment of all expenses, shall be paid to Her Majesty, Her heirs, and successors, for the public uses of the said Colony, and in support of the Government thereof.

60. If any person shall counterfeit or falsify, or use when counterfeited or falsified, any entry, warrant, cocket, transire, or other document for the unlading, lading, entering, reporting, or clearing of any ship, or for the landing, shipping, or removing of any goods, stores, 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 such purposes, or shall falsely make any oath or affirmation required by this or any other Act for regulating the trade of the said Colony, or shall forge or counterfeit a certificate of any such 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 a sum of Two Hundred Pounds, and such penalty shall and may be prosecuted, sued for, and recovered, in like manner, and by such ways and means, as any penalty of the like amount may be prosecuted, sued for, and recovered, under the provisions and directions of this Act.

61. It shall be lawful for the Governor of the said Colony, from time to time, by any order under his hand, to appoint at any port within the said Colony, the proper places to be legal wharfs for the lading or unlading of goods, and to define the bounds and extent of any such wharfs upon which particular goods may be laden or unladen, and to revoke any such appointment, and to appoint any new place within any port to be a legal wharf for the lading or unlading of goods.

62. Whenever any goods shall be deposited in any of the Queen's warehouses in the said Colony for the purpose of securing payment of the duties due thereon, or to prevent the same from being used for home consumption, it shall be lawful for the Collector or other principal officer of Customs to demand and receive warehouse rent for such goods for all such time as the same shall remain in warehouse, at a rate not exceeding that specified in the Schedule to this Act annexed.

63. In case goods shall not be duly cleared from the Queen's warehouse within three calendar months (or sooner if they be of a perishable nature), it shall be lawful for the Collector or other principal officer of Customs to cause such goods to be sold by auction, for home use or exportation, as the case may be, and the proceeds of such sale shall be applied towards the payment of the duties, if sold for home use, and of the warehouse rent and all other lawful charges, and the overplus, if any, shall be paid to the person duly authorized to receive the same: Provided that it shall be lawful for the said Collector or other principal Officer to cause such goods to be destroyed as cannot be sold for a sum sufficient to pay such duties and charges.
charged if sold for home use, or sufficient to pay such charges if sold for exportation.

64. If any goods be imported, exported, or carried coastwise, contrary to this Act, all such goods shall be forfeited, and the master of the ship in which the same are so imported, exported, or carried coastwise, shall forfeit and pay any sum not exceeding One Hundred Pounds, except where any other penalty is specially imposed.

65. The stores of any ship arriving or departing from the said Colony, shall be subject to the same duties and regulations as the like sort of goods shall be subject to when imported or exported by way of merchandise.

66. It shall not be lawful for any person to act as agent for transacting any business at the Custom House, which shall relate to the entry or clearance of any ship, or of any goods, or of any baggage, unless authorized so to do by licence of the Collector or another principal officer of Customs, who is hereby empowered to demand and receive for, or in respect of every such licence issued by him, the sum of Ten Pounds sterling, and to require bond to be given by every person to whom such licence shall be granted, with one sufficient surety in the sum of Two Hundred Pounds, for the faithful and honest conduct of such person, and of his clerks acting for him: and all licences heretofore granted by the Collector of Customs to any persons to act as agents, shall be valid, until revoked; and all bonds taken for the faithful and honest conduct of such persons, shall remain in full force: Provided always, that any person, or persons in copartnership, may, with the approval of the Collector of Customs, appoint a clerk or servant to transact such business on his or their behalf; and the name, residence, and date of appointment of such clerk or servant shall thereupon be endorsed on the licence of such person or persons, and shall be signed by him or them, in the presence of and attested by the Collector, or another proper Officer of Customs, at the Port for which such licence is granted; and all such appointments shall be recorded in a register, to be kept at the Custom House for that purpose; and no person shall act as such clerk or servant unless so appointed, endorsed, and recorded, nor act for or on behalf of any other than the person or persons so appointing him; and every such appointment may be revoked by the Collector of Customs at any time, by order under his hand: Provided, also, that if any person shall act as such agent, not being so licensed, or as such clerk or servant, not being so appointed and recorded, any such person shall, in either case, for every such offence, forfeit and pay any sum not less than Ten Pounds, nor more than One Hundred Pounds.

67. It shall be lawful for the Collector or other principal officer of Customs, with the concurrence of the Lieutenant-Governor of the said Colony, by any order under his hand to revoke any such licence, and that after a copy of such order shall have been delivered to any such licensed person, or to his clerk, or left at his usual place of abode or business, such licence shall be void.

68. If
68. If any declaration, required to be made by this or any other law of the Customs, be untrue in any particular, or if any person required by any such law to answer questions put to him by the officer of the Customs touching certain matters shall not truly answer such questions, the person making such declaration or answering such questions shall, over and above any other penalty to which he may be subject, forfeit the sum of One Hundred Pounds.

69. It shall be lawful for the Collector or other principal officer of Customs, by notice in writing under his hand, to appoint such warehouses respectively as he may consider of a proper size and description, and subject to such regulations, with respect to the opening and closing, as the Collector, with the consent of the Governor and Executive Council, may appoint, for the free warehousing and securing of goods therein for the purposes of this Act, and also, subject to such approval by like notice, to revoke such appointment: Provided that every such notice shall be published in the Government Gazette.

70. It shall be lawful for the importer of any goods liable to duty to warehouse the same in the warehouses so appointed without payment of any duty on the first entry thereof, subject, nevertheless, to the rules, regulations, restrictions, and conditions herein contained: Provided, that no such goods shall be landed on any day later than one o'clock post meridian, or in greater quantity than can be duly examined and forwarded to the warehouse to be secured therein within the appointed hours of business.

71. All goods so warehoused shall be stowed in such parts or divisions of the warehouse as the Collector or other proper officer of the Customs may direct, and so as to admit of easy access to every package, and if the occupier of the warehouse shall omit so to stow the same, he shall, for every such omission, forfeit the sum of Five Pounds; and every such warehouse shall be locked and secured in such manner, and opened and visited at such times, and in the presence of such officers, and under such regulations, as the Collector or other proper officer shall direct, and if any goods shall be taken out of any warehouse without due entry of the same with the proper officer of Customs, the occupier of the warehouse shall be liable to the payment of the duties due thereon, the amount of which duties may be recovered by action of debt, in any Court of the said Colony, at the suit of the Collector or other proper officer of Customs.

72. The occupier of any warehouse in which goods are, under the provision of this Act, permitted to be deposited shall, upon request being made by the Collector or other proper officer of Customs, immediately produce to such Collector or officer any goods deposited therein or received into his custody for the delivery of which the said occupier has not received an order duly signed by the proper warehouse officer, and upon every failure thereof such occupier shall forfeit any sum not exceeding One Hundred Pounds over and above the duties to which every package of goods not so produced may be liable.

73. The
73. The proprietor or occupier of any warehouse approved for the warehousing of goods without payment of duty shall, before any goods are received for warehousing therein, give to the Collector of Customs a bond with two sufficient sureties for the due payment of duties due upon all such goods as may be deposited therein, in such sum as the said Collector may require, and subject to such regulations as may be approved by the Governor, and, in such case, bond shall not be required from the importer, nor shall bond be required from the importer in respect of goods warehoused in warehouses the property of the Crown under the management of officers of Customs.

74. 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 relanded, except with the permission of the proper officer of Customs, such goods shall be forfeited.

75. Upon the entry and landing of any goods to be warehoused the proper officer of Customs shall take a particular account of the same, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officer for exportation or removal coastwise, or upon due entry and payment of the duty for home use.

76. It shall be lawful for the Collector or other principal officer, under such regulations as shall be approved by the Governor, to permit the proprietor or other person having the control over any goods so warehoused, to sort, separate, pack, and repack any such goods, and to make such lawful alterations therein or arrangements and assortments thereof as may be necessary for the preservation of such goods or in order to the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed, without payment of any duty thereon, and to draw off any spirits into casks, containing not less than twenty-five gallons, to be disposed of for home consumption, and to draw off any spirits into casks, containing not less than five gallons, for the purpose only of being disposed of as ship-stores, 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, in the warehouse, to draw off and mix with any wine any brandy secured in the same warehouse, upon which brandy the duties shall have been duly paid; and also, in the warehouse, to take such moderate samples of goods, as may be allowed by the Collector or other proper officer of Customs, without entry and without payment of duty, except as the same may eventually become payable as on a deficiency of the original quantity: Provided always, that it shall be lawful for any person to abandon any whole packages to the officers of the Customs for the duties without being liable to any duty upon the same.

77. All
77. All goods which shall have been warehoused or rewarehoused shall be duly cleared, either for exportation or home consumption, within two years from the day of entry thereof, and if such goods be not so cleared, it shall be lawful for the Collector or other principal officer of Customs to cause the same to be sold, and the proceeds shall be applied to the payment of warehouse rent and other charges, and the overplus, if any, shall be paid to the proprietor or other person duly authorized 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, and if the goods so sold shall not be duly cleared from the warehouse within such three months, the same shall be deemed and taken to be forfeited, and may, in the discretion of the Collector or other principal officer, be destroyed: Provided, 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.

78. 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 of the said Colony to remit or return the duties payable or paid on the quantity of such goods so lost or destroyed.

79. And whereas spirits and tobacco, and certain other goods, are liable, in time, to fluctuation of quantity by the effect of the atmosphere or other natural causes—Be it Enacted, That it shall be lawful for the Collector or other principal officer, or for the proprietor or importer of any such goods as aforesaid, to require the same to be regauged, remeasured, or reweighed at the time when the same shall be respectively delivered from the said warehouse, and the duties respectively payable thereon by such proprietor or importer shall be paid according to the quantity so ascertained, unless it shall be mutually agreed by and between the said parties that the said duties shall be paid on the quantities originally entered: Provided, nevertheless, that the duty legally chargeable upon any deficiency in the original quantity, exceeding four gallons for every one hundred gallons of proof spirits per annum, and four gallons for every one hundred gallons of wine per annum, shall be paid by the proprietor or lessee of the warehouse in which such goods have been bonded.

80. Goods warehoused at any warehousing port of the said Colony, being first duly entered, may be delivered, under the authority of the Collector or other proper officer of Customs, without payment of duty, for the purpose of removal to another port of the said Colony under bond to the satisfaction of such officer for the due arrival and rewarehousing of such goods at such other port, or for the payment of all duties due upon such goods, or to be otherwise accounted for to the satisfaction of the Collector or other principal officer of Customs.

81. In
81. In case of any embezzlement, waste, spoil, or destruction of any goods, warehoused under the authority of this Act, by or through any misconduct of any officer of Customs, such officer shall be deemed guilty of a misdemeanor, and shall, upon conviction, suffer such punishment as may be inflicted by law in cases of misdemeanor, and if such officer shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and no forfeiture nor seizure shall take place of any goods so warehoused in respect of any deficiency caused by such embezzlement, waste, spoil, or destruction of such goods; and the damages occasioned by such waste, spoil, or destruction of such goods shall be repaid and made good to such importer, consignee, or proprietor under such regulations and directions as shall be for that purpose made and given by the Governor of the said Colony.

82. If any goods warehoused shall be fraudulently concealed in or removed from the warehouse the same same shall be forfeited, and if the importer or proprietor of any goods warehoused, or any person in his employ, shall by any contrivance fraudulently open the warehouse to gain access to the goods, such importer or proprietor shall forfeit and pay for every such offence not less than One Hundred Pounds nor exceeding Five Hundred Pounds.

83. The master or owner of any ship, being of the burthen of at least, thirty tons, bound on a voyage to foreign parts, the probable duration of which out and home will not be less than thirty days, or which shall be engaged in whaling or sealing, shall be permitted to ship, free of duty, from the warehouse such quantities of spirits and tobacco for the use of the crew, and all warehoused goods required for ship's stores, in such quantities as the Governor, by any regulation in that behalf, shall appoint: 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 or other principal officer of Customs shall appoint: Provided also, that the master or owner of such ship shall previously enter into bond, with one or more sufficient sureties, in double the amount of duties payable thereon, conditioned that such goods shall be used as stores for the vessel, or be otherwise accounted for to the satisfaction of the Collector or other proper officer of Customs, and that the packages containing the same shall not be opened nor any of the goods therein taken out or altered until the vessel shall have left the port on her intended voyage, and that if the vessel at any time return to any port in the Province, the victualling bill be delivered to the Collector or other proper officer at such port at the time of reporting the vessel or the non-production thereof be satisfactorily accounted for; and that no part of such goods shall be relanded in the Province without due entry at the Custom House: Provided further, that it shall be lawful for the Collector or other proper officer of Customs to permit spirits to be drawn off from packages shipped as stores for the use of the crews of any such ship while in harbor or engaged in whaling or sealing.

84. No
84. No goods shall be delivered or cleared from the warehouse either for home consumption, removal coastwise, or for exportation, in less quantity than the entire parcel of such goods originally warehoused, or in quantity the duty on which will amount to Two Pounds.

85. If after any goods shall have been duly entered and landed to be warehoused, and before the same shall be actually deposited in the warehouse, the importer shall further enter the same or any part thereof for home use, exportation, or removal coastwise, the goods so entered shall be considered as virtually and constructively warehoused although not actually deposited in the warehouse, and shall and may be delivered and taken for home use, exportation, or removal coastwise, as the case may be.

86. All appointments of warehouses for warehousing of goods made under the authority of any law of the Customs in force at the time of the commencement hereof, and all bonds given in respect of any goods warehoused, or entered to be warehoused under any law of the Customs in force at the time of the commencement hereof, shall continue in force, for the purposes of this Act, and such last-mentioned warehouses shall be subject to the regulations made under the powers hereinbefore contained.

87. Where any ship or boat shall be found within the limits of any Port of the said Colony and shall not bring-to upon signal made by any ship or boat in Her Majesty's Service or in the service of the Revenue hoisting and carrying the proper pendant and ensign or Custom House flag in order to bring such ship or boat to, and thereupon chase shall be given, or if any person on board such ship or boat so chased shall during the chase or before such ship or boat shall bring-to throw overboard any part of the lading of such ship or boat, or shall stave or destroy any part of such lading to prevent seizure thereof, then and in every such case the said ship or boat shall be forfeited.

88. It shall be lawful for the proper officers of the Customs to board any ship within the limits of any port, or hovering within one league of the coast of the Province, and to rummage and search all parts of such ship for prohibited and uncustomed goods and freely to stay on board until all the goods laden therein shall have been duly delivered from the same, or so long as she remains within such port or hovering as aforesaid; and if any such ship being bound elsewhere shall nevertheless continue so hovering for the space of twelve hours after the master has been required by him to depart, it shall be lawful for such officer to bring her into port and search her; and in all cases such boarding officer shall have power to examine on oath if necessary, the master and any of the crew or passengers, and shall have free access to every part of the ship, to fasten down hatchways, and to mark any goods before landing, and to lock up, seal, mark or otherwise secure any goods on board such ship, and if any place or any box or chests be locked and the keys be withheld, such Officers if they be of a degree superior to tide-

waiters
waiters may open any such place, box, or chests, in the best manner
in their power, and if they be tide-waiters, or only of that degree,
they shall send for their superioir officer who may open, or cause
to be opened any such place, box, or chest, in the best manner
in his power, and if any goods prohibited or uncustomed be found
on board any ship, such ship and her cargo shall be forfeited, and
if the officer shall place any lock, mark, or seal upon any goods on
board, and if such lock, mark, or seal be wilfully opened, altered,
or broken, before due delivery of such goods, or if any such goods be
secretly conveyed away, or if the hatchways, after having been fastened
down by the Officer, be opened, the master of such ship shall forfeit
the sum of One Hundred Pounds.

89. In case any ship or boat liable to seizure or examination
under any Act or Law relating to the Customs, or for the prevention
of smuggling shall not bring-to on being required so to do on being
chased by any ship or boats in Her Majesty's Navy, or by any ship
or boat duly employed for the prevention of smuggling, such ship or
boat respectively hoisting and carrying a proper pendant and ensign
or Custom House flag, it shall be lawful for the captain, master, or
other person having the charge or command of such ship or boat in
her Majesty's Navy, or employed as aforesaid (first causing a gun to
be fired as a signal), to fire at or into any such ship or boat, and such
captain, master, or other persons acting in his aid or assistance, or by
his direction, shall be and he is hereby indemnified and discharged
from any indictment, penalty, action, or other proceeding for so doing.

90. If any ship or boat whatsoever shall be found within the
limits of any Port in the said Colony of South Australia with a cargo
on board, and such ship or boat shall afterwards be found light or in
ballast, and the master is unable to give a due account of the port or
place within the said Colony where such ship or boat shall have
legally discharged her cargo, such ship or boat with her guns, furniture,
ammunition, tackle, and apparel shall be forfeited.

91. All ships, lighters, and boats, made use of in the removal, carriage,
or conveyance of any goods liable to forfeiture under this or any other
Act relating to the revenue of Customs shall be forfeited.

92. The owner or master of every ship belonging in the whole or
in part to any of Her Majesty's subjects, shall paint or cause to be
painted on the outside of the stern of every boat belonging to such
ship, the name of such ship, the port or place to which she belongs,
and the master's name withinside the transom in white or yellow
Roman letters not less than two inches in length on a black ground,
on pain of forfeiture of such boat not so marked wheresoever the
same shall be found.

93. The owner of every boat not belonging to any ship shall
paint or cause to be painted upon the stern of such boat in white or
yellow Roman letters of two inches in length, on a black ground, the
name of the owner of the boat, and the Port or place to which she
belongs,
belongs, on pain of the forfeiture of such boat not so marked where-
soever the same shall be found.

94. All ships and boats belonging in the whole or in part to any
of Her Majesty's subjects having false bulk-heads, false bows, double
sides, or bottoms, or any secret or disguised place whatsoever, in the
construction of any such ship or boat adopted for the purpose of
concealing goods, or having any hole, pipe, or other device, in or
about such ship or boat adapted for the purpose of running goods,
shall be forfeited with all the guns, furniture, ammunition, tackle,
and apparel belonging to such ship or boat.

95. No ship or boat under the tonnage allowed by law to be
registered, shall be employed either in the removal of goods or pas-
sengers, or for any purpose whatever within the limits of any port of
the said Colony, unless duly licensed, according to the form herein-
after stated, and every such ship or boat so employed without being
duly licensed as aforesaid, together with the tackle, furniture, and
apparel thereof, shall be forfeited: Provided nothing herein contain-
shall prevent registered vessels from being licensed as lighters, pro-
vided that boats belonging to any vessel may be lawfully employed
in the landing of cargo and passengers from such vessel.

96. The licence for every ship or boat requiring a licence under
this Act, shall be granted by the Collector or other proper officer of
Customs, and such licence shall contain the proper description of
such ship or boat, the name of the owner, the place of abode, and the
manner and limits in which such ship or boat is to be used, together
with any other particulars which the said Collector or other proper
officer may require and direct.

97. Before any such licence shall be issued or delivered, or shall have
effect for the use of such ship or boat, the owner thereof shall give
his own security by bond with two sufficient sureties in double the
value of such ship or boat, with conditions as follows, that is to say—
that the ship or boat shall not be employed in the importation,
exportation, landing, or removing of any uncustomed or forfeited
goods contrary to the true intent and meaning of this Act, or any
other Act relating to the revenue of Customs, nor in the relanding of
goods contrary to law, nor shall receive or take on board, or be found
at sea or in Port with any goods liable to duty or forfeiture, nor shall
do anything contrary to this Act or any Act hereafter to be made
relating to the revenue of Customs, or for the protection of the trade or
commerce of the said Colony of South Australia, nor shall be employed
otherwise than mentioned in the said licence and within the limits
therein mentioned, and in case of loss, breaking up, or disposal of
the ship or boat, that the licence shall be delivered up within
three months from the date of such loss, breaking up, or disposal to
the Collector or other proper officer of Customs: Provided that no
bond shall be required in a higher sum than One Thousand Pounds,
although the single value of the ship or boat for which a licence is to
be issued may exceed the sum of One Thousand Pounds.

98. No
98. No ship or boat, whether registered or otherwise, shall ply as
a lighter in any port in the said Colony for the carriage of goods to
and from any ship without being licensed as aforesaid by the Collector
or other proper officer of Customs, for that purpose under a penalty
not exceeding One Hundred Pounds nor less than Ten Pounds.

99. The hours of discharge for lighters shall be the same as those
for ships; and no seal placed on the hatches of any lighter shall be
broken or any part of the cargo discharged, until the boat note
hereinbefore required shall have been produced to the landing
waiter in charge of the ship.

100. All bonds given by persons under the age of twenty-one
years, in pursuance of the directions herein contained, shall be valid
and effectual to all intents and purposes, anything in any Act, law,
or custom to the contrary in anywise notwithstanding.

101. If the licence hereby required shall not be on board any ship
lighter, or boat, for which a licence should have been issued according
to the provision of this Act, or shall not at any time be produced and
delivered for examination to any officer of the Army, Navy, or Marines,
on full pay, or any officer of Customs demanding the same, then and
in every such case such ship, lighter, or boat, and the goods laden on
board, shall be forfeited.

102. Nothing herein contained shall extend or be deemed or taken
to extend to any ship or boat belonging to any of the Royal Family, or
being in the service of the Navy, Victualling, Ordnance, Customs,
Emigration, Post Office, or otherwise employed by Her Majesty's
Government.

103. If any goods liable to the payment of duties shall be unshipped
from any ship or boat in the said Colony, Customs or other duties not
being first paid or secured, or if any uncustomed goods whatsoever,
which shall have been warehoused or otherwise secured in the said
Colony, either for home consumption, removal coastwise, or exportation
shall be clandestinely or illegally removed from or out of any ware-
house or place of security, then in every such case all such goods so
removed as aforesaid shall be forfeited, together with all ships and
boats, and all horses and other animals, and all carriages and other
things made use of in the removal of such goods.

104. If any goods subject to the payment of duty shall be found
or discovered to have been concealed in any manner on board any
ship or boat within the limits of any port of the said Colony, or shall
be found, either before or after landing to have been concealed in any
manner on board such ship or boat within such limits as aforesaid,
then, and in every such case, all such goods and all other goods which
shall be packed with or used in concealing them, shall be forfeited.

105. If any goods or merchandise imported into the said Province,
which shall be subject to the payment of duty, shall be concealed in
the
the same packages with other goods and merchandize subject to any lower rate of duty, or not subject to duty with intent to defraud the Revenue of Customs, all such goods contained in the said packages shall be seized by any officer of Customs, and forfeited, together with the packages containing the same: Provided always, that the proof that such goods or merchandize were not so concealed with intent to defraud the said revenue shall lie upon the owner or importer thereof.

106. All goods liable to duty which shall be found removing 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.

107. All ships, boats, and goods whatsoever liable to forfeiture under this or any other Act relating to the 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 or by an officer of Customs, or by any person having authority to seize from the Governor of the said Colony, and all ships, boats, and goods seized shall, as soon as conveniently may be, delivered into the care of the proper officer appointed to receive the same.

108. It shall be lawful for any officer of the Army, Navy, or Marines, duly employed in the prevention of smuggling, or for the Collector or other proper officer of Customs, to search any individual either on board of, or who shall have landed from any ship or boat, provided such officer shall have probable cause to suppose that such individual hath any uncustomed or prohibited goods secreted about his person; and any person who shall obstruct any such officer in so searching as aforesaid, shall forfeit and pay any sum not less than Ten nor more than Fifty Pounds, and if no such goods shall be found on such person, the officer so searching, having had probable cause to suspect that such person had uncustomed or prohibited goods secreted about his person, shall not, on account of such search be liable to any prosecution, action, or other proceeding.

109. If any passenger or other person on board any ship or boat shall, upon being questioned by any officer of Customs, whether he has any uncustomed or prohibited goods upon his person or in his possession, deny the same, and any such goods shall, after such denial, be discovered upon his person or in his possession, such goods shall be forfeited, and such person shall forfeit treble the value of such goods.

110. It shall be lawful for any officer of Customs, or any person acting under the direction of the Governor of the said Colony, having a writ of assistance under the hand of any Judge of the Supreme Court of the said Colony, to take a constable or public officer, or for the Collector or principal officer of Customs without such writ of assistance, in company with a Justice of the Peace, and
in the day time, to enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance, to break open doors, chests, trunks, and other packages, there to seize, and thence to bring any uncustomed, forfeited, or prohibited goods, and to put and secure the same in the Queen's warehouse in the port next to the place from whence such goods shall be so taken as aforesaid.

111. All writs of assistance so issued as aforesaid shall continue and be in force during the whole of the Reign in which such writs shall have been granted, and for six months from the conclusion of of such reign.

112. If any goods subject to forfeiture under this or any other Act relating to the Customs shall be stopped or taken by any police officer or other person acting by virtue of any Act of the Governor and Legislative Council of the said Colony, or otherwise duly authorized, 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 or taken; and in case any police officer or other person as aforesaid stopping such goods, shall neglect to to have the same conveyed to such Custom House within a reasonable time, such officer or other persons shall forfeit the sum of Twenty Pounds.

113. Every person who shall unship or be aiding, assisting, or otherwise concerned in the unshipping of any forfeited or uncustomed goods, or any other goods the duties for which have not been paid or secured, or who shall knowingly harbor, keep, or conceal, or shall knowingly permit or suffer to be harbored, kept, or concealed any forfeited or uncustomed goods, or any goods which shall have been illegally unshipped without payment of duties, or which shall have been illegally removed without payment of the same from any warehouse or place of security in which they may have been deposited, and every person to whose hands or possession any such uncustomed or forfeited goods shall knowingly come, or who shall assist or be in 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 One Hundred nor less than Twenty Pounds at the election of the Collector or other officer of Customs.

114. In all cases where any penalty, the amount of which is at any time to be determined by the value of any goods, is directed to be sued for by any law now in force or hereafter to be made for the prevention of smuggling or relating to the revenue of Customs, such value shall, as regards proceedings in any Court of the said Colony, be estimated and taken according to the price which goods of the like sort or description, of the best quality, and upon which the duties, if any due upon importation, have been paid, bear at such time at the place of importation, or in the city or town next to the place where the offence shall have been committed.

115. Any
115. Any person whatsoever who shall unship or be aiding, assisting, or concerned in the unshipping of any uncustomed goods, or goods liable to forfeiture under this or any other Act relating to the Customs in the said Colony of South Australia, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing any such goods, shall forfeit and pay for every such offence the sum of One Hundred Pounds sterling, or treble the value of such goods at the election of the officer of Customs, and every such person may be detained by any officer of Customs or other person duly employed for the protection of the revenue or for the prevention of smuggling in the said Colony, and taken before any Justice of the Peace to be dealt with as hereinafter directed, and it shall be lawful for the officer of Customs to proceed against any person so offending, either as hereinafter directed, or in cases where the penalty sought to be recovered does not exceed One Hundred Pounds, by information and summons before two or more Justices under summary jurisdiction, as to the officer of Customs may seem most expedient.

116. Where any person shall have been detained by any officer of the Navy on full pay, or by any officer of Customs, or by any person acting in any of their aid or assistance, or duly employed for the prevention of smuggling, for any offence under this or any other Act relating to the Customs, and shall have been taken before any Justice of the Peace, or if he should have otherwise appeared before any Justice of the Peace to answer any charge preferred against him under this Act, and if it shall appear to such Justice 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 two Justices of the Peace to be dwelt with according to law.

117. If any person liable to be detained under the provisions of this or any other Act relating to the Customs shall not be detained at the time of committing the offence for which he is liable, or after detention shall make his escape, it shall be lawful for any officer of the Navy on full pay, or for any officer of Customs, or any other person acting in any of their aid or assistance, or duly employed for the prevention of smuggling, to detain such person so liable to detention at any time afterwards, and to take him before any Justice of the Peace to be dealt with, as if detained at the time of committing the said offence.

118. It shall be lawful for any officer of Customs, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, upon reasonable suspicion, to stop and examine any cart, waggon, or carriage for the purpose of ascertaining whether any smuggled or forfeited goods are contained therein, and if no such goods shall be found, then and in such case the officer or other person so stopping and examining such cart, waggon, or carriage, having had probable cause to suspect that smuggled or forfeited goods were contained
Smuggling.

Punishment for persons assembling, to number of three or more, to run goods, or persons obstructing officers, or rescuing or destroying goods to prevent seizure.

119. All persons assembled, to the number of three or more, for the purpose of unshipping, carrying, conveying, or concealing, any uncustomed or forfeited goods, and every person who shall by any means procure, hire, or induce any person to assemble for the purposes aforesaid, and every person who shall in any manner obstruct any officer of the Navy on full pay, or any officer of the Customs, or any person acting in any of their aid or assistance, or duly employed for the prevention of smuggling, in the execution of any of their duty, or in the due seizing of any goods liable to forfeiture by this or any other Act relating to the Customs, or shall rescue or cause to be rescued any goods which have been seized, or shall attempt to endeavor so to do, or shall, before, or at, or after any seizure, stave, break, or otherwise destroy any goods to prevent the seizure thereof, or the securing the same, shall, upon being duly convicted of any of the said offences before any two Justices of the Peace, be adjudged by such Justices to be imprisoned in any gaol or house of correction with or without hard labor for any term not exceeding two years, or at the discretion of such Justices, to forfeit for every such offence a sum not exceeding One Hundred nor less than Twenty Pounds.

120. If any persons, to the number of two or more, armed with fire arms or other offensive weapons, or disguised in any way, shall within the said Colony or the limits of any port thereof be assembled in order to be aiding and assisting in the illegal landing, running, or carrying away of any forfeited goods, or any goods liable to any duties which have not been paid or secured, or in rescuing or taking away any such goods as aforesaid after seizure from the officer of Customs, or other officer authorized to seize the same, or from any person employed by or assisting them, or from the place where the same shall have been lodged by them, or in rescuing any person who shall have been apprehended for any of the offences made felony by this or any Act relating to the Customs, or in the preventing the apprehension of any person who shall have been guilty of such offence, or in case any persons to the number of two or more so armed as aforesaid, shall within the said Colony, or within the limits of any port thereof, be so aiding or assisting, or if any person shall wilfully shoot at any ship or boat belonging to Her Majesty or in the service of the Customs within the limits of any port in the said Colony, every person so offending, and every person aiding, abetting, or assisting therein shall, being thereof convicted, be adjudged guilty of felony, and shall be liable, at the discretion of the Court before which he shall be convicted, to be sentenced to hard labor on the public works of the said Colony for any term not less than five and not more than ten years, or to be imprisoned for any term not exceeding three years.

121. If
121. If any person shall assault, or by force or violence resist, oppose, molest, hinder, or obstruct any officer of the Navy on full pay, or any officer of the Customs, or other person acting in any of their aid or assistance, or duly employed for the prevention of smuggling, in the due execution of any of their offices or duties, such person, being convicted thereof, shall be sentenced to be imprisoned in any house of correction or common gaol, with or without hard labor, for any term not exceeding three years, at the discretion of the Court before whom the offender shall be tried and convicted as aforesaid.

122. All ships and boats, and all goods whatsoever which shall have been seized and condemned for a breach of any law relating to the Customs, shall be disposed of as soon as conveniently may be after the condemnation thereof, in such manner as the Collector or other proper officer of Customs shall direct.

123. All ships, boats, goods, and chattels which, by any law at any time in force within the said Colony, shall be or have been liable to be forfeited, may be seized by any officer of Customs or other person duly employed for the prevention of smuggling.

124. 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, or in any Courts of Vice-Admiralty in the name of Her Majesty’s Attorney-General, or in the name of the Collector or other principal officer 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 for the said Colony.

125. Upon the exhibiting any information before any Justice of the Peace for any offence against this or any other Act relating to the Customs or to trade or navigation, whether the party charged in respect to such offence be or be not liable to be detained in manner herein-before mentioned, such Justice is hereby required to issue a summons for the appearance of the party against whom such information is exhibited, before two Justices of the Peace, and such summons, directed to such party, being left at his or her place of residence, or on board any ship or boat to which such party may belong, shall be deemed to have been sufficiently served.

126. Upon the appearance or default of any person so summoned or detained, 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 person, or upon the oath of one or more credible witnesses, to convict such person in the penalty sued for by such information, and in case of non-payment thereof, the same shall be levied by distress and sale of the goods and chattels of such person, wherever the same may be
be found, and if it should appear to the Justices who shall have so convicted any such person, that the goods and chattels of such person are not sufficient whereon to levy the distress awarded, together with the costs of such distress and sale, it shall be lawful for such Justices, and they are hereby authorised and required by warrant under hand and seal, to commit such person to any of Her Majesty's goals, there to remain until the penalty shall be paid, or for any period not exceeding six calendar months, unless the said penalty with costs shall be sooner paid.

127. Every information for any penalty or forfeiture, and every conviction or warrant of commitment for any penalty, shall be deemed valid and sufficient in which the offence for which such penalty shall have been inflicted, or the cause of such forfeiture is set forth in the words of this Act, and that no warrant of commitment for any such offence shall be held void by reason of any defect in such warrant, nor shall any party be entitled to be discharged out of custody on account of such defect, provided it be alleged in such warrant that the said party has been convicted of such an offence, and provided it shall appear to the Court or Judge before whom such warrant is returned, that such conviction proceeded upon good and valid grounds.

128. No writ of certiorari shall issue from any Court in the said Colony to remove any proceedings before any Justice of the Peace under this or any Act 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 of the Peace under any such Act, unless the party against whom such proceedings shall have been directed, or who shall have been so convicted, or his attorney, or agent, shall state in an affidavit in writing, to be duly sworn, the grounds of objection to such proceedings or conviction, and that 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 of the Peace, and he is hereby required to amend any information, conviction, or warrant of commitment, for any offence under any such Act at any time, whether before or after conviction.

129. All ships, boats, and goods which shall have been, or shall be hereafter seized as forfeited under any law relating to the Customs, and shall have been or shall hereafter be ordered to be prosecuted by the Collector or other proper officer of Customs, shall be deemed and taken to be condemned, and may be sold in the manner directed by law in respect to ships, boats, and goods seized and condemned for breach of any law relating to the Customs, unless the person from whom such ships, boats, and goods shall have been seized, or the owner of them, or some person authorised by him, or acting on his behalf, shall, within one calendar month from the day of
of seizing the same, give notice in writing to the Collector, or other principal officer of Customs, at the nearest Port, that he claims the ship, boat, or goods, or intends to claim them; and as soon as the party so claiming shall have entered into the security required by law for prosecuting such claim, the ship or boat seized, shall, if required, be delivered up to the claimant, on his entering into bond in double the value thereof, with two or more sufficient sureties, to be approved of by the Collector, or other proper officer of Customs, at the Port, where, or nearest to where the seizure was made, with condition that in the event of the said ship, boat, or goods, being condemned, the single penalty of the bond shall be forthwith paid to the aforesaid Collector, or other proper officer of Customs.

130. No claim or appearance shall be permitted to be entered to any information filed for the forfeiture of any ship, boat, or goods seized for any cause of forfeiture, and returned into any Court of Record of the said Colony, or in the Court of Vice-Admiralty in the said Colony, unless such claim or appearance is entered in the true and real name of the owner of such ship, boat, or goods, describing the place of residence, and the business or profession of such person, and if such person shall reside in the said Province, oath shall be made by him 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 at the time of such seizure; but if such person shall not be resident in the said Province, then, and in such case oath shall be made in like manner by the agent, attorney, or solicitor, by whom such claim or appearance shall be intended that he has full power and legal authority and directions from such owner or proprietor to enter such claim or appearance, and that to the best of his knowledge and belief such ship, boat, or goods, was or were at the time of seizure thereof, bona fide and truly the real property of the person in whose name such claim or appearance is entered, and on failure thereof, the ship, boat, or goods shall be absolutely condemned, and judgment shall be entered thereon by default, according to the usual method of proceedings of the Court in the same manner as if no claim or appearance had been entered thereto, and every person who shall be convicted of making or taking a false oath to any of the facts hereinbefore directed or required to be sworn, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

131. Upon the entry of any claim to any ship, boat, or goods seized for any cause of forfeiture, or of any appearance to any information filed for such forfeiture, the person who shall enter such claim or appearance, as the owner or proprietor thereof, in case such claimant shall reside in the said Colony, shall be bound, with two other sufficient sureties, in the penalty of One Hundred Pounds, to answer and pay the costs occasioned by such claim or appearance, and if such
such owner or proprietor shall not reside in the said Colony, then, and in such case the attorney or solicitor, by whose direction such claim or appearance shall be entered, shall in like manner be bound with two other sufficient sureties in the like penalty to answer and pay the costs occasioned by such claim or appearance.

132. In case any information or suit shall be commenced or brought to trial on account of the seizure of any ship, boat, goods, chattels, or commodities whatsoever, seized or forfeited by this or any Act 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 on 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, or other suit or prosecution shall be commenced and brought to trial against any person whatsoever on account of any such seizure as aforesaid, wherein a verdict shall be given against the defendant, if the Court or Judge before whom such information or suit shall have been tried shall have certified on the said record that there was a probable cause for such seizure, then the plaintiff, besides the things seized or the value thereof, shall not be entitled to above Twopence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined above One Shilling.

133. No writ shall be sued out against, nor a copy of any process served upon, any officer of the Navy or Customs for anything done in the execution of or by reason of his office against any person or anything done under or by virtue of this Act, until one calendar month next after notice given, in which notice shall be clearly and explicitly contained, the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent, and that a fee of Twenty Shillings shall be paid for preparing or serving every such notice and no more.

134. No plaintiff, in any case where an action shall be grounded on any such Act done by the defendant, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall recover any verdict against such officer or person, unless he shall prove on the trial of such action that such notice was given, and in default of such proof the defendant in such action shall recover a verdict and costs as aforesaid.

135. It shall and may be lawful to and for every such officer or other person to whom such notice shall have been given as aforesaid,
aforesaid, at any time within one calendar month after such notice shall have been given to tender amends to the party complaining, or to his agent or attorney, and in case the same is not accepted, to plead such tender in bar to any action to be brought against him on such writ or process, together with the plea of not guilty, and other pleas with leave of the Court, and if upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant, and in such case, or in case the plaintiff shall become nonsuited or discontinue his action, or in case judgment shall be given for such defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only, but if upon issue joined the jury shall find that no amends were tendered, or that the same were not sufficient, or shall find against the defendant on such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with his costs of suit.

136. In case such officer or other person as aforesaid shall neglect to tender any amends, or shall have tendered insufficient amends before the action brought, it shall be lawful for him by leave of the Court where such action shall have been brought, at any time before the trial of the said action, to pay into Court such sum of money as he shall see fit, whereupon such proceedings, orders, and payments shall be had, made, and given in, and by such Court as in other actions where the defendant is allowed to pay money into Court.

137. If any action or suit be brought or commenced as aforesaid, such action or suit shall be brought or commenced six calendar months next after the cause of action shall have arisen, and not afterwards, and the defendant shall and may plead the general issue, and give the special matter in evidence at any trial had thereupon, and if the plaintiff shall become nonsuited or discontinue his action or suit, or if upon a verdict or demurrer, judgment shall be given against the plaintiff, the defendant shall be entitled to treble costs, and have such remedy for recovering the same as any defendant can or may have in other cases where costs are given by law.

138. Whenever any person shall be charged with any offence against this or any act relating to the Customs for which he may be prosecuted, by indictment or information, in the Supreme Court of the said Colony, and the same shall be made appear to any Judge of the said Court by affidavit or by certificate of an information or indictment being filed against such person in the said Court for such offence, it shall be lawful for such Judge to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended and brought before him or some other Judge of the same Court, or before some one of Her Majesty's Justices of the Peace, in order to his being bound to Her Majesty the Queen, with two sufficient sureties, in such sum as in the said warrant shall be expressed, with condition
to appear in the said Court at the time mentioned in such warrant, and to answer to all and singular indictments or informations 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 Judge or Justice respectively to commit such person to any common gaol of the said Colony, there to remain until he shall become bound as aforesaid, or shall be discharged by order of the Court or one of the Judges thereof, and the recognizances to be thereupon taken shall be returned and filed in the said Court, and shall continue in force until such person shall have been acquitted of such offence, or in case of conviction shall have received judgment for the same, unless sooner ordered by the Court to be discharged, and that where any person, either by virtue of such warrant of commitment aforesaid, or by virtue of any writ of capias ad respondendum issued out of the said Court, is 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 any such indictment or information to cause a copy thereof to be delivered to such person or to the gaoler, keeper, or turnkey of the gaol wherein such person is or shall be so detained, with a notice thereon endorsed that unless such person shall, within eight days from the time of such delivery of a copy of the indictment or information as aforesaid, cause an appearance and also a plea or demurrer to be entered in the said Court to such indictment or information, an appearance and the plea of "Not Guilty" will be entered thereto in the name of such person, and in case he or she shall thereupon, for the space of eight days after the delivery of a copy of such indictment or information as aforesaid, neglect to cause an appearance, and also a plea or demurrer to be entered in the said Court to such indictment or information, it shall be lawful for the prosecutor of such indictment or information, upon affidavit being made, and filed in the Court, of the delivery of a copy of such indictment or information, with such notice endorsed thereon as aforesaid, to such person, or to such gaoler, keeper, or turnkey, as the case may be, which affidavit may be made before any Judge or Commissioner of the said Court authorized to take affidavits in the said Court, to cause an appearance and the plea of "Not Guilty" to be entered in the said Court to such indictment or information for such person, and such proceedings shall be had thereupon as if the defendant in such indictment or information appeared and pleaded "Not Guilty" according to the course of the said Court, and that, if upon trial of such indictment or information any defendant, so committed and detained as aforesaid, shall be acquitted of all the offences therein charged upon him, it shall be lawful for the Judge, before whom such trial shall be had, to order that such defendant shall be forthwith discharged out of custody as to his commitment as aforesaid, and such defendant shall be thereupon discharged accordingly.

When recognizance is given, and the party shall not plead, a copy of the information or indictment may be delivered to his attorney or agent.

139. Where any person shall be arrested by virtue of a warrant issued as aforesaid, and shall enter into a recognizance and appear in the said Court, at the return of the said recognizance, but shall not afterwards plead to the information or indictment, it shall be lawful
lawful for the prosecutor of such information or indictment to cause a copy thereof to be delivered to such person, or to his attorney or agent, or to be left at his last place of abode, with a notice thereon endorsed, that unless such person shall within eight days from the time of such delivery of a copy of the information or indictment as aforesaid, cause a plea to be entered in the said Court to such information or indictment, that the prosecutor of such information and indictment will enter a plea of not guilty in his behalf, and that upon affidavit being made and filed in the Court of the delivery of a copy of such information or indictment, with such notice endorsed thereon as aforesaid, to such person, or to his attorney or agent, or at his last place of abode, as the case may be, it shall be lawful for the prosecutor of such information or indictment to cause the plea of not guilty to be entered in the said Court to such information or indictment for such person, and such proceedings shall be had thereupon as if the defendant in such information or indictment had pleaded according to the usual course of the said Court.

140. If any goods shall be seized for non-payment of duties or any other cause of forfeiture, and any dispute arise whether the Custom duties have been paid for the same, or the same have been lawfully imported, or concerning the place from whence such goods were brought, then and in such case the proof thereof shall be on the owner or claimer of such goods, and not on the officer who shall seize the same.

141. In case of any information or proceeding had under this or any Act relating to the Customs, the averment that the Collector or other principal officer of Customs has directed or elected such information and proceeding to be instituted, or that any ship or boat is foreign or belonging wholly or in part to Her Majesty’s subjects, or that any person detained or found on board any ship or boat liable to seizure is or is not a subject of Her Majesty, or that any person is an officer of Customs, or that any person is the proper officer, and where the offence is committed in any part of the said Colony the naming of such Port in any information or proceedings shall be sufficient without proof as to any such fact, unless the defendant in such case shall prove to the contrary.

142. If upon any trial a question shall arise whether any person is an officer of the Navy on full pay, or an officer of Customs, or is duly employed for the prevention of smuggling, or is the proper officer, evidence of his having acted as such shall be sufficient, and such person shall not be required to produce his commission or deputation unless sufficient proof shall be given to the contrary; and every such officer, and any person acting in his aid or assistance, shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward upon conviction of the penalty charged in such suit or information.

143. All
143. All suits, indictments, or informations, exhibited for any offence against this or any Act relating to the Customs in any Court of Record or Court of Vice Admiralty in the said Colony, shall and may be had, brought, sued, or exhibited within three years next after the date of the offence committed, and shall and may be exhibited before any one or more Justices of the Peace within six calendar months next after the date of the offence committed.

144. Where any person shall have been detained for any offence against this or any other Act relating to the Customs, and shall have made his escape from custody, an information may be exhibited before one or more Justices of the Peace against such person for such offence at any time afterwards, although more than six months shall have expired.

145. If any officer of the Customs, or other person duly authorized to act as such, shall make any collusive seizure, or deliver up or make any agreement to deliver up, or not to seize, any ship, boat, or goods, liable to forfeiture, or take any bribe, gratuity, recompence, or reward for the non-performance of his duty, every such officer or other person shall forfeit for every such offence a sum of One Hundred Pounds.

146. Every person who shall give, or offer, or promise to give, any bribe, recompence, or reward, or shall make any collusive agreement with any such officer or person as aforesaid, to induce him, in any way, to neglect his duty, or to do, or conceal, or connive at any act whereby any of the provisions of any Act of the Governor and Legislative Council of the said Colony aforesaid, the Imperial Parliament, or any law, rule, order, or regulation in force within the said Colony may be evaded, every such person shall, whether the offer be accepted or performed, or not, forfeit any sum not exceeding One Hundred Pounds nor less than Twenty Pounds.

147. It shall be lawful for the Collector, or other principal officer of Customs, or any Justice of the Peace, before whom any complaint, information, or any matter or thing under this or any Act relating to the Customs shall be brought or exhibited, to summon any and every person, in whatever part of the said Colony any such person so to be summoned shall then reside or be, to appear before such Collector, officer, or Justice, as the case may be, who are to hear, adjudge, and determine, or inquire into such complaint, information, matter, or thing at a certain time and place to be specified and set forth in such summons, to give evidence, upon oath, of the truth of any facts alleged in such complaint, information, matter, or thing, or otherwise touching or relating thereto or to such inquiry, and every person so summoned, having his reasonable expenses for such attendance (if required) tendered to him at the time of service of such summons, who shall neglect or refuse to appear, according to the exigency thereof, or who, having so appeared, shall refuse to take oath or to affirm, or shall refuse to give evidence or to answer, according to the best of his knowledge and belief, any lawful question when thereunto required,
required, shall for every such default or offence forfeit and pay any sum not exceeding One Hundred Pounds nor less than Twenty Pounds.

148. Where any information shall have been exhibited before any Justice of the Peace for any offence against any Act relating to the Customs or to trade or navigation, for which offence the party charged is not liable to be detained, and by which information any penalty or forfeiture shall be sought to be recovered, or any punishment of hard labor sought to be inflicted, and such information shall have been exhibited before such Justice within six months next after the date of the offence committed, it shall be lawful for such or any other Justice having jurisdiction in that behalf, from time to time, and at any time afterwards, to issue a summons thereon for the appearance of the party against whom such information may have been exhibited as aforesaid, before any two Justices of the Peace, and every such summons directed to such party, being left either at his last place of residence, or on board any ship to which such person may belong, or have lately belonged, shall be deemed to be sufficiently served, and either upon the appearance or default of the person so summoned, as the case may be, it shall be lawful for such Justices to proceed to the examination of the matter contained in any such information, and to adjudicate thereon, in like manner as any two Justices are authorized to proceed under the laws relating to the Customs.

149. That all fines, penalties, and forfeitures, recovered under this or any other Act, relating to the Customs, shall be henceforth paid and applied, one moiety to Her Majesty, Her Heirs, and Successors, for the public uses of the said Colony, and in support of the Government thereof, and the other moiety in such manner as the Governor, by any regulations in that behalf, shall direct.

150. All penalties and forfeitures inflicted and incurred under any Act or Statute relating to the registry of ships, shall and may be sued for, prosecuted, heard, determined, and disposed of in such manner as any penalties or forfeitures are herein directly to be heard, determined, and disposed of.

151. It shall be lawful for the Governor of the said Colony to direct any ship, lighter, boat, goods, or commodities whatever seized under this or any Act relating to the Customs, or to trade or navigation, to be delivered to the proprietor or proprietors thereof, whether condemnation shall have taken place or not, and also to mitigate or remit any penalty or fine, or any part of any penalty or fine, incurred under any such Acts, or to release from confinement any person or persons committed under this or any Act relating to the Customs, on such terms and conditions as to the Governor shall appear to be proper: Provided that no person shall be entitled to the benefit of any order for such delivery, mitigation, or remission, or release, unless such terms and conditions are fully and effectually complied
complied with, and if the proprietor or proprietors of the same shall accept the terms and conditions prescribed by the Governor, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

152. No appeal shall be prosecuted from any decree or sentence of any of Her Majesty's Courts in the said Colony, touching any penalty or forfeiture imposed by this Act, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced, nor unless security be given in the sum of Five Hundred Pounds, to cover any costs which may be incurred through such an appeal in the event of the decree being confirmed.

153. That for the purpose of carrying out the provisions of this Act, the Collector of Customs shall have power to make such by-laws, subject to the approval of the Governor and Executive Council, as may be necessary, provided such by-laws shall be published in the Government Gazette.
SCHEDULES REFERRED TO.

A

Table of Rent to be paid to the Collector or principal officer of Customs, on all Goods lodged in any of Her Majesty's Warehouses, in the Colony of South Australia—

Per week.

<table>
<thead>
<tr>
<th>Item</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pipe or puncheon</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Hogshead or half-pipe</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Barrel or quarter-cask</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Tieree of tobacco, above 450lbs.</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Tieree of tobacco, under 450lbs.</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Keg or box of tobacco, under 250lbs.</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Keg or box of tobacco, under 120lbs.</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Large case of cigars</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Small case of cigars</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Box of cigars, containing 1,000</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Box of cigars, containing 500</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Six-gallon case</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Four-gallon case</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Two-gallon case</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Chest of tea</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Half-chest of tea</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>5-10 catty boxes to a chest</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Coffee, per ton</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

B

Form of Information, before Justices of the Peace, where a pecuniary penalty is inflicted, or forfeiture incurred.

South Australia. Be it remembered, that, on the day of to wit. in the year of our Lord one thousand eight hundred and at in the said Province (1) gives me, Esquire, one of Her Majesty's Justices of the Peace in and for the Province of South Australia, to understand and be informed that (2) within six months now last past, that is say, on the day of in the year of our Lord one thousand eight hundred and (3) contrary to the Law of the Customs in that case made and provided, whereby the said (2) hath forfeited for the said offence the sum of , and whereby the said (4) have become forfeited.

(1) The prosecutor, as “A.B. officer of Customs who is directed by the Governor to prefer this information,” or as the case may be. (2) The offender. (3) Here state the offence or cause of forfeiture. (4) State the goods, &c., if any.

No. 2

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

South Australia. To Officer of Customs, and to the Gaoler or Keeper to wit. Whereas, (1) has this day been duly convicted before , two of Her Majesty's Justices of the Peace in and for the Province of South Australia, upon the Information of (2), for that, within six months now last past, to wit, on the day of in the year of our Lord one thousand eight hundred and (3)

And
And whereas the said Justices did adjudge the said (1) hath forfeited for
his said offence the sum of , which said sum of has not been paid:
These are therefore to require you the said , forthwith to take, carry, and
convey the said (1) to the said Gaol, and deliver him into the custody of the
Gaoler or Keeper of the said Gaol; and these are to require you the said Gaoler or
Keeper of the said Gaol, to receive and take the said (1) into your custody,
and him safely keep until he shall duly pay the said sum of
Given under hand and seal at this day of , in the
year of Lord one thousand eight hundred and

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

No. 3.

Form of Conviction for a pecuniary penalty, and of condemnation of forfeitures.

South Australia, } Be it remembered, that, on the day of ______ in the
at ______ year of our Lord one thousand eight hundred and
______ 1st (as far as you can.)

[Information was exhibited by ______ before us ______ Esquires, two of Her Majesty's Justices of the Peace of the Province of South Australia, against ______ which said Information charged the said ______ within six months then last past—that is to say, on the day of ______ in the year of our Lord one thousand eight hundred and ______ contrary to the Law of the Customs in such case made and provided; whereby the said ______ hath forfeited for his said offence the sum of ______ pounds, which offence has been duly proved before us the said Justices, ______ We do, therefore, convict the said ______ of the said offence, and do adjudge that ______ hath forfeited for the said offence the sum of ______ pounds.

Given under our hands and seals at this day of ______ in the year of our Lord one thousand eight hundred and ______

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

[Where there is a condemnation of goods, insert as follows:]

“______ We do adjudge that the said ______ hath forfeited for the said offence the ______ said ______ and condemn the said ______ to be disposed of according ______ to law.”

Given under our hands and seals at this day of ______ in the year of our Lord one thousand eight hundred and ______

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

No. 4.

Form of Information before Justices of the Peace where the Penalty of hard labor is inflicted.

South Australia, } Be it remembered, that on the day of ______ in the year of our Lord one thousand eight hundred and ______

______ 1st (as far as you can.)

______ gives me, ______ one of Her Majesty's Justices of the Peace in and for the Province of South Australia, to understand and be informed that ______ within six months now past, (that is to say) on the ______ day of ______ in the year of our Lord one thousand eight hundred and ______ contrary to the Law of the Customs in that case made and provided, whereby the said ______ hath for his said offence become liable to be imprisoned in a House of Correction, and there kept to hard labor, for any term not less than six, nor greater than nine calendar months.

(1) A. B., an Officer of Customs, who is directed by the Governor to prefer this information for as the case may be. (2) The offender. (3) Here state the offence. (4) Here state the proportions to the seizing officer and informer, or the entire moiety to the informer alone (as the case may be).
No. 5.

Form of Convict for the penalty of hard labor.

South Australia, }  
Be it remembered, that, on the day of to wit. } in the year of our Lord one thousand eight hundred and eight
at } an information was exhibited by (1) before us two of
Her Majesty's Justices of the Peace in and for the Province of South Australia, against (2) which information charged that the said (2) within six months then last past, (that is to say) on the day of in the year of our Lord one thousand eight hundred and (3) contrary to the Law of the Customs in that case made and provided, whereby the said (2) had for his said offence become liable to be imprisoned in a House of Correction, and there kept to hard labor, for any term not less than six, nor greater than nine calendar months, which offence [has been duly proved before us the said Justices] (4)
We, the said Justices, do therefore convict the said (2) of the said offence, and do adjudge that the said (2) shall for his said offence be imprisoned in the House of Correction at and be there kept to hard labor for the period of calendar months.
Given under our hands and seals at this day of in the year of our Lord one thousand eight hundred and

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

No. 6.

Form of Warrant of Commitment for the penalty of hard labor.

South Australia, }  
To an Officer of Customs, and to the Gaoler or to wit. } Keeper of the House of Correction at
Whereas (1) has been this day duly convicted before two of Her Majesty's Justices of the Peace in and for the Province of South Australia, upon the information of (2) for that within six months now last past, to wit, on the day of in the year of our Lord one thousand eight hundred and (3)
And whereas the said Justices did adjudge that the said (1) should for his said offence be imprisoned in the House of Correction at aforesaid, and be there kept to hard labor for the term of calendar months: These are therefore to require you the said (2) forthwith to take, carry, and convey the said (1) to the House of Correction at and deliver him into the custody of the Gaoler or Keeper of the said House of Correction, and these are to require you the said Gaoler or Keeper of the said House of Correction, to receive and take the said (1) into your custody, and to keep the said (1) for the said term of calendar months to hard labor.
Given under hand and seal at this day of in the year of our Lord one thousand eight hundred and

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


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