

## No. XLIII.

CUSTOMS.

An Act to amend an Act passed in the ninth year of the Reign of Her present Majesty intituled “ *An Act to provide for the General Regulation of the Customs in New South Wales.*” [12th October, 1849.]

Preamble.

WHEREAS certain sections of an Act of the Governor and Legislative Council of New South Wales passed in the ninth year of the reign of Her present Majesty Queen Victoria intituled “ *An Act to provide for the General Regulation of the Customs in New South Wales*” are found to be defective and require to be repealed

*Customs.*

repealed or amended Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act the sixty-ninth and seventieth sections of the said recited Act shall be and the same are hereby repealed.

Sections 69 and 70 repealed.

2. And be it enacted That if after the arrival of any ship within one league of the coast of this 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 Provided always that bullion gold dust and coin may be landed without report entry or warrant and without bulk being deemed to have been broken thereby.

What shall be deemed illegal breaking of bulk.

Certain articles may be landed without entry.

3. And be it enacted That when any ship or other vessel shall arrive within the limits of any port in this Colony and shall not bring to being approached and hailed or otherwise signaled by any boat belonging to Her Majesty's Customs carrying and hoisting the Custom House Flag the master or pilot (as the case may be) having charge of such ship or vessel shall forfeit and pay the sum of five pounds.

Ships to bring to on being hailed by boarding officer.

4. And be it enacted That the master of every ship or vessel required to have a manifest on board shall produce such manifest to any officer of the Customs who shall come on board his ship after her arrival within one league of the coast of this Colony or within the limits of the port and who shall demand the same for his inspection and such master shall also deliver to any such officer a true copy of such manifest signed by the master if required by him 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.

Master to produce manifest to officer of Customs within one league of coast and deliver copy of same if so required under a penalty.

5. And be it enacted That the term "clearance" made use of in the fortieth section of the said recited Act shall be construed to signify the certificate of clearance and manifest and other papers thereunto attached under seal of the Customs and that if at the time of any officer of Customs repairing on board any ship for the purposes set forth in the said fortieth section 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 any "additional content or report outwards" and to make use of any such documents for the purposes set forth in the said fortieth section of the said recited Act.

What shall be deemed to be ship's clearance.

If not on board officer may produce it.

6. And be it enacted That all goods which shall have been warehoused or re-warehoused shall be duly cleared either for exportation or home consumption within three years from the day of the entry thereof and if such goods be not so cleared it shall be lawful for the Collector or other proper officer of Customs to cause the same to be sold and the produce 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 Provided always that it shall be lawful for the Collector or other proper officer of Customs to grant further time for any goods to remain warehoused if they shall see fit so to do.

Goods to be cleared in three years.

If not cleared to be sold.

Purchaser allowed three months.

Further time may be granted.

7. And be it enacted That it shall be lawful for the Collector or other principal officer of Customs under such regulations as he shall

Goods may be re-sorted and re-packed.

*Intestates' Estates Claims.*

shall see fit to permit the proprietor or other person having control over any goods warehoused to sort separate pack and re-pack any such goods and to make such 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 part 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 ten gallons each for the purpose only of being disposed of as ship's stores and also in the warehouse to draw off any wine rum brandy or other spirit into reputed quart bottles or reputed pint bottles for the purpose of exportation only 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 not exceeding the proportion of ten gallons of brandy to one hundred gallons of wine.

Spirits may be drawn off into casks for stores.

Spirits or wines may be bottled for exportation.

Casks may be filled up.

Brandy may be mixed with wine.

Mode of proceeding for condemnation of goods liable to forfeiture.

8. And whereas the one hundred and eighth section of the said recited Act provides for the recovery only of penalties incurred or imposed by any Act or Acts relating to the Customs and it has been found expedient to provide for the condemnation of goods liable to forfeiture under any of the said Acts relating to the Customs Be it therefore enacted That in cases where the value of the goods liable to forfeiture does not exceed the sum of one hundred pounds it shall be lawful for any officer or officers of Her Majesty's Customs to proceed for the condemnation of the same in a summary way before any two or more Justices of the Peace in manner and form prescribed by the said recited Act.