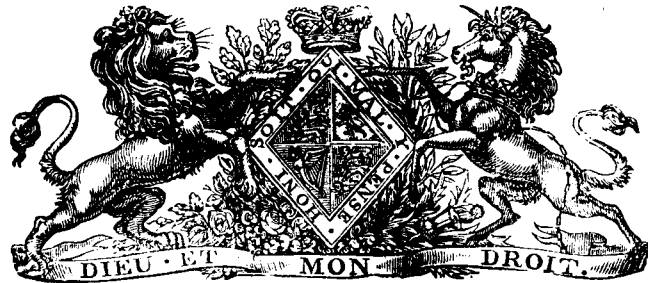


New South Wales.



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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## No. I.

An Act to ratify the arrangement made with the Colony of Victoria in reference to the Collection of Customs Duties on Goods imported across or by way of the River Murray. [2nd September, 1867.]

BORDER DUTIES.

**W**HEREAS the Agreement set forth in the Schedule to this Act marked A has with the sanction of His Excellency the Governor and the Executive Council of this Colony been made with the Government of the Colony of Victoria and whereas pursuant to the terms of such Agreement goods of all kinds have since the first day of February last been permitted to be imported into this Colony from Victoria across and by way of the river Murray without any payment of Customs duties or charge of any kind for or upon any such importation And whereas it is necessary to confirm such Agreement and to indemnify all Officers of Customs and other persons concerned in such importations Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Preamble.

1. The said Agreement shall be and the same is hereby declared to have been on and since the first day of February last a valid and binding Agreement any act to the contrary notwithstanding.

Border Duty Agreement confirmed.

2. During the continuance of such Agreement it shall not be the duty of any Customs or other Officer to demand or receive on the importation of any goods from Victoria by way of or across the river Murray any Customs duties whatever Provided always that in respect of

Customs duties not to be collected on imports from Victoria by way of the Murray during continuance of Agreement.

*Border Duties.*

of goods which may be imported from Victoria across or by way of the river Murray in bond and which may be received into any bonded warehouse in this Colony Customs duties shall be demanded and collected on the delivery out of such goods according to the rates imposed by the law for the time being in force in this Colony.

Arrangement may  
be made with South  
Australia.

3. It shall be lawful for the Governor with the advice of the Executive Council to make any arrangement with the Government of the Colony of South Australia similar to the arrangement set forth in the said Schedule A and upon such terms as to them may seem expedient.

Indemnity clause.

4. No action shall be brought nor shall any prosecution be instituted nor any judgment had against any Officer of Customs or any other person for permitting or assisting in the importation on or since the first day of February last from Victoria across or by way of the river Murray of any goods without the payment of Customs duties being demanded and paid upon such importation.

Short title.

5. This Act may be cited as the "Border Duties Act of 1867."

#### SCHEDULE A.

MEMORANDUM of Agreement made and entered into at Melbourne on the twelfth day of January in the year of our Lord one thousand eight hundred and sixty-seven between the Honorable James M'Culloch the Chief Secretary and the Honorable James Goodall Francis the Commissioner of Trade and Customs of Victoria for and on behalf of the Colony of Victoria on the one part and the Honorable James Martin the Attorney General and the Honorable Geoffrey Eagar the Colonial Treasurer of New South Wales for and on behalf of the Colony of New South Wales on the other.

For the purpose of enabling each of the Colonies of Victoria and New South Wales to receive the duties of Customs to which it is entitled on goods imported from the other across or by way of the river Murray without the actual collection of such duties by Customs Officers on the occasion of each act of importation and for the settlement of all claims between the two Colonies in respect of importations into either from the other between the first day of May and the twenty-seventh day of June in the year of our Lord one thousand eight hundred and sixty-five it is agreed as follows:—

1. That the Colony of Victoria shall pay over to the Colony of New South Wales on or before the first day of February next the sum of six thousand eight hundred pounds (£6,800) for the duties collected by Victoria on behalf of New South Wales from the first day of May to the twenty-seventh day of June in the year of our Lord one thousand eight hundred and sixty-five and that such payment shall be a final settlement of accounts between the two Colonies in reference to duties due to or claimed by either from the other in respect of importations during the said period.

2. That for a period of five years from the first day of February next goods of all kinds including live stock shall be imported from Victoria into New South Wales and from New South Wales into Victoria across or by way of the river Murray without any payment of Customs duties or charge of any kind for or upon any such importation.

3. That it shall be the duty of the Customs Officers of New South Wales to put a permanent distinguishing mark on all packages of goods imported into New South Wales from South Australia by way of the river Murray and that it shall be lawful for Victoria in all cases where the New South Wales import duties on such goods so marked are lower than the Victoria import duties on the same goods to demand or receive on the importation from New South Wales into Victoria of such goods a sum equal to the difference between the duties imposed in the two Colonies and that it shall be the duty of the New South Wales Customs Officers to take all proper steps to prevent any evasion of this section.

4. That during such period there shall be paid to New South Wales by Victoria by equal quarterly payments the yearly sum of sixty thousand pounds (£60,000) such sum being the estimated annual balance that in each year would be payable to New South Wales in respect of Customs duties upon goods imported into it by way of the river Murray after giving credit to Victoria for the duties payable on goods imported into that Colony from New South Wales.

5. That during the said period of five years there shall be paid by New South Wales to Victoria the net proceeds of all Customs duties received by New South Wales upon the importation of goods from South Australia by way of the river Murray the cost of collecting which duties shall not as against Victoria be charged at a higher rate than five pounds per centum on the amount of the duties actually received and such payments shall be made half yearly and each such payment shall include all the duties then actually received by New South Wales less the charge as above mentioned.

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*Camperdown and Randwick Cemeteries.*

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6. That the last preceding clause of this Agreement shall include all duties received by New South Wales by means of its Customs Officers on the river Murray on and after the first day of February next on goods imported into New South Wales from South Australia by way of the river Murray whether such goods were imported into New South Wales before or after such date and also all duties received by South Australia on behalf of New South Wales on and after the same date.

7. That the duties on goods which on the first day of February next shall have been imported into New South Wales from Victoria by the river Murray and shall then be in any of the New South Wales bonded warehouses on that river and the duties on all goods which may hereafter during the continuance of this Agreement be imported in bond from Victoria and placed in the present or any future bonded warehouse in New South Wales on the said river shall be collected by New South Wales for Victoria without charge.

8. That while this Agreement continues the Victoria and New South Wales Customs and Excise duties respectively shall not be reduced by either Colony without the consent of the other and that if the Legislature of either Colony shall notwithstanding this stipulation without the consent of the other Colony reduce its Customs or Excise duties this Agreement shall thereupon cease and determine unless a corresponding adjustment of the annual amount payable by Victoria to New South Wales be first mutually agreed upon.

9. That nothing in this Agreement shall be held to prevent New South Wales making such arrangements not inconsistent with the last preceding clause and the fifth clause with South Australia as it may think fit in reference to Customs duties on goods imported into New South Wales from South Australia by way of the river Murray or establishing and maintaining such Custom Houses and bonded warehouses and making such regulations as it may think fit for the collection of Customs duties on goods imported from or through South Australia by way of the river Murray.

10. That should any legislative sanction be necessary to enable this Agreement to be carried into effect such sanction shall be applied for.

JAMES M'CULLOCH.  
JAS. G. FRANCIS.  
JAMES MARTIN.  
G. EAGAR.

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