

## THE CUSTOMS ORDINANCE, 1880.

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## No. 14.—1880.

1st October.

AN ORDINANCE to amend the Law relating to  
Customs.

(L.S.) WILLIAM A. G. YOUNG.

7th October, 1880.

**B**E it enacted by His Excellency the Governor, with  
the advice and consent of the Legislative Council,  
as follows:—

Appointment  
of ports and  
legal quays.

1. The Governor may declare any place in the Island of Trinidad and its dependencies to be a port, and declare the limits thereof and appoint proper places within the same to be legal quays for the lading and unlading of goods, and declare the bounds and extent of such quays and annul the limits of any port or quay already appointed or to be hereafter appointed, and declare the same to be no longer a port or legal quay, or alter or vary the name, bounds and limits thereof, and may also direct at what particular part or parts of any such legal quays ships laden with tobacco or any other particular cargo shall discharge such cargo, and may direct at what particular part or parts of any such legal quays goods shipped for drawback or from the warehouse shall be shipped, and may also appoint in the Colony stations or places for ships arriving at or departing from any port to bring-to for the boarding or landing of officers of Customs, and may also direct what particular part or parts of any harbour, quay or other place in any port shall be the proper place of lading and unlading for ships arriving in such port.

Collector and  
Sub-  
Collectors  
of customs.

2. It shall be lawful for Her Majesty from time to time to appoint such persons as to Her Majesty seem fit to be Collector of Customs and Sub-Collectors of Customs respectively, and such Collector and Sub-Collectors shall be paid such salaries as the Governor, with the consent of the Legislative Council, from time to time allows. And the Governor may from time to time appoint the hours of general attendance of the officers of Customs at their proper offices and places of employ-

ment, and the Collector may appoint the times during such hours at which any particular part of the duty of any such officers shall be performed.

3. The Collector shall have and exercise all the powers vested in and discharge all the duties imposed upon the Receiver-General by any Ordinance relating to Customs, and all the rights, powers, duties, liabilities and obligations by any such Ordinance vested in or imposed upon the Receiver-General are hereby vested in and imposed upon such Collector accordingly: Provided that the exercise by any Sub-Collector of any such rights or powers and the discharge by any Sub-Collector of any such duties, liabilities, or obligations, shall have the same effect as such exercise or discharge by the Collector would have.

Duties of  
Collector and  
Sub-  
Collector.

4. Every person employed with the sanction of the Collector, whether given before or after the commencement of the employment on any duty or service required to be performed by an officer or officers of Customs, shall be deemed to be the officer for that duty or service; and every act required by law at any time to be done by, to or with any particular officer nominated for such purpose, if done by, to or with any person appointed by the Collector to act for such particular officer, shall be deemed to be done by, to or with such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Collector for such purpose shall be deemed to be done at the particular place so required by law.

Certain  
powers of  
Collector.

5. It shall be lawful to import into this Colony any goods which are not by this Ordinance or by any law in force at the time of importation thereof prohibited to be so imported, and to warehouse except as hereinafter provided in any warehouse duly approved for the warehousing of goods without payment of duty on the first entry thereof, any goods subject to duties of Customs, the warehousing whereof is not prohibited by any law in force at the time of such importation: Provided always that the duties on lumber and wood, and on such other goods as the Governor may from time to time direct, shall be paid on the first importation thereof, and

General right  
to import and  
warehouse.

such goods shall not be warehoused either for Island consumption or for exportation.

Bonded  
warehouses.

6. The Governor may approve and appoint warehouses or places of security within the town of Port of Spain, or within the town of San Fernando, for the warehousing of goods without payment of duty on the first entry thereof, and may direct with what sureties and to what amount security by bond shall be required in respect of any warehouse so approved or appointed as aforesaid or in respect of any goods deposited therein, or for the security of the duties thereon; and may direct what description of goods shall be allowed to be warehoused therein, and may cancel the appointment of such warehouses, on notice of which cancellation the proprietor or occupier of such warehouse shall be required to pay duty on the goods remaining therein or remove them to an approved warehouse within one month from the date of such notice, in default of which the goods shall be forfeited; and the Governor may also from time to time fix the amount of rent which shall be payable in respect of any goods deposited or secured in any of the Queen's warehouses; and the Governor may from time to time fix the rent which shall be payable on petroleum stored in the petroleum warehouse which shall remain in that warehouse beyond the period of eighteen months from the first warehousing thereof; and all such rents shall be paid, received, and appropriated as duties of Customs; and when six months' rent in respect of petroleum is in arrear and unpaid, such petroleum may be sold by the Collector in such manner and subject to such conditions as he thinks fit, and the proceeds applied to the use of Her Majesty.

Bonds in  
respect of  
bonded  
warehouses.

7. The proprietor or occupier of any warehouse or some one in his behalf shall give or procure to be given security to Her Majesty the Queen by bond with two sufficient sureties, such sureties to be approved by the Collector, for the payment of the full duties of importation on or for the due exportation of all such goods as may be at any time warehoused therein, and no goods shall be warehoused in any such warehouse until such security has been given.

8. If any goods enumerated or described in the following table of prohibitions and restrictions as "goods absolutely prohibited to be imported" are imported or brought into this Colony, or if any goods enumerated or described in such table as "goods prohibited to be imported except in transit and subject to such regulations and restrictions as the Governor may direct and duly reported in transit accordingly" are imported into this Island, except in transit in accordance with such regulations and restrictions as aforesaid, and so reported as aforesaid, or if any goods enumerated or described in such table as "goods subject to certain restrictions on importation" are imported or brought into this Colony contrary to the restrictions contained in such table in respect thereof, then and in every such case such goods shall be forfeited.

Tables of prohibitions, absolute or conditional.

#### TABLE OF PROHIBITIONS AND RESTRICTIONS.

##### *Goods absolutely prohibited to be imported.*

BOOKS—wherein the copyright is subsisting, first composed or written, or printed in the United Kingdom, and printed or re-printed in any other country, and named in any printed list of such books made by the Commissioners of Her Majesty's Customs, not being foreign reprints imported according to "The Foreign Reprints Ordinance, 1874":

COIN—viz. : Base or counterfeit coin of any country :  
Silver of the realm or any money purporting to be such, not being of the established standard in weight or fineness :

Indecent or obscene prints, paintings, books, cards, lithographic or other engravings, or any other indecent or obscene articles :

COCOA—except cocoa the produce of and imported from Venezuela :

Infected cattle, sheep, or other animals.

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*Goods prohibited to be imported except in transit and subject to such regulations and restrictions as the Governor may direct, and duly reported as goods in transit accordingly.*

Articles not the manufacture of the United Kingdom and any packages of such articles, bearing any names, brands or marks being or purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, or any name, brand or mark which states or implies that such articles were manufactured at any place in the United Kingdom :

CLOCKS AND WATCHES—or any other article of metal impressed with any mark or stamp representing or in imitation of any legal British assay-mark or assay-stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom :

Parts of articles, viz., any distinct or separate part of any article not accompanied by the other part or all the other parts of such articles, so as to be complete and perfect, if such article be subject to duty.

*Goods prohibited to be imported except subject to the restrictions on importation herein contained.*

RUM—unless in ships of thirty tons burden at least, and in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or contents of eighty gallons at the least, or unless in cases of not less than twelve glass or stone bottles capable of containing together not less than one gallon and a half in the whole, or in demijohns capable of containing each not less than two gallons, and forming part of the cargo of the importing ship and duly reported :

All other SPIRITS—not being perfumed or medicinal spirits, unless in ships of thirty tons burden at least, and in casks or other vessels capable of containing liquids, each of such casks or other

vessels being of the size or content of twenty gallons at the least, and duly reported, or in cases of not less than twelve glass or stone bottles capable of containing together not less than one gallon and a half in the whole, or in demijeans capable of containing each not less than two gallons, and forming part of the cargo of the importing ship and duly reported :

TOBACCO—except in packages each containing not less than fifty pounds of net weight and in ships of not less than ten tons burden :

CIGARS, CIGARILLOS, or CIGARETTES—except in packages each containing not less than twenty pounds of net weight, and in ships of not less than ten tons burden :

GUNJA, BHANG, CANNABIS INDICA, or any preparations or mixture thereof except under the license of the Governor ;

OPIUM—unless ships of at least one hundred tons burden, and unless in packages each containing not less than twenty pounds net weight, and forming part of the cargo of the importing ship and duly reported :

9. The importation of arms, ammunition, gunpowder, or any other goods may be prohibited by the proclamation of the Governor. Power to prohibit importation of arms, &c.

10. It shall be lawful for the proper officers of Customs to board any ship arriving at any port in this Island, and freely to stay on board until all the goods laden therein have been duly delivered from the same; and such officers shall have free access to every part of the ship, with power to fasten down hatchways or entrances to the hold, 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 may open any such place, box or chest in the best manner in their power; and if any goods be found concealed on board any such ship they shall be forfeited, and if any officer shall place any lock, mark or seal upon any goods Power to board ships on arrival.

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on board, and such lock, mark or seal shall be wilfully opened, altered or broken before due delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways or entrances, after having been fastened down by the officer, be opened, the master of such ship shall forfeit the sum of one hundred pounds.

Regulations  
as to ships  
arriving.

11. If any ship arriving in the waters of the Colony does not come to some port therein without touching at any other place, and on arriving in the port come without touching at any other place as quickly up to the proper place of unlading as the nature of the port will admit, and in proceeding to such proper place does not bring-to at the stations appointed by the Governor for the boarding of ships, or if after arrival at such place such ship removes therefrom except to some other proper place of unlading or lading within the said port, and with the knowledge of the proper officer of Customs, the master of such ship shall forfeit the sum of twenty pounds and the ship shall be forfeited.

Regulations  
as to landing  
of goods.

12. No goods shall be unshipped or be landed and put on shore on Sundays or public holidays, except by special permission of the collector, nor shall they be so unshipped, landed or put on shore on any other day except between the hours of seven o'clock in the morning and four o'clock in the afternoon, or during such other hours as may be approved by the collector, nor shall any goods be unshipped or landed unless with the authority of the proper officer of Customs, nor shall any goods be so landed except at some legal quay within the port in which the ship is lying duly appointed for the landing or unshipping of goods, nor shall any such goods, after having been unshipped or put into any boat or craft to be landed, be transhipped or removed into any other boat or craft previously to their being landed, without the permission of the proper officer of Customs, and if any such goods are unshipped, landed, transhipped or removed contrary hereto, the same shall be forfeited; and if any goods are unshipped or removed from any importing ship for the purpose of being landed after due entry thereof, such goods shall be forthwith removed to and landed at the legal quay at which the same are

to be landed, and if such goods are not so removed and landed, the same shall be forfeited, together with the barge, lighter boat or other vessel employed in removing the same.

13. Subject to the provisions of this Ordinance, the master of every ship, whether laden or in ballast, within <sup>Report on arrival.</sup> twenty-four hours after arrival at any port in this Island and before bulk is broken, shall in respect of such ship make due report to the chief officer of Customs of such port in the prescribed form, which shall be either the form following and containing the several particulars indicated therein or required thereby, or such other form as the Governor may direct; and if the cargo of such ship has been laden at several places, shall state the names of those places under the head "Cargo" in column 1, and shall make and subscribe the declaration at the foot thereof in the presence of the collector or other proper officer of Customs:

{ If Sailing Vessel  
or Steamer

REPORT No. (     ).

PORT OF

Ship's Name.	Tonnage.	British or Foreign: if British, Port of Registry; if Foreign, Country to which she belongs.	Number of Crew.		Name of Master, and whether a British or Foreign Subject.	Port or Place from whence arrived.
			British Seamen.	Foreign Seamen.		
		<i>Total ...</i>				

CARGO.

1 Name or Names of Places where laden in order of time.	2 Marks.	3 Nos.	4 Packages and Descriptions of Goods, Parti- culars of Goods stowed loose.	5 Particulars of Packages and Goods (if any) for any other Port in the Colony.	6 Goods (if any) to be tran- shipped or to remain on board for Ex- portation.	7 Name of Consignee.
<i>Here state the particulars according to the above headings, or if in ballast, state "in Ballast only."</i>						
<i>If any Wreck fallen in with, or picked up, to be stated</i>						

STORES.

*Surplus Stores remaining on board, viz. {*

*Number of Passengers (if any)  
At what Station Ship lying  
Agent's Name and Address*

*I declare that the above is a just report of my ship and of 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.*

*(Signed)*

*Master.*

*Signed and declared this                      day of                      188*

*In presence of  
(Countersigned)*

*Collector.*

Penalty on failure to report.

**14.** If such master wilfully fails to make such report according to the particulars hereinbefore set forth so far as the same are applicable to such ship, cargo and voyage, or if the particulars or any of them contained

in such report be false, such master shall forfeit the sum of one hundred pounds.

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15. Notwithstanding anything in this Ordinance, where a steam vessel arrives in the harbour of Port of Spain with the intention of remaining in such harbour less than seventy-two hours, it shall be lawful for the master of such steam vessel to land any goods therefrom without making a report of such vessel or her cargo; so always that no such goods shall be landed except in the presence and with the authority of the proper officer of Customs, and that such goods shall not be unshipped and landed except in accordance with the provisions of this Ordinance respecting the unshipping and landing of goods, and that such goods be landed at and deposited in such place as the Governor may from time to time approve, there to remain until due entry of such goods; and so always that the deposit, custody, and delivery of goods so landed shall be conducted in accordance with any regulations which may from time to time be made by the Governor: And in every such case the agent of the owner of such vessel shall within twenty-four hours after the arrival of such vessel make a report of the goods landed or to be landed therefrom in the prescribed form so far as the same may be applicable, or in such other form or manner as the Governor may direct; and if any such agent fails to make such report, or if the particulars or any of them contained in such report be false, or if the goods be not landed at and deposited in the place approved as aforesaid, or if the regulations made by the Governor by authority of this section be not observed, such agent shall forfeit the sum of one hundred pounds and the goods shall be forfeited.

Landing of goods from steam vessels before entry.

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16. Upon the report of any ship the master or consignee thereof or the agent of the owner of a steam vessel, as the case may be, shall deliver such number of duplicates of the ship's report as the collector or sub-collector may require.

Duplicate reports.

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17. Goods not duly reported may be detained by any officer of Customs until the same are so reported and the cause of the omission explained to the satisfaction of the collector or sub-collector, and such goods may in

Detention of goods not duly reported.

the meantime, should the collector or sub-collector deem it necessary, be removed to the Queen's warehouse.

Liability of masters of ships to answer questions, and in respect of certain acts.

18. The master of every ship arriving in this Island shall answer all such questions relating to the ship, cargo, passengers, crew and voyage as may be put to him by the collector or sub-collector, and in case of failure or refusal to answer such questions or to answer truly, and also in any of the following cases unless accounted for to the satisfaction of the collector or sub-collector, that is to say, if after the arrival of any ship within four leagues of the coast of this Island bulk is broken, or any alteration made in the stowage of the cargo of such ship so as to facilitate the unlading of any such cargo, or if any part be staved, destroyed or thrown overboard or any package be opened, such master shall forfeit the sum of one hundred pounds.

Limitation of ship's stores.

19. The collector may from time to time declare what quantity of goods liable to duty shall be allowed to be reported as ship's stores, and any goods liable to duty imported in excess of such quantity shall be considered as merchandize and be liable to all the regulations and restrictions as such.

Power to leave port in certain cases without making report.

20. Notwithstanding anything contained in this or any other Ordinance relating to the Customs, it shall be lawful for the master of any vessel arriving within any port in this Island to depart therefrom within twenty-four hours after his arrival and before bulk is broken without making any report of his cargo, and to proceed to any other port in this Island and there report his vessel and discharge his cargo, subject to all the provisions in that behalf contained in this Ordinance.

Power to make separate reports for different ports.

21. Notwithstanding anything contained in this or any other Ordinance relating to the Customs, it shall be lawful for the master of any vessel arriving at any port within this Island and having part of her cargo for any other port or ports within this Island, to make report at the first-mentioned port of her whole cargo, reporting separately such portion of it as may be intended for the first mentioned port, and there to discharge the same, and, after the discharge of such cargo and due clearance of the vessel by the proper officers of Customs, to pro-

ceed to any other port or ports within this Island, there to report, and discharge, after due entry of the same, such portion of her cargo as may be intended for such other port or ports in like manner as if he had first arrived at such last-mentioned port or ports, and the master so reporting his vessel and all persons concerned in discharging such goods shall be subject to all the provisions in such respects contained in this Ordinance.

22. If the contents of any package intended for exportation in the same ship are reported by the master as being unknown to him, the officers of the Customs may, where the collector deems fit, open and examine such package on board or bring the same to the Queen's warehouse for that purpose, and if there be found in such package any goods which are prohibited to be imported, such goods shall be forfeited unless the Governor permits them to be exported.

Examination of packages for exportation in same ship.

*As to Ships calling for Provisions only.*

23. It shall be lawful for the collector in any case where he sees fit to grant a warrant under his hand to the master of any ship touching at the harbour of Port of Spain, and being in want of provisions to take on board of such ship for the use of such ship any stores specified in the warrant, and such as the collector deems reasonable, having regard to the number of the crew and passengers outward, and the possible duration of her voyage to her place of destination, without making due report of such ship; and also to land any part of the cargo of such ship to be specified in such warrant which the master of such ship finds it necessary to dispose of for the payment of such stores without making any report of the cargo of such ship, save only and except the goods for the landing whereof such warrant is granted; and no duties of Customs shall be payable in respect of any part of the cargo of such ship, except the goods for the landing whereof such warrant is granted; but if any such ship does not depart from this Island within forty-eight hours after her arrival, the master shall make due report of such ship and of her cargo in the manner required by this Ordinance.

Power to permit taking on board of ships' stores.

*As to the Entry of dutiable Goods to be delivered for consumption in the Island on the landing thereof from the Importing Ship.*

Bill of entry for imported goods.

24. The importer of any goods liable to duties of Customs, and intended to be delivered for use in this Island, on the landing thereof from the importing ship or his agent, shall before unshipment thereof make perfect entry of such goods by delivering to the collector or sub-collector a bill of entry thereof in the form following, and containing the several particulars indicated therein, or required thereby, or in such other form as the Governor may direct:

DUTY ENTRY INWARDS FOR GOODS FROM THE SHIP.

PORT OF PORT OF SPAIN.

Importer's Name .....

Ship's Name .....

Port or place whence Imported .....

Marks.	Numbers	Number of Packages, Quantities and Description of Goods.	Value of Goods.		Amount of Duty.
			Specific Duties.	4 per cent.	
		<i>Total ... ..</i>			
		<i>Total amount of Duty payable on this Entry.</i>			

(Signed) \_\_\_\_\_

I am \_\_\_\_\_ of \_\_\_\_\_  
 that I enter the goods contained in this Bill of Entry, and  
 value at the sum of \_\_\_\_\_  
 Witness my hand the \_\_\_\_\_ day of \_\_\_\_\_ 188

And the particulars in such entry shall correspond with the particulars given of the same goods and packages in

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the report of ship, and whenever the value of any goods is required to be stated in the entry, the importer or his agent shall subscribe a declaration of the truth of such value in the form set forth at the foot of such entry; and such importer or agent shall, if required, produce to the collector or sub-collector the invoice of such goods, and if such importer or agent wilfully refuses to produce such invoice, or produces any invoice which within the knowledge of such importer or agent is false in any particular, such importer or agent shall forfeit the sum of one hundred pounds.

25. The importer or his agent shall, immediately upon the entry of any goods entered by him to be delivered for Island use, pay down any duties which may be payable upon the goods mentioned in such bill of entry to the collector or sub-collector, and such bill of entry, when signed by the collector or sub-collector shall be transmitted to the landing waiter, and be his warrant for the landing and delivery of such goods. And it shall be lawful for the collector or sub-collector or other proper officer of Customs at any port to accept any entry, and to receive the duties on any goods imported in any ship, although the same may have been imported at any other port of this Island, and the person presenting such entry shall be subjected to all the provisions of this Ordinance, and the goods shall not be unshipped, except in accordance with the provisions of this Ordinance.

Payment of  
duties.

26. If upon the examination of any goods entered for duty which are chargeable with duty upon the value thereof, it appears to the collector or sub-collector 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, it shall be lawful for such collector or sub-collector to detain the same, in which case he shall forthwith give notice in writing to the person entering the same, of the detention of such goods, and of the value thereof as estimated by him, either by delivering such notice personally, or by transmitting the same by post to such person, addressed to him at his

Goods entered  
at inadequate  
value.

place of abode as stated in his entry; and the collector or sub-collector shall within forty-eight hours 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 he shall cause the value at which the goods were so entered, together with an addition of ten per centum, and the duties already paid on such entry, to be paid to the person entering the same in full satisfaction for such goods, or he may permit such person on his application for that purpose to amend such entry by inserting such value, and on such terms as he may direct. Such goods if retained shall be disposed of for the benefit of the Crown, and if the proceeds arising therefrom in case of sale, exceed the sums so paid, and all charges incurred by the Crown, one moiety of such surplus shall be paid to a separate fund at the disposal of the Governor, and be distributed by him at such periods and in such proportions to or amongst such meritorious officers of the Customs as the Governor selects as most deserving, and the other moiety shall be accounted for, paid, and carried to account as duties of Customs.

*As to disputes between the Importer of Goods and  
the Officers of Customs as to the Duty due on such  
Goods.*

Dispute as to  
duty.

27. If any dispute arises as to the proper rate of duty payable in respect of any goods imported into this Colony and admissible for island consumption, the importer or his agent shall deposit in the hands of the collector or sub-collector the amount of duty demanded by him, and such deposit shall be and be taken to be the proper duty payable in respect of such goods, unless an action is brought by the importer of such goods within three months from the time of making such deposit against the collector for the purpose of ascertaining whether any and what amount of duty is due and payable upon such goods, and upon payment of such deposit and passing a proper entry for such goods by the importer or agent, such collector or sub-collector

shall thereupon cause the goods to be delivered in virtue of such entry.

28. In case no action is brought within the time limited for that purpose, such deposit shall be retained and applied to the use of Her Majesty in the same manner as if the same had been originally paid and received as the duty due and payable on such goods, and in case such action is brought, and it is thereupon determined by due course of law, that the duty so demanded and deposited was not the proper duty due and payable upon such goods, but that a less duty or no duty was payable thereon, then the difference between the sum so deposited and the duty so found to be due or the whole sum so deposited, as the case may require, shall forthwith be returned to such importer, with interest thereon after the rate of six pounds per centum per annum for the period during which the sum so paid or returned has been so deposited; and such payment shall be accepted by such importer in satisfaction of all claims in respect of the importation of such goods and the duty payable thereon, and of all or any damages and expenses incident thereto, except costs of suit which shall be in the discretion of the Court and if ordered to be paid by the collector shall be repaid to him by the receiver-general on the warrant of the Governor.

Procedure in case of deposit on account of duties.

*As to the Entry of Goods intended to be warehoused without payment of Duty on first Entry thereof.*

29. 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 or sub-collector a bill of entry of such goods in the form following, and containing the several particulars indicated therein or required thereby, or in such other form as the Governor may direct; and such bill of entry when signed by the collector or sub-collector shall be transmitted to the proper officer of Customs, and he the warrant for the due warehousing of such goods.

Bill of entry for goods to be warehoused.

ENTRY FOR WAREHOUSING.

Port of Importation \_\_\_\_\_  
 Quay \_\_\_\_\_  
 Importer's Name \_\_\_\_\_

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.

*Here state the particulars according to the above headings.*

Marks.	Numbers.	Number of Packages and quantity, description and value of Goods in accordance with the requirements of the Official Import List.

*Here state the particulars of the Goods according to the above headings.*

*I enter the above Goods to be warehoused at*  
*Dated this \_\_\_\_\_ day of \_\_\_\_\_ 188*  
*(Signed)*

*Importer or his Agent.*

Goods entered to be warehoused but not actually warehoused.

**30.** If after any goods have been duly entered and landed to be warehoused, though not actually deposited in the warehouse, the importer further duly enters the same or any part thereof for Island use or for exportation the same may be delivered and taken for Island use or exportation as the case may be.

*As to the Entry of Goods Free of Duty.*

Bill of entry for goods not subject to duty.

**31.** The importer of any goods not subject to duties of Customs, or his agent, shall before unshipment thereof, deliver to the collector or sub-collector a bill of entry of such goods in the form following, and containing the several particulars indicated therein or required thereby or in such other form as the Governor may direct, and such bill of entry when signed by the collector or sub-collector shall be transmitted to the proper officer and be his warrant for the delivery of the goods mentioned therein.

ENTRY FOR FREE GOODS.

Port of Importation \_\_\_\_\_

Quay \_\_\_\_\_

Importer's Name \_\_\_\_\_

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.

*Here state particulars according to the above headings.*

Marks.	Numbers.	Number of Packages and quantity, description and value of Goods in accordance with the requirements of the Official Import List.

*Here state the particulars of the Goods according to the above headings.*

*I enter the above Goods as free of Duty and declare the above particulars to be true.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 188  
 (Signed) \_\_\_\_\_  
 Importer or his Agent.

32. The importer of any bullion or coin imported into this Colony, or his agent, shall within ten days after the landing thereof, deliver to the collector or sub-collector a full and true account of such bullion or coin; and if such account is not so delivered, every such importer or agent shall forfeit any sum not exceeding twenty pounds: Provided that this penalty shall not be levied in respect of small parcels of bullion or coin imported as a part of the baggage of passengers.

Bullion or coin imported.

*As to the entry of goods landed for examination by Bill of Sight and perfecting entry thereof.*

33. The importer of any goods or his agent if unable for want of full information to make a perfect entry of

Bill of sight

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such goods, on making and subscribing a declaration to that effect before the collector or sub-collector, may make an entry by bill of sight for the packages or parcels of such goods in the form following and containing the several particulars indicated or required thereby, or in such other form as the Governor may direct :—

BILL OF SIGHT.

*Port of* [name of port of importation.]  
*Importer* [name of importer.]

Ship's Name	Whether British or Foreign; if Foreign the Country.	Master's Name.	Port or Place from whence imported.	Name of Importer or his Agent.
<i>Here state the particulars according to the above headings.</i>				

Marks.	Numbers.	Number of Packages, with the best description of the goods the Importer is able to give.
<i>Here state the particulars according to the above headings.</i>		

I, *the importer* (or Agent to *the Importer*) of the goods above-mentioned, do hereby declare that I have not (if Importer), or that to the best of my knowledge he has not (if Agent), received sufficient Invoice, Bill of Lading, or other advice from whence the Quality, Quantity, or value of the goods above-mentioned can be ascertained.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 188

(Signed) \_\_\_\_\_  
 Importer or his Agent  
 (Signed) \_\_\_\_\_  
 Collector or Sub-Collector

Perfect entry after bill of sight.

34. Such entry being delivered to the collector or sub-collector and signed by him, shall be the warrant for provisionally landing such goods to be examined by

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such importer or his agent in presence of the proper officers, and the importer or his agent shall, within three days after the landing thereof and before the same are delivered, make full and perfect entry thereof by endorsing on such bill of sight such particulars of such goods as are hereinbefore required on making perfect entry of goods, whether for payment of duty or for warehousing or for delivery free of duty as the case may be, and to such indorsement he shall affix the date thereof together with his signature and place of abode, and such indorsement when signed by the collector or sub-collector shall be taken as the perfect entry for such goods.

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Name of  
importer or  
his Agent.

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35. Where an entry for the landing and examination of goods for delivery on payment of duty is made by bill of sight, such goods shall not be delivered until perfect entry thereof has been made and the duties thereon paid, unless the importer or his agent has deposited with the proper officer of Customs a sum of money sufficient in amount to cover the duties payable thereon; and if the sum deposited on a bill of sight is not equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part shall be delivered until a perfect entry or entries is or are made, and the duties paid or deposited for the whole of the goods contained in such package.

Delivery of  
goods entered  
by bill of  
sight.

36. If full and perfect entry of any goods landed by bill of sight as aforesaid be not made within three days after the landing thereof, such goods shall be taken to the Queen's warehouse by the officers of Customs; and if the importer or his agent does not within one month after such landing make perfect entry or entries of such goods, and pay the duties thereon or on such parts as can be entered for use in this Island, together with the charges of removal and of warehouse rent, such goods shall be sold for the payment of such duties and charges (or for exportation if they be such as cannot be entered for use in the Island or are not worth the duties) and the overplus, if any, after payment of such duties and charges or of the charges, if sold, for exportation shall be paid to the importer or proprietor thereof if application

Default of  
perfect entry  
of goods  
landed by bill  
of sight.

for the same be made by him within one year from the time of sale, but if not so made the overplus shall be carried to the Crown's account: Provided that where entry is at any time made as and for a full and perfect entry for any goods provisionally landed by bill of sight or deposited in the Queen's warehouse, as aforesaid, if such entry is not made in manner herein required for the due landing of the goods, the same shall be deemed to be goods landed without entry and shall be forfeited. The collector shall give two weeks' notice of such sale in the *Royal Gazette*.

Extension of time for perfecting entry.

37. The time for perfecting any entry by bill of sight may be extended in any case at the discretion of the collector or sub-collector.

Entries of goods in cases not provided for.

38. The Collector may permit the entry and clearance of goods in such form and manner and on such conditions as he may direct to meet the exigencies of any case to which the general laws and regulations may not be strictly applicable.

*As to Entries of Goods in any of the foregoing cases.*

Delivery of duplicate bills of entry.

39. Upon the entry of any goods the importer or his agent or the consignee of the ship or the agent of the owner of a steam vessel, as the case may be, shall deliver so many duplicates of the bill of entry thereof as the collector or sub-collector may require, and the importer or his agent shall produce to the proper officer of Customs, if required by him, the invoice bill of lading and other documents relating to the goods.

Goods concealed or landed without due entry.

40. If any package or parcel has been landed by or in pursuance of any entry, and any goods or other things are found in such package or parcel concealed in any way or packed to deceive the officers, such package or parcel and all the contents thereof shall be forfeited; and if any goods be taken or delivered out of any ship or out of any warehouse not having been duly entered the same shall be forfeited: Provided that no entry shall be required in respect of the baggage of passengers, which may be examined, landed and delivered under such regulations as the collector may direct; but if any prohibited or uncustomed goods are found concealed

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therein, either before or after landing, the same shall be forfeited together with the other contents of the package containing the same.

If any person imports or causes to be imported goods of one denomination concealed in packages of goods of any other denomination, or any package containing goods not corresponding with the entry thereof, or enters as free any goods liable to duty, or directly or indirectly imports or causes to be imported or entered any package of goods as of one denomination which is subsequently discovered, whether before or after delivery thereof, to contain other goods, or goods subject to a higher rate or other amount of duty than those of the denomination by which such package was or the goods in such package were entered, such package and the goods therein shall be forfeited, and such person shall forfeit for every such offence a penalty of one hundred pounds or treble the value of the goods contained in such package, at the election of the collector.

41. The collector or sub-collector may permit any surplus stores not being merchandise, nor by him deemed excessive, to be entered for private use under and subject to the same duties, rules and regulations as the like sort of goods would be subject to on importation as merchandise, or permit the master, owner, or purser or other officer of any ship, or any passenger of such ship, to whom any surplus stores belong, to enter and warehouse such surplus stores for future use as ships' stores, although the same could not be legally imported by way of merchandise.

42. Whenever any person makes application to any officer of Customs to transact any business on behalf of any other person, such officer may require of the person so applying to produce a written authority from the person on whose behalf such application is made, and in default of the production of such authority, refuse to transact such business.

43. The officers of Customs may on the entry of any goods, or at any time afterwards, but in the presence of the importer thereof or his agent take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purpose as the

collector or sub-collector may deem necessary, and such samples shall be disposed of and accounted for in such manner as the collector or sub-collector may direct: Provided that in case the importer or his agent on being notified to attend the taking of such samples refuses or neglects to do so for the space of twenty-four hours after having been so notified, the collector or sub-collector may take such samples in the absence of such importer or his agent.

Disposal of goods warehoused and not cleared.

44. All goods not being of a perishable nature deposited in the Queen's warehouse and not cleared within six months, and all goods of a perishable nature so deposited and not cleared forthwith, may, in case the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for Island consumption or the charges if offered for sale for exportation, be destroyed by direction of the collector.

Validity of entries or warrants.

45. No entry or warrant for the landing of goods shall be deemed valid unless made in accordance with the provisions of this or any other Ordinance relating to the Customs.

Penalty for breach of regulations.

46. Every importer, agent, or other person entering any goods who fails to comply with the foregoing regulations so far as they are respectively applicable to the goods entered by him shall forfeit a sum not exceeding twenty pounds, and such goods shall be forfeited.

*As to the time within which Goods shall be entered and landed after the arrival of the ship.*

Goods not entered or landed or upon which the duties are not paid.

47. If the importer of any goods does not within ten days (exclusive of Sundays and holidays) after the arrival of the ship importing the same make perfect entry or entry by bill of sight of such goods, or if having made such entry such goods are not landed within such ten days, or within such further period as the collector or sub-collector directs, the officers of Customs may convey such goods to the Queen's warehouse, and whenever the cargo of any ship has been discharged within such ten days with the exception only of a small quantity of goods, the officers of Customs may

forthwith convey such remaining goods to the Queen's warehouse, and also at any time after the arrival of such ship may convey any small packages or parcels of goods therein to the Queen's warehouse, there to remain for due entry during the remainder of such ten days; and if any goods so conveyed to the Queen's warehouse are not cleared within three months afterwards or within such further period as the collector may direct, and all charges of removal, freight and warehouse rent paid such goods may be sold, and the produce thereof applied first to the payment of duties, warehouse rent and charges of removal, next of freight and charges, and the overplus, if any, shall be paid to the proprietor of the goods on his application for the same, if such application be made within two years from the time of sale, but if not so made the overplus is to be carried to the Crown's account provided that if such goods or any of them are of a perishable nature the collector or sub-collector may forthwith direct the sale thereof and apply the proceeds in like manner: Provided also that if the importing ship and goods be liable to the performance of quarantine, the time for entry and landing of such goods shall be computed from the time at which such ship and goods are released from quarantine: Provided also that if forty-eight hours or any earlier period after the report of any ship is specified in the bills of lading for the discharge of her cargo or any part thereof, and the importer, owner or consignee of such goods, or his agent, neglects to enter and land the same within such forty-eight hours, the master or owner of such ship may immediately on the expiration of such forty-eight hours enter and land such goods.

48. No goods of a combustible or inflammable nature shall be brought into or deposited in the Queen's warehouse unless with the sanction of the collector or sub-collector, and if any are landed by the officers of Customs under the provisions of this Ordinance, the same may be deposited in any place that such officers may deem fit, and whilst so deposited the same shall be deemed to be in the Queen's warehouse, and be liable to be dealt with at the expiration of fourteen days in the same manner as goods of a perishable nature actually deposited in the Queen's warehouse, unless duly cleared Combustible goods.

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or warehoused in some approved warehouse in the meantime; and such goods shall be chargeable with such expenses for securing, watching, and guarding the same until sold, cleared, or warehoused as aforesaid as the collector or sub-collector sees fit, and neither the collector nor the sub-collector nor the officers of Customs shall be liable to make good any damage which such goods may sustain by reason or during the time of their being so deposited and dealt with as aforesaid.

Power to detain ship when goods remain over-time.

49. Whenever any goods remain on board any importing ship beyond the period of ten days after the arrival of such ship, or beyond such further period as the collector or sub-collector may allow, such ship shall be detained by the proper officer of Customs until all expenses of watching or guarding such goods beyond such ten days, or such further period as aforesaid, not exceeding ten shillings per day, and of removing the goods or any of them to the Queen's warehouse in case the officers so remove them, be paid.

*As to Goods upon which any abatement for damage on the Voyage or by Wreck may be claimed.*

Abatement of duty in respect of damaged goods.

50. No claim for any abatement of duty in respect of any goods imported into this Colony shall be allowed on account of damage, unless such claim is made on the first examination thereof and in such form and manner as the collector or sub-collector directs, nor unless it is proved to the satisfaction of the collector or sub-collector that such damage was sustained after such goods had been shipped in the importing ship and before the landing thereof in this Colony, and all goods derelict, jetsam, flotsam and wreck brought or coming into this Colony, and all droits of Admiralty sold in this Colony shall at all times be subject to the same duties as goods of the like kind on importation into this Colony are subject, unless it is shown to the satisfaction of the collector or sub-collector that such goods if liable to duty, are entitled to an abatement in respect of such damage: and the damage sustained by such goods, whether so imported or derelict, jetsam, flotsam, or wreck as aforesaid, shall be assessed by the collector or

sub-collector, who, if he sees fit, may call upon two indifferent merchants to examine the goods and certify to what extent in their judgment the same are lessened in value by such damage, whereupon the collector or sub-collector may make an abatement not exceeding three-fourths of the duty originally chargeable thereon.

*As to the unshipping, landing, examination, warehousing, and Custody of Goods.*

51. The unshipping, carrying, and landing of all goods, and bringing them to the proper place for examination and weighing, putting them into the scales, opening, unpacking, re-packing, bulking, sorting, lotting, marking and numbering, where such operations respectively are necessary or permitted, and removing to and placing them in the proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

Expenses of unshipping, landing, &c.

52. If any goods are removed from any ship, quay, wharf, or other place previous to the examination thereof by the proper officer of Customs, unless under the care or authority of such officer, or if any goods entered to be warehoused, or to be re-warehoused, are carried into the warehouse, unless with the authority or under the care of the proper officer of Customs, and in such manner, by such persons, within such time and by such roads or ways as such officer directs, such goods shall be forfeited.

Goods improperly removed or warehoused.

53. The collector or sub-collector may if he see fit and under such regulations as may be from time to time made by the collector, grant a warrant under his hand to the master of any vessel for the landing of any goods to be specified in such warrant of which due entry has been made at any place or places in this Island to be specified in the warrant although the same may not be a legal quay, and such goods may be lawfully landed at the place specified in such warrant, although no officer of Customs be present at the landing thereof and such goods may be lawfully landed on any day except a Sunday: Provided always that the proper officer of Customs may direct that any part of

Power to permit landing of goods at special places

such goods shall not be removed from the ship or from the place at which they were landed previous to his examination, and any such goods removed contrary hereto shall be forfeited.

Account of  
goods to be  
warehoused.

54. Upon the entry and landing of any goods to be warehoused or within such period as the collector or sub-collector directs with respect to the same or any part of them, the landing waiter or other officer of Customs shall take a particular account of such goods at the quay or wharf at which they are so landed, or in the warehouse if they be goods of which the account is permitted to be taken in the warehouse, and shall enter in a book prepared for that purpose the name of the importing ship, and of the person in whose name they are entered, the marks, numbers and contents of each such package, the description of goods and the warehouse or place in the warehouse in which the same are deposited; Provided that where any such goods are entered to be warehoused for exportation only, there shall only be taken at the quay or wharf, or in the warehouse as the case may be, the number and description of packages and marks of all such goods entered to be warehoused for exportation only, unless the collector or sub-collector directs that a full examination be made, and when the same have been deposited in any warehouse with the authority of such officer as aforesaid, he shall certify that the entry and warehousing of such goods is complete and such goods shall from that time be considered goods warehoused, and if any such goods shall be delivered, withheld, or removed from the proper place of examination before the same have been duly examined and certified by such officer, such goods shall be deemed to be goods not duly entered or warehoused and shall be forfeited.

Basis of  
duties on  
warehoused  
goods.

55. The account of the goods so taken as aforesaid shall be the account upon which the duties payable upon such goods shall be ascertained when the same shall ultimately come to be delivered upon due entry for that purpose, and the same shall be entered, and the full duties due thereon be paid according to the quantity taken in such account, without any abatement for any deficiency except as hereinafter provided.

56. All goods warehoused shall be deposited in the packages in which the same were imported, except such goods as are permitted to be bulked, sorted, lotted, packed or repacked in the warehouse after the landing thereof, which goods shall be deposited in the packages in which the same are when the account thereof is taken by the proper officer; and if such goods are not so deposited, or if any alteration is afterwards made in the goods so deposited, or in the packing thereof in the warehouse, or if the same are removed from the room in the warehouse in which the same are deposited, without the presence or sanction of the proper officers, except for delivery under the proper warrant, order or authority for that purpose, they shall be forfeited.

Mode of deposit and custody of warehoused goods.

57. The collector or sub-collector may direct what goods may be bulked, sorted, lotted, packed or repacked, and determine in respect of what goods the account may be taken in any warehouse approved by him for that purpose, and within what time after the landing thereof, and may impose such conditions as he may deem necessary.

Power to allow packing, &c., in warehouse.

58. If the occupier of any warehouse neglects to stow the goods warehoused therein so that easy access may be had to every package and parcel thereof, he shall for every such neglect forfeit the sum of five pounds.

Penalty for improper stowage.

59. If the occupier of any warehouse does not produce to any officer of Customs on his request any goods deposited in such warehouse which have not been duly cleared and delivered therefrom, such occupier shall for every such neglect forfeit the sum of five pounds in respect of every package or parcel not so produced besides the duties due thereon.

Penalty for not producing warehoused goods.

60. If any goods entered to be warehoused are not duly warehoused in pursuance of such entry, or being duly warehoused are fraudulently concealed in or removed from the warehouse or abstracted from any package or transferred from one package to another or otherwise for the purpose of illegal removal or concealment, they shall be forfeited.

Fraudulent warehousing or entry to warehouse.

61. If the importer or proprietor of any goods warehoused or any person in his employ clandestinely opens

Penalty on clandestinely opening warehouse.

the warehouse or except in the presence of the proper officer of Customs acting in the execution of his duty gains access to the goods, such importer or proprietor shall for every such offence forfeit the sum of one hundred pounds.

Removing goods from warehouse without due entry.

62. If any goods are taken out of any warehouse without due entry of the same with the proper officer of Customs, the occupier of such warehouse shall forthwith pay the duties due upon such goods; and every person so taking out any goods without payment of duty, or who aids, assists or is concerned therein, and every person who wilfully destroys or embezzles any goods duly warehoused, shall be deemed guilty of a misdemeanour, and shall, upon conviction, be liable to be fined in any sum not exceeding two hundred pounds, or imprisoned with or without hard labour for any term not exceeding three years, or subject to the limitations aforesaid be liable to be punished both by fine and imprisonment; but if such person is an officer of Customs not acting in the due execution of his duty, and is 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 the damage occasioned by such waste, spoil or embezzlement shall, with the sanction of the Governor, be repaid or made good to such importer, consignee or proprietor from the Colonial Treasury.

Accident to goods warehoused.

63. No compensation shall be made by the Colonial Government to any importer, proprietor or consignee of any goods by reason of any damage occasioned thereto in the warehouse by fire or other inevitable accident.

Loss of goods warehoused or entered to be warehoused.

64. If any goods warehoused or entered to be warehoused, or entered to be delivered from the warehouse, are lost or destroyed by accident either on ship-board or in landing, or in receiving into the warehouse or in the warehouse, the duties thereon may be remitted or returned on the authority of the Governor.

*As to the Removal of Warehoused Goods.*

Removal of warehoused goods to be re-warehoused.

65. Any goods warehoused at any port in this Colony may be removed to any other port in which goods may be warehoused on importation to be re-warehoused at such other port, and again as often as may be required

to any other such port to be there re-warehoused, or with the permission of the collector or sub-collector from any warehouse in any port to any other warehouse in the same port under such regulations and with such security as the collector may direct, on the delivery to the proper officer by the person requiring such removal of a request note stating the particulars of the goods required to be removed, the name of the port, or of the warehouse if in the same port, to which the same are intended to be removed, and with such other information and in such manner and form as the collector or sub-collector may direct or require.

66. On the delivery of any goods for removal an account containing the particulars thereof shall be transmitted by the proper officer of the port of removal to the proper officer of the port of destination, and the person requiring the removal thereof shall enter into bond with one sufficient surety in a sum equal at least to the duty chargeable on such goods for the due arrival and re-warehousing thereof at the port of destination within such time as the collector or sub-collector may direct; such bond to be taken by such collector or sub-collector either at the port of removal or the port of destination as best suits the residence or convenience of the parties interested in such removal, and if such bond is given at the intended port of destination a certificate thereof under the hand of the collector or sub-collector shall at the time of the entering of such goods be produced to the collector or sub-collector at the port of removal, and such bond shall not be discharged unless such goods have been produced to the proper officer and duly re-warehoused at the port of destination within the time allowed for such removal or have been otherwise accounted for to the satisfaction of the collector, nor until the full duties due upon any deficiency of such goods not so accounted for have been paid, but any remover may enter into general bond with such sureties in such amount and under such conditions as the collector may approve for the removal from time to time of any goods from one warehouse to another, and for the due arrival and re-warehousing of the same at the place of destination within such time or times as the collector may direct.

Accounts  
and bonds in  
respect of  
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removed  
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Entry of  
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67. Upon the arrival of such goods at the port of destination the same shall be entered and warehoused in the same manner and under and subject to the laws, rules and regulations, so far as the same are applicable, which regulate the entry and warehousing of goods on the first importation thereof.

Exportation  
of goods  
delivered to  
be re-  
warehoused.

68. If upon the arrival of goods so removed as aforesaid at the port of destination the parties are desirous forthwith to export the same or to pay duty thereon for Island use without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, the officers of customs at such port may after all the formalities of entering and examining such goods for re-warehousing have been duly performed permit the same to be entered and shipped for exportation or to be entered and delivered for Island use upon payment of the duties due thereon as if such goods had been actually lodged in such warehouse; and all goods so exported or for which the duties have been so paid shall be deemed to have been duly cleared from the warehouse.

Limitation of  
time during  
which goods  
may remain  
warehoused.

69. All warehoused goods shall be cleared either for Island use or exportation at the expiration of two years from the day on which the same were warehoused unless the owner of such goods is desirous of re-warehousing the same, in which case the same shall be examined by the proper officers and the duties due upon any deficiency or difference between the quantity ascertained on landing and the quantity found to exist on such examination, together with the necessary expenses attendant thereon shall, subject to such allowances as are by law permitted in respect thereof, be paid down, and the quantity so found shall be re-warehoused in the name of the then owner in the same manner as on first importation.

Disposal of  
goods  
remaining in  
warehouse  
over time.

70. If any warehoused goods are not duly cleared, exported, or re-warehoused and the duties ascertained to be due on the deficiencies as aforesaid paid down at the expiration of two years from the previous entry and warehousing thereof, the same if worth the duty due thereon shall after one month's notice by advertisement in the *Royal Gazette*, giving marks, numbers, import-

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ing ship, and importers' names, if known, with all convenient speed be sold either for Island use or exportation without the consent of the warehouse keeper or any person claiming any charge or lien thereon or property therein and the proceeds thereof shall be applied to the payment of the duties, warehouse rent and charges, and the surplus, if any, shall be paid to the owner of such goods if known, but if such owner cannot be found, such surplus shall be carried to the Crown's account to abide the claim of such owner on his appearing and making good his claim thereto if such claim is made within a year from the time of sale; and if such goods are not worth the duty, then the same after such one month's notice as aforesaid shall be forfeited to Her Majesty, and the duties due upon any deficiency thereof not allowed by law shall be forthwith paid by the proprietor of the warehouse who shall be entitled to recover the amount from the owner of the goods.

71. On the re-warehousing in the name of the owner of goods, either by himself or by the warehouse-keeper, after the expiration of two years from the last preceding warehousing or re-warehousing thereof, the collector or sub-collector may (first being satisfied that the same are in the warehouse, that the packages are entire, and that there is no ground to suspect that there is any undue deficiency therein) dispense with the re-weighing, re-gauging or re-measuring and strict examination thereof, if they be such as are liable on delivery to the payment of duty according to the landing weight, measure or quantity thereof, and also at the request of the warehouse-keeper or proprietor of the warehouse or owner of such goods may (first being satisfied as aforesaid) dispense with the re-weighing, re-gauging or re-measuring or strict examination on such re-warehousing as aforesaid of goods being wines or other goods the duties whereon are payable at the delivery-weight, measure or quantity, and which may be liable to injury by such re-weighing, re-gauging, re-measuring or strict examination; but in either of these cases the warehouse-keeper or proprietor of such warehouse or owner of such goods shall be liable at the time of delivery of such goods to pay the duties due on any deficiency therein not allowed by law which may then be found to exist,

Power to  
dispense  
with strict  
examination  
on re-  
warehousing.

instead of being called upon to make good any deficiencies which might have been found to exist had such re-weighing, re-gauging, re-measuring or examination been resorted to at the time of such re-warehousing.

Sorting, &c.,  
in warehouse.

72. With the sanction of the collector or sub-collector and after such notice given by the respective importers or proprietors, and at such times and under such regulations and restrictions as the collector or sub-collector from time to time requires and directs, it shall be lawful in the warehouse to sort, separate, pack, and re-pack any goods and to make such alterations therein as may be necessary for the preservation, sale, shipment or disposal thereof, provided that such goods be re-packed in the packages in which they were imported, or in such other packages as the collector or sub-collector permits (not being less in any case if the goods are to be exported or to be removed to another warehouse, than is required by law on the importation of such goods), and to draw off any wine or any spirit into bottles for exportation only; and also to take such samples of goods as may be allowed by the collector or sub-collector, with or without entry, and with or without payment of duty except as the same may eventually become payable as on a deficiency of the original quantity; and the duty on the surplus, if any, of such goods as may be delivered for island use shall be immediately paid, and such surplus shall thereupon be delivered for island use accordingly; and after such goods have been so separated, and re-packed in proper or approved packages, the collector or sub-collector may at the request of the importer or owner of such goods, cause or permit any refuse, damaged, or surplus goods occasioned by such separation or re-packing, or at the like request any goods which may not be worth the duty to be destroyed, and may remit the duty payable thereon.

Prohibition  
on using  
foreign mate-  
rials in  
repacking.

73. No foreign packages or materials whatsoever shall be used in the re-packing of any goods in the warehouse, except such as have been used in the importation of warehoused goods, unless the full duties thereon have been first paid.

74. The collector or sub-collector may permit any goods to be taken out of the warehouse without payment of duty for such purpose, or for such period as to him may appear expedient, and in such quantities and under such regulations and restrictions, and with such security by bond for the due return thereof, or the payment of the duties due thereon, as he may direct or require.

Power to permit goods to be taken from warehouse without payment of duty.

*As to the Entry of Warehoused Goods for Island Consumption and Exportation, and the delivery thereof.*

75. No warehoused goods shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers for exportation, or upon due entry and payment of the full duties payable thereon for Island use, and except goods delivered into the charge of the searchers to be shipped as stores in such quantities as the collector or sub-collector allows, and subject to the directions of the collector, and under such regulations as he may see fit to make.

Delivery of warehoused goods.

76. Upon the entry of any goods to be cleared from the warehouse for Island use, the person entering such goods shall deliver a bill of entry and duplicates thereof in like manner and form, and containing the same particulars as are hereinbefore required on the entry of goods to be delivered for Island use on the landing thereof, so far as the same may be applicable, or in such other manner or form as the Governor may direct, and shall at the same time pay down to the collector or sub-collector the full duties payable thereon, not being less in amount than according to the account of the quantity taken by the landing waiter or other proper officer on the first entry and landing thereof except in the case of the following goods, viz. :—tobacco, wine and spirits, the duties whereon when cleared from the warehouse for Island use shall be charged upon the quantity of such goods ascertained by weight, measure, or strength at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the weight, measure, or strength ascertained on landing, and first examination

Clearance from warehouse for Island use.

of any such last mentioned goods, and that ascertained at the time of actual delivery has been caused by illegal or improper means, in which case the collector or sub-collector shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause, and may charge the duty on any loss exceeding the allowance so fixed; and except in the case of rice, the duty on which shall be charged when cleared from the warehouse for Island use, according to the account of the quantity taken by the landing waiter or other proper officer on the first entry or landing thereof with such deduction therefrom for estimated loss in warehouse as the Governor allows.

Deficiency in  
warehoused  
goods.

77. When any deficiency occurs in any warehoused goods chargeable to pay duty according to the value thereof, the value of such deficiency shall be estimated as nearly as conveniently may be by the officers of Customs according to the market price of the like sort of goods at the place and time of exportation.

Clearance  
from ware-  
house of goods  
for exporta-  
tion.

78. No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation, unless the officers of Customs have reasonable ground to suppose that such deficiency or any part thereof has arisen from illegal abstraction.

*As to the Exportation and Entry of Goods, and the  
Clearance of Ships to parts beyond the seas.*

Entry  
outwards.

79. The master of every ship in which any goods are to be exported from this Island, or his agent shall, before any goods be taken on board deliver to the collector or sub-collector an entry outwards of such ship verified by his signature in the following form, and containing the several particulars indicated therein or required thereby.

ENTRY OUTWARDS.

*Port of (Name of Port of Exportation).*

Ship's Name.		Tonnage.	Master's Name.	Port of Destination.
If British, Name of Port of her Registry.	If Foreign, Name of Country to which she belongs.			

*Lying at (Name of Port)*

*(Signed)* \_\_\_\_\_

*Date of Entry.*

*Master or Agent.*

And if any goods be taken on board any ship before she is entered outwards or before the whole of the goods imported in such ship have been discharged therefrom the master shall forfeit the sum of one hundred pounds : Provided that the collector may, if he sees fit, and subject to such regulations as he may prescribe, permit the shipment of goods for exportation in such ship to the foreign destination for which she is entered outwards before the whole of the goods in her is discharged therefrom.

80. No goods shall be shipped, put off or water-borne to be shipped for exportation on Sundays or holidays without the special permission of the collector, and no goods (not being the products of this Island, for the lading of which a license has been granted) shall be shipped, put off or water-borne to be shipped for exportation from any place except some legal quay, wharf or other place duly appointed for such purpose, nor without the presence and authority of the proper officer of Customs, nor before due entry outwards of such ship and

Rules as to shipment for exportation.

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due entry of such goods, nor before such goods have been duly cleared for shipment; and any goods shipped, put off, or water-borne to be shipped contrary hereto shall be forfeited; and it shall be lawful for the searcher to open or cause to be opened and to examine all goods shipped or brought for shipment at any place in this Island, and the opening for that purpose of packages containing such goods, and the weighing, repacking, landing (when water-borne), and the shipping thereof shall be done by and at the expense of the exporter: Provided that tobacco and spirits from the warehouse or for drawback shall not be shipped in vessels of less than seven tons burden.

Licenses to  
ship Island  
produce.

81. The collector or sub-collector may if he thinks fit grant a license to the master of any vessel for a time to be limited in such license to take on board such vessel any of the products of this Island except goods liable to excise duty at any part of the coast of the Island without first making an entry of such products for shipment.

Power to  
prohibit  
exportation of  
arms and  
ammunitions  
of war.

82. The following goods may by proclamation of the Governor be prohibited either to be exported or carried coastwise: arms, ammunition and gunpowder, military and naval stores, and any article which the Governor judges capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food for man, and if any goods so prohibited are exported or brought to any quay or other place to be shipped for exportation from the Colony or to be carried coastwise or are water-borne to be so exported or carried, they shall be forfeited and the exporter or his agent or the shipper of any such goods shall be liable to a penalty of one hundred pounds.

*As to the Entry and Clearance of Goods for  
Exportation.*

Bonds on  
exportation of  
certain goods.

83. Before any warehouse goods, or goods entitled to any drawback of Customs on exportation are per-

mitted to be exported, the shipper or his agent shall deliver to the collector or other proper officer a shipping bill or account of such goods and give such security by bond as the collector requires that such goods shall be duly shipped and exported and landed at the place for which they are entered outwards within such time as the collector may deem reasonable or shall be otherwise accounted for to his satisfaction, and such shipping bill when certified by the proper officer shall be the export entry for the goods enumerated therein: Provided that any person desirous of exporting any such goods may at his option, but subject to such regulations as the collector may direct, give a general bond with such security, in such amount, and under such conditions as the collector may require, in lieu of a separate bond for each exportation, first delivering in each case to the proper officer a notice in such form as the collector prescribes containing an account of the particular goods to be exported by him under such general bond in any particular ship:

84. Before any warehoused goods not subject to any duty on exportation are shipped or water-borne to be shipped for exportation, the exporter or his agent shall deliver to the collector or sub-collector a shipping bill of such goods in the form following or in such other form as the Governor may direct, and containing the particulars indicated therein or required thereby:—

Shipping bill of warehoused goods not dutiable for exportation.

SHIPPING BILL FOR WAREHOUSED GOODS.

Exporter's Name .....

From what Warehouse .....

Ship's Name .....

Master's Name .....

Port or Place of Destination .....

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*Amount of Drawback claimed £*

*I do hereby declare that the above particulars are correct, and that full duties have been paid upon the goods described.*

*Exporter or his Agent.*

*Dated this                      day of                      188*  
*Shipped                      packages as above*  
*this                      day of                      188*

*Landing Waiter.*

*If shipped under General Bond, notice of bond, and if under Ordinary Bond, certificate of bond, to be given on the back hereof.*

\*                      \*                      \*                      \*                      \*

*Section 86 is repealed by Ordinance 12 of 1883.*

87. Before any goods not being goods liable to duty of exportation, or being goods in respect of which no bond is required, are shipped or waterborne to be shipped for exportation, the exporter or his agent shall deliver to the searcher a shipping bill thereof, with such duplicates as may be required by him in the following form, or in such other form as the Governor may direct, and containing the several particulars indicated therein or required thereby, and on demand of the proper officer of Customs shall produce the invoice, bills of lading and other documents relating to the goods to test the accuracy of such shipping bill, and on failure to comply with any of the foregoing requirements, or if any of the particulars contained in the shipping bill are not correct, the exporter or his agent shall for every such offence forfeit five pounds.

Shipping bill for goods free of duty and for which no bond is required.

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PORT OF

SHIPPING BILL FOR BRITISH MANUFACTURES, OR  
FOREIGN GOODS FREE OF DUTY, OR ON  
WHICH ALL DUTIES ARE PAID AND ARE NOT  
TO BE DRAWN BACK.

*Ship's Name* .....

*Exporter's Name* .....

*Port or Place of Destination* .....

Marks.	Nos.	Number and Description of Packages.	Quantity and Description of Goods.	Value.

*I declare the value of the above mentioned Goods to be as described,  
and that the quantities and description are correctly stated.*

.....  
*Exporter or his Agent.*

*Dated*            *day of*            18

*Countersigned*

.....  
*Collector.*

.....  
*Landing Waiter.*

and such shipping bill shall be the entry for the goods  
contained therein.

), OR  
ON  
NOT

88. The shipping bill or bills, when filled up and signed by the exporter or his agent or the consignee of the ship as the case may be, in such manner as the proper officer may require, and countersigned by the searcher, shall be the clearance for all the goods enumerated therein. Document of clearance on exportation.

89. If any goods authorised to be removed from the warehouse for Island use or for exportation, or any goods entered for drawback or transshipment, are removed or shipped except with the authority or under the care of the proper officer of Customs, and in such manner by such persons and within such time as such officer permits or directs, such goods shall be forfeited. Improper removal of warehoused goods.

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90. If any goods duly entered for delivery from the warehouse for Island use or exportation are lost or destroyed by unavoidable accident, either in the delivery from the warehouse or the shipping thereof, the collector may remit the duties due thereon. Loss of warehoused goods during removal.

*As to Drawback on Goods Exported.*

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91. No drawback shall be allowed upon the exportation of any goods entered for drawback or as stores which are of less value for home use than the amount of the drawback claimed; and all such goods so entered shall be forfeited, and the person who caused such goods to be entered shall forfeit the sum of two hundred pounds, or treble the amount of drawback claimed in such case at the election of the collector. Disallowances of drawback in certain cases.

92. No drawback shall be allowed for any goods where the amount of such drawback is less than the sum of twenty shillings. Minimum drawback.

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93. For the purpose of computing and paying any drawback claimed and payable upon any goods duly entered, shipped and exported, a debenture shall in due time after such entry be prepared by the collector or Drawback debentures.

sub-collector, certifying in the first instance the entry outwards of such goods, and so soon as the same have been duly exported, and a notice containing the particulars of the goods has been delivered by the exporter to the officer of Customs, in whose presence the same were shipped, the shipment and exportation thereof shall be certified to the collector or sub-collector upon such debenture by such officer, and the debenture shall thereupon be computed and passed with all convenient dispatch.

Declaration  
by person  
claiming  
drawback.

94. The person entitled to any drawback on any goods duly exported, or his agent duly authorised by him for that purpose, shall make and subscribe a declaration upon the debenture that the goods mentioned therein have been actually exported, and have not been re-landed, and are not intended to be re-landed in any part of this Island, and that such person at the time of entry and shipping was, and that he still continues to be, entitled to the drawback thereon, and the name of such person shall be stated in the debenture, which shall then be delivered to such person or his agent, and the receipt of such person or his agent on the debenture, countersigned by the holder of such debenture if the same has been transferred in the meantime, shall be the discharge for such drawback when paid.

Limitation of  
time for  
payment of  
drawback.

95. No debenture for any drawback allowed upon the exportation of any goods shall be paid after the expiration of twelve months from the date of the shipment of such goods.

Penalty if  
goods cleared  
for drawback  
are not  
exported.

96. If any goods which have been cleared to be exported from the warehouse or for any drawback are not duly exported, or if the same or any other goods which have been shipped for exportation are unshipped or re-landed in any part of this Island, permission for such re-landing or unshipping not having been obtained from the collector or sub-collector before removing the goods from the export ship, and such goods not having been duly re-landed or discharged as short-shipped under the care of the proper officers, the same shall be forfeited together with any ship, boat or craft which

may be used in so unshipping, re-landing, landing or carrying such goods from the ship in which the same were shipped for exportation; and the master of such ship, and any person by whom or by whose order or means such goods are unshipped, re-landed, landed or carried, or who aids, assists or is concerned therein, shall forfeit a sum equal to treble the value of such goods, or a penalty of one hundred pounds at the election of the collector.

*As to the Shipping of Stores for the Use of Outward-Bound Vessels.*

97. The master of every ship of the burthen of thirty tons and upwards departing from this Island upon any voyage to parts beyond the seas shall, upon due application made by him, and upon such terms and conditions as the collector may direct, receive from the collector or sub-collector an order for the shipment of such stores as may be required and allowed by the collector or sub-collector for the use of such ship having regard to the number of the crew and passengers on board, and the probable duration of the voyage on which she is about to depart; and all demands for such stores shall be made in such form and manner as such collector or sub-collector requires, and shall be signed by the master or owner of the vessel: and after such stores are duly shipped the master or his agent shall make out an account of the stores so shipped together with any other stores then already on board, and the same when presented to the searcher signed by him and countersigned by the collector or sub-collector shall be the victualling bill; and no stores shall be shipped for the use of any ship, nor shall any articles taken on board any ship be deemed to be stores except such as are borne upon such victualling bill; and if any such stores be re-landed at any place in the colony without the sanction of the proper officers of Customs, the same shall be forfeited, and the master and owner of the ship shall each be liable to a penalty of treble the value of such stores or one hundred pounds at the election of the collector.

Power to permit shipment of ship's stores.

*As to the Clearance of Ships Outwards.*

Content of  
ship clearing  
outwards.

98. Before any ship not being a steam vessel allowed to land goods without first making a report is cleared outwards from this Island with any goods shipped or intended to be shipped on board the same, the master shall deliver a certificate from the proper officer of the due clearance inwards or coastwise of such ship and a content of such ship to the collector or sub-collector in the form following, or in such other form as the Governor may direct, and containing the several particulars therein required so far as the same are known to him, and he shall, in the presence of the collector or sub-collector, make and subscribe the declaration at the foot thereof, and he shall answer such questions as are demanded of him by such collector or sub-collector concerning the ship, the cargo, and the intended voyage; and in case of failure or refusal to answer any such question or to answer truly or if any of the particulars contained in such content are false, such master shall forfeit the sum of one hundred pounds; and if such ship is not duly cleared as is herein directed, the master shall forfeit the sum of one hundred pounds.

## CONTENT—OUTWARDS.

Port of

Ship's Name.	Tonnage and Number of Guns.	If British, Port of Registry; if Foreign, the Country.	Number of Crew.	Name of Master.	Number of Passengers or Troops.	Port or Place of Destination.

Warehoused and Transhipment Goods.	Drawback and Restricted Goods.	Goods liable to Export Duty.	Free Goods.
If any, state Marks and Nos., Number of Packages and Description of Goods.	If any, state Marks and Nos., Number of Packages and Description of Goods.	If any, state Marks and Nos., Number of Packages and Description of Goods.	If any, state Marks and Nos., & Number of Packages.

*Cleared by*

*Examined,*

*Dated*

*Searcher.*

*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 particulars.*

*Master.*

*Signed and declared this*

*day of*

*Before me,*

*Collector of Customs or Sub-Collector*

\* \* \* \* \*

*Section 99 is Repealed by Ordinance 12 of 1883.*

100. If any goods liable to duty on importation or taken from the warehouse to be exported or entitled to drawback on exportation or transhipped which are enumerated in the content of any ship are not duly shipped before the departure of such ship, or are not duly certified by the proper officer of Customs as short-shipped, such goods shall be forfeited; and if any goods are taken on board any ship not being enumerated in the content, the master of such ship, or if it is a steam vessel cleared by the agent of the owner thereof such agent shall forfeit the sum of five pounds in respect of every package of such goods; and if any goods duly shipped on board any ship are landed at any other place than that for which they have been cleared, unless the fact be accounted for to the satisfaction of the collector the master or agent shall forfeit a sum equal to treble the value of the goods so landed.

Penalty on shipping or unshipping goods contrary to clearance

\* \* \* \* \*

*Section 101 is Repealed by Ordinance 12 of 1883.*

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Clearance of  
ships in  
ballast.

102. Before any ship departs in ballast from this Island, not having any goods on board except stores borne upon the victualling bill nor any goods reported inwards for exportation in such ship, the collector or sub-collector shall clear such ship in ballast by notifying such clearance and the date thereof on the victualling bill, and he shall deliver such victualling bill to the master of such ship as the clearance thereof; and the master of such ship shall answer to the collector or sub-collector such questions touching her departure and destination as are demanded of him; and if any such ship departs without being so cleared the master shall forfeit and pay the sum of one hundred pounds, and the ship may be seized by any officer of Customs and detained until such fine is paid. Ships having only passengers with their baggage on board shall be deemed to be in ballast.

Penalty on  
master of  
ships having  
cargo on  
board and  
departing  
without  
clearance.

103. If any ship departs from this Island without being duly cleared the master or agent of the owner by whom the ship ought to be cleared shall forfeit the sum of one hundred pounds, and where practicable the ship may be seized by any officer of Customs and detained until such fine is paid.

*Regulations as to Ships after Clearance Outwards.*

Power to  
board ship  
after  
clearance  
outwards.

104. Any officer of Customs may go on board any ship after clearance outwards within the waters of this Island or within one league of the coast of this Island and may demand the ship's clearance; and if there be any goods on board not contained in such ship's content or any stores not endorsed on the victualling bill such goods or stores shall be forfeited; and if any goods contained in such content be not on board the master shall forfeit the sum of twenty pounds for every package or parcel of goods contained in such content and not on board, and the ship shall be forfeited.

Penalty on  
improperly  
removing  
seals placed  
on goods.

105. If any officer of Customs places any lock, mark or seal upon any goods taken from the warehouse without payment of duty as stores on board any ship or vessel departing from this Island, and such lock, mark or seal be wilfully opened, altered or broken, or if any

such stores be secretly conveyed away, either while such ship or vessel remains at her first port of departure or at any other port or place in this Island, or on her passage from one such port or place to another before the final departure of such ship or vessel on her foreign voyage, the master shall forfeit the sum of twenty pounds.

*As to the Coasting Trade.*

106. The Governor may by proclamation require due entry and clearance before shipment and in such manner as he may direct of any goods intended for carriage coastwise on being satisfied that the public interests render such course expedient, and if upon such entry the goods are not found to correspond with the particulars contained therein, they may be detained until the cause is explained to the satisfaction of the Governor, who may thereupon restore the same on such terms as he may see fit. If after any proclamation under this section any such goods as aforesaid are shipped on any ship without being first duly entered and cleared, the master shall forfeit the sum of one hundred pounds, and the goods shall be forfeited.

Clearance of goods carried coastwise.

107. All trade by sea from any one part of the Colony to any other part thereof shall be deemed to be a coasting trade, and all vessels while employed therein shall be deemed to be coasting vessels, and no parts of the Colony, however situated with regard to any other parts, shall be deemed in law, with reference to each other, to be parts beyond the seas; and if any doubt at any time arises as to what or to or from what parts of coast of the Colony shall be deemed a passage by sea, the Governor may determine and direct in what cases the trade by water from one port or place in the Colony to another of the same shall or shall not be deemed a trade by sea within the meaning of this or any other Ordinance relating to the Customs.

Definition of coasting trade.

108. No vessel shall trade coastwise within this Colony unless she is provided with a license to be issued by the Collector of Customs, on presentation to him of the drogher certificate issued by the Harbour Master, which license shall expire on the thirty-first of Decem-

License to trade coastwise.

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ber in each year. The master of every vessel trading contrary to this section shall forfeit the sum of one hundred pounds, and the vessel shall be forfeited.

Distinctive marks of coasting vessels.

109. Every vessel trading coastwise shall have her name and the number of her license painted on each bow in letters of not less than three inches high and of proportionate width in white or yellow on a dark ground or in black on a light ground. The master of every vessel in respect of which this section is contravened shall forfeit the sum of twenty pounds and the vessel may be seized by any officer of Customs and detained till the fine is paid.

Foreign coasting ship.

110. Every foreign ship proceeding either with cargo or passengers or in ballast on any voyage from one part of the Colony to another, shall be subject as to stores for the use of the crew and in all other respects to the same laws, rules, and regulations to which British ships when so employed are subject.

Limitation of voyage of coasting vessels.

111. No goods shall be carried in any coasting vessel except such as are laden to be carried coastwise at some port or place in the Colony, and no tobacco, the produce of the Colony, shall be carried in any coasting vessel unless accompanied by a permit granted by the Warden of the Ward in which it was grown, and no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas have been unladen, and if any goods are taken into or put out of any coasting vessel at sea or over the sea, or if any coasting vessel touches at any place over the sea, or deviates from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting vessel which has touched at any place over the sea does not declare the same in writing under his hand to the Collector or other proper officer at the port in the Colony where such vessel first afterwards arrives, the master of such vessel shall forfeit the sum of one hundred pounds, and the vessel may be seized by any officer of Customs and detained until such fine is paid.

Times and places for landing and shipping.

112. If any goods are unshipped from any vessel arriving coastwise, or are shipped or water-borne to be shipped to be carried coastwise, on Sundays or holidays, or unless in the presence or with the authority of the

proper officer of the Customs, or unless at such times and places as are appointed or approved by him for that purpose, the same shall be forfeited, and the master of the vessel shall forfeit the sum of fifty pounds.

113. The master of every coasting vessel shall keep Cargo-book. or cause to be kept a cargo-book, stating the names of the vessel, the master, and the port to which she belongs, and of the port or place to which she is bound on each voyage, and shall at every port or place of lading enter in such book the name of such port or place and an account of all goods there taken on board such vessel, stating the descriptions of the packages and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, and shall at every port or place of discharge of such goods note the respective days on which the same or any of them are delivered out of such vessel and the respective times of departure from every port or place of lading and of arrival at every port or place of discharge; and such master shall, on demand, produce such book for the inspection of any officer of Customs, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo-book as containing foreign goods is found not to contain such goods, such package, with its contents, shall be forfeited, or if any package is found to contain foreign goods not entered in such book such goods shall be forfeited; and if such master fails correctly to keep such cargo-book, or to produce the same, or if at any time there be found on board such vessel any goods not entered in such book as laden, or any goods noted as delivered, or if any goods entered as laden or any goods not noted as delivered be not on board, the master of such vessel shall forfeit the sum of twenty pounds, and the vessel may be seized by any officer of Customs and detained till the fine is paid.

114. Before any coasting vessel departs from her Departure of coasting vessel. port or place of lading, her cargo-book containing the several particulars required by this Ordinance and signed by the master shall be delivered to the proper officer of Customs, who shall return it dated and signed by him,

and such cargo-book shall be the clearance of the vessel for the voyage and the transire or pass for the goods expressed therein; and if the master fails to deliver such cargo-book he shall forfeit the sum of twenty pounds, and the vessel may be seized by any officer of Customs and detained till the fine is paid: Provided that any coasting vessel taking cargo abroad at a place where no Customs officer is stationed to be carried coastwise may depart from such place without delivering such cargo-book on condition that the master of the vessel produces her cargo-book to the proper officer of Customs at the first place where such an officer is stationed at which she arrives after loading, and the officer of Customs shall thereupon sign such book if satisfied as to its correctness.

Unloading of  
coasting  
vessels.

115. Immediately after the arrival of any coasting vessel at her port or place of discharge, and before any goods be unladen, the cargo-book with the name of the place or wharf where the lading is to be discharged noted thereon shall be delivered to the proper officer of Customs, who shall note thereon the date of delivery; provided that a coasting vessel having cargo duly laden to be carried coastwise may discharge at a place where no Customs officer is stationed without delivering the cargo-book as herein required, on condition that the cargo-book containing an account of the cargo so discharged is produced to the proper officer of Customs at the first place where such an officer is stationed at which the vessel arrives after discharging; and if any goods are unladen contrary hereto, or if any goods are laden on board any vessel and carried coastwise or brought to any port or place in the Colony for that purpose, or having been brought coastwise are unladen in any such port or place contrary to this or any other Ordinance relating to Customs, such goods shall be forfeited.

Power to  
board  
coasting  
vessels.

116. Any officer of Customs may go on board any coasting vessel in any port or place in the Colony or at any period of her voyage and search such vessel and examine all goods on board and all goods then lading or unloading and demand all books or documents which ought to be on board such vessel, and may require all or any such books or documents to be brought to him for

inspection, and the master of any vessel refusing to produce such books or documents on demand or to bring the same to such officer of Customs when required shall forfeit the sum of twenty pounds, and the vessel may be seized by any officer of Customs and detained till the fine is paid.

117. If the master of any ship bringing any goods not liable to duty coastwise from any port of this Colony to another desires to proceed with such goods or any of them to parts beyond the seas, he may, subject to such regulations as the Collector of Customs may see fit, enter such ship and goods outwards for the intended voyage without first landing the same.

Entry outwards of goods carried coastwise.

*As to the Entry of Goods by the Ship-Owner where no Entry is made by the Owner.*

118. Where the owner of any goods imported in any ship into this Island fails to make entry thereof or having made entry thereof to land the same or take delivery thereof and to proceed therewith with all convenient speed by the times severally hereinafter mentioned, the ship-owner or his agent may make entry of and land or unship the said goods at the times, in the manner, and subject to the conditions following—that is to say:—

Entry, &c., of imported goods upon the owner's default.

1. If a time for the delivery of the goods is expressed in the charter party, bill of lading or agreement, then at any time after the time so expressed ;
2. If no time for the delivery of the goods is expressed in the charter party, bill of lading or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, after the report of the ship :

Provided that if at anytime before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the ship-owner.

119. If at the time when any goods are landed from any ship such goods are placed in the custody of the keeper of the Queen's warehouse or of the owner of any

Saving of shipowner's lien on warehoused goods.

bonding warehouse and the shipowner or his agent gives to the keeper or owner of such warehouse notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the ship-owner to an amount to be mentioned in such notice, the goods so landed shall in the hands of the keeper or owner of such warehouse continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof; and the keeper or owner of such warehouse receiving such goods shall retain them until the lien is discharged as hereinafter mentioned and shall, if he fail so to do, make good to the ship-owner any loss thereby occasioned to him.

Discharge of  
lien on ware-  
housed goods.

120. Upon the production to the keeper or owner of such warehouse of a release of freight from the ship-owner or of a receipt for the amount claimed as due and delivery to such keeper or owner of a copy of such receipt the said lien shall be discharged.

The owner of the goods may deposit with the keeper or owner of such warehouse a sum of money equal in amount to the sum so claimed as aforesaid by the ship-owner, and thereupon the lien shall be discharged; but without prejudice to any other remedy which the ship-owner may have for the recovery of the freight.

Payment of  
deposit to  
shipowner.

121. If such deposit as aforesaid is made and the person making the same does not within fifteen days after making it give to the keeper or owner of the warehouse notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the ship-owner, or, as the case may be, that he does not admit any sum to be so payable, such keeper or owner may at the expiration of such fifteen days' pay the sum so deposited over to the ship-owner and shall by such payment be discharged from all liability in respect thereof.

Return of  
deposit.

122. If such deposit as aforesaid is made and the person making the same does within fifteen days after making it give such notice in writing as aforesaid, the keeper or owner of such warehouse shall immediately apprise the shipowner of such notice, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by such notice to be payable, and shall retain

the remainder or balance, or if no sum is admitted payable, the whole of the sum deposited for fifteen days from the date of the said notice; and at the expiration of such last-mentioned fifteen days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on him, the keeper or owner of such warehouse shall pay the said balance or sum over to the owner of the goods, and shall by such payment be discharged from all liability in respect thereof.

123. If the lien is not discharged, and no deposit is made as hereinbefore mentioned, the keeper or owner of the warehouse may, and if required by the ship-owner shall, at the expiration of thirty days from the time when the goods were placed in his custody, or if the goods are of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction for island use or for exportation the said goods or so much thereof as may be necessary to satisfy the charges hereinafter mentioned.

Sale of goods  
subject to  
lien.

124. Before making such sale the keeper or owner of the warehouse shall give notice thereof by two advertisements in the *Royal Gazette*, and also, if the address of the owner of the goods has been stated on the manifest of the cargo or on any of the documents which have come into the possession of the keeper or owner of the warehouse or is otherwise known to him, give notice of the sale to the owner of the goods by letter sent by the post; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send notice as hereinbefore mentioned, nor shall any such purchaser be bound to enquire whether such notice has been sent.

Notice of sale.

125. In every case of any such sale as aforesaid the keeper or owner of the warehouse shall apply the moneys received from the sale as follows, and in the following order:—

Application  
of sale  
moneys.

1. If the goods are sold for island use in payment of any Customs duties owing in respect thereof.
2. In payment of the expenses of the sale.
3. In the absence of any agreement between the owner of the warehouse and the ship-owner concerning the priority of their respective charges in payment of the rent, rate, and other charges due to the owner of the warehouse in respect of the said goods.
4. In payment of the amount claimed by the ship-owner as due for freight or other charges in respect of the goods.
5. But in case of any agreement between the owner of the warehouse and the ship-owner concerning the priority of their respective charges then such charges shall have priority according to the terms of such agreement.
6. The surplus, if any, shall be paid to the owner.

Rights of  
warehouse  
keeper.

126. Whenever goods are placed in the custody of the keeper of the Queen's warehouse or the owner of any licensed bonded warehouse under the authority of this Ordinance, such keeper or owner shall be entitled to rent in respect of the same, and shall also have power from time to time, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the said keeper or owner are necessary for the proper custody and preservation of the said goods, and shall have a lien on the said goods for the said rent and expenses.

Limitation of  
liability of  
warehouse  
keeper.

127. Nothing in this Ordinance contained shall compel the keeper of the Queen's warehouse or the owner of any licensed bonded warehouse to take charge of any goods which he would not be liable to take charge of if this Ordinance had not passed, nor shall he be bound to see to the validity of any lien claimed by any ship-owner under this Ordinance.

*As to Bonds and other Securities.*

Validity of  
bonds.

128. All bonds and other securities entered into by any person or persons for the performance of any condition, order, or matter relative to the Customs, or

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incident thereto, shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon; and all bonds relating to the Customs, or for the performance of any condition, order, or matter incident thereto shall be taken to or for the use of Her Majesty, and all such bonds, except such as are given for securing the due exportation of, or payment of duty upon warehoused goods, may after the expiration of three years from the date thereof, or from the time, if any, limited therein, or on the performance of the condition thereof be cancelled by the order of the Collector; and all bonds given under the provisions of this or any other Ordinance relating to the Customs by persons under twenty-one years of age shall be valid.

It shall not be necessary for the validity of any of such bonds or securities that it be signed, sealed, or delivered in the presence of more witnesses than one, or before an advocate, barrister, or conveyancer, or that it be delivered as a speciality.

129. No bond or other security which may be taken under this or any other Ordinance relating to the Customs, shall affect any lands, tenements, or hereditaments as to purchasers or mortgagees, unless and until a memorandum or minute containing the name and the usual or last known place of abode, and the title, trade, or profession of the person whose estate is intended to be affected thereby, and also the sum in which such person is bound, and the date of such bond shall be left with the Registrar-General, who shall forthwith enter the same particulars in a book, to be entitled, "The Index of Debtors to the Crown," in alphabetical order, by the name of every person whose estate is intended to be affected by such bond or obligation: and all persons shall be at liberty to search every such book on payment of the sum of one shilling; and no multiplication of books is to increase the fee.

Registration  
of bonds.

130. If any bond given under the provisions of this or any other Ordinance relating to the Customs has been registered in the office of the Registrar-General, and the condition of such bond has been satisfied the Collector by certificate under his hand may authorise the Registrar-General to enter up satisfaction on the record of

Entry of  
satisfaction  
bond.



ments [if the whole are to be discharged] or [here set out the particular lands, tenements and hereditaments exonerated if part only are to be discharged, adding the following words] being part of the estate, lands, tenements and hereditaments of the said [Name of obligor seeking exoneration] are wholly exonerated and discharged from all claims of Her Majesty, her heirs or successors in respect of such bond or obligation.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
(Signed) \_\_\_\_\_ Collector.

And the lands mentioned in such certificate shall thereupon be wholly exonerated and discharged from all liability in respect of such bond or obligation, and every such certificate shall be accepted by all persons and in all Courts as sufficient evidence of the exoneration of the lands therein described.

*As to making false Declarations.*

132. If any person wilfully makes and subscribes or uses any false declaration, or makes, or signs, or uses any declaration, certificate, instrument or other document required by this or any other Ordinance relating to the Customs to be verified by signature only, or required by or under the direction of the Collector, or used in any business or matter relating to the Customs, the same being untrue in any particular; or if any person makes or signs any declaration made for the consideration of the Collector on any application presented to him, the same being untrue in any particular; or if any person required by this or any other Ordinance relating to the Customs to answer questions put to him by any officer of Customs wilfully and with intent to deceive answers any such question falsely; or if any person counterfeits, falsifies or wilfully uses when counterfeited or falsified any document required by this or any other Ordinance relating to the Customs, or by or under the direction of the Collector, or any instrument used in the transaction of any business or matter relating to the Customs; or fraudulently alters any document or instrument, or counterfeits the seal, signature, initials or other mark of or used by any officer of Customs for the verification of any such document or instrument or for the security of goods or for any other purpose in the conduct of business

Penalty for making false declarations and certain other frauds.

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relating to the Customs or its officers; every person so offending shall be guilty of a misdemeanour and may be punished by any fine not exceeding one hundred pounds, or imprisoned, with or without hard labour, for any term not exceeding two years, or, subject to the limitations aforesaid, punished both by fine and imprisonment.

*Regulations for the prevention of Smuggling.*

Goods liable  
to forfeiture.

133. If any goods liable to the payment of duties are unshipped from any ship or boat in this Island (Customs duties not being first paid or secured), or if any prohibited goods are imported or brought into any part of this Island, or if any goods which have been warehoused or otherwise secured in this Island, either for island consumption or exportation, are clandestinely or illegally removed from or out of any warehouse or place of security, or if any goods which are prohibited to be exported are put on board any ship or boat with intent to be laden or shipped for exportation, or brought to any quay, wharf, or other place in this Island in order to be put on board any ship or boat for the purpose of being exported, or if any goods which are prohibited to be exported are found in any package produced to any officer of Customs as containing goods not so prohibited, or if any goods subject to any duty or restriction in respect of importation or which are prohibited to be imported into this Island are found or discovered to be concealed in any manner on board any ship or boat within the waters of this Island, or are found either before or after landing to have been concealed in any manner on board such ship or boat within the waters of this Island, then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them.

Presumption  
as to restric-  
ted goods  
seized.

134. All goods the importation of which is in any way restricted which are of a description admissible to duty and which are found or seized in this Island under this or any other Ordinance relating to the Customs shall for the purpose of proceeding for the forfeiture of them, or for any penalty incurred in respect of them, be deemed and taken to be on the trial or



navy having the proper ensign of Her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling having a proper ensign hoisted, it shall be lawful for the captain, master or other person having the charge or command of such vessel 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 such ship, and such captain, master or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing.

Power to stop  
conveyances.

**139.** Any officer of Customs or other person acting in his aid or duly employed for the prevention of smuggling may upon reasonable suspicion or probable cause stop and examine any cart, waggon, or other conveyance, for the purpose of ascertaining whether any smuggled goods are contained therein, and if none are found concealed therein, the officer or other person shall not, on account of such stoppage and examination, be liable to any prosecution or action on account thereof; and any persons driving or conducting such cart, waggon or other conveyance refusing to stop or allow any such examination when required in the Queen's name shall forfeit the sum of one hundred pounds.

Writs of  
assistance.

**140.** All writs of assistance issued from the Supreme Court shall continue in force during the reign for which they were granted and for six months afterwards; and any officer of Customs having such writ of assistance or any warrant issued by a Stipendiary Justice of the Peace may in the day time enter into and search any house, shop, cellar, warehouse, room or other place, and in case of resistance break open doors, chests, trunks and other packages, and seize and bring away any uncustomed or prohibited goods and put and secure the same in the Queen's warehouse, and may take with him any police constable.

Search  
warrants.

**141.** If any officer of Customs has reasonable cause to suspect that any uncustomed or prohibited goods are harboured, kept or concealed in any house or other place in the Colony, and it is made to appear by infor-

mation on oath before any Stipendiary Justice of the Peace in the Colony, it shall be lawful for such Justice by special warrant under his hand to authorise such officer to enter and search such house or other place and to seize and carry away any such uncustomed or prohibited goods as may be found therein; and it shall be lawful for such officer in case of resistance to break open any door and to force and remove any other impediment or obstruction to such entry, search or seizure as aforesaid; and such officer may, if he see fit, avail himself of the service of any police constable to aid and assist in the execution of such warrant, and every police constable is hereby required when so called upon to aid and assist accordingly.

142. All ships, boats, carriages or other means of conveyance, together with all horses and other animals made use of in the removal, carriage or conveyance of any goods liable to forfeiture under this or any other Ordinance relating to the Customs shall be forfeited. Ships, &c., used in the removal of smuggled goods.

143. All ships and boats and all goods whatsoever liable to forfeiture and all persons liable to be detained for any offence under this or any other Ordinance relating to the Customs shall and may be seized or detained in any place either upon land or water by any officer of Customs or by any police constable, or by any person having authority from the Collector to seize or duly employed for the prevention of smuggling; and all ships, boats and goods so seized shall as soon as conveniently may be, be delivered into the care of the proper officer appointed to receive the same; and the forfeiture of any ship or boat shall be deemed to include her tackle, apparel and furniture, and the forfeiture of any goods shall be deemed to include the package in which the same are found, and all contents thereof. Power to detain persons, ships, &c.

144. If any goods liable to duties of Customs or to forfeiture under this or any other Ordinance relating to the Customs are stopped or taken by any police officer or other person acting by virtue of any Ordinance or otherwise duly authorised, such goods shall within forty-eight hours after they were stopped or taken be carried Custody of goods seized.

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to the Queen's warehouse next to the place where they were stopped or taken and there delivered to the proper officer appointed to receive the same.

Customable  
goods seized  
on suspicion  
of being  
stolen.

145. If any such goods are stopped or taken by any police officer on suspicion that the same are feloniously stolen, such officer may carry the same to the police office to which the offender is taken there to remain until and in order to be produced at the trial of the offender, and in such case the officer is required to give notice in writing to the Collector of his having so detained the said goods with the particulars of the same; and immediately after the trial of such offender such goods shall be conveyed to and deposited in the Queen's warehouse as aforesaid to be proceeded against according to law; and in case any police officer making detention of any such goods neglects to convey the same to such warehouse or to give the notice of having stopped the same as before prescribed, such officer shall forfeit the sum of twenty pounds.

Proceedings  
after seizure.

146. Whenever any seizure is made, unless in the possession or in the presence of the offender, master or owner as forfeited under this or any other Ordinance relating to the Customs or under any Ordinance by which Customs officers are empowered to make seizures, the seizing officer shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the things seized, if known, either by delivering the same to him personally or by letter addressed to him and duly posted for transmission by post to or delivered at his last known place of abode or business, if known: And all seizures made under this or any Ordinance relating to the Customs or under any Ordinance by which Customs officers are empowered to make seizures shall be deemed and taken to be condemned, and may be sold or otherwise disposed of in such manner as the Governor may direct, unless the person from whom such seizure was made, or the master or owner thereof, or some person authorized by him, within one calendar month from the day of seizure, gives notice in writing to the Collector that he claims the things so seized or intends to claim them, whereupon proceedings shall be taken for the forfeiture and condemnation thereof; but if any

things so seized are of a perishable nature, or consist of horses or other animals, the same may be sold by direction of the Collector, and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

147. When any seizure has been made, or any fine or penalty incurred or inflicted, or any person committed to prison for any offence under this or any other Ordinance relating to the Customs, the Governor may direct the restoration of such seizure, whether condemnation has taken place or not, or waive proceedings, or mitigate or remit such fine or penalty, or release from confinement either before or after conviction such person, on any terms and conditions as he sees fit.

Power to release seizures, remit penalties, &c

148. All seizures whatsoever which have been made and condemned under this or any other Ordinance relating to the Customs or any other Ordinance by which seizures are authorised to be made by officers of Customs shall be disposed of in such manner as the Governor may direct.

Disposal of seizures.

149. The Governor may order such reward as he may think fit out of any pecuniary penalty or composition to any officer or other person by whose means the same is recovered, and may in like manner order such reward as he may think fit to be paid in respect of any seizure made under this or any other Ordinance relating to the Customs to the person or persons making such seizure, or through whose information or means such seizure was made or penalty recovered or party apprehended: Provided that such last-mentioned reward shall not exceed the value of the goods or things so seized, and for this purpose the value of spirits, tobacco or opium shall be deemed and taken to be such as the Governor may think fit.

Reward to seizing officers.

150. The officer in charge of any vessel or boat employed for the prevention of smuggling or acting in his aid, may haul any such vessel or boat upon any part of the coasts of the Colony, or of the shores, banks, or beaches of any river, creek, or inlet of the same which is deemed most convenient for that purpose, and moor any such vessel or boat on such part of the aforesaid

Power to haul Customs vessels on private lands.

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coasts, shores, banks, and beaches below high-water mark, and over which the tide flows on ordinary occasions, and continue such vessel or boat so moored as aforesaid for such time as he deems necessary and proper; and such officer, or person aiding him, shall not be liable to any indictment, action or suit for so doing.

Power to  
patrol upon  
private lands.

151. Any officer of the army, navy, marines, or coast-guard being duly employed for the prevention of smuggling and on full pay, or any officer of Customs, or any person acting in his aid, or duly employed for the prevention of smuggling, when on duty, may patrol upon and pass freely along and over any part of the coasts of the Colony, or any railway, or the shores or banks of any river, creek or inlet of the same, and any such officer or person so patrolling shall not be liable to any indictment, action, or suit for so doing.

Ships having  
facilities for  
concealment  
or under  
suspicious  
circum-  
stances.

152. If any ship or boat is found or discovered to have been within any port, bay, harbour, river or creek of this Colony, or within three nautical miles of the coast thereof, having false bulkheads, false bows, double sides or bottom, or any secret or disguised place adapted for concealing goods, or any hole, tube, pipe, or device adapted for running goods, or having on board or in any manner attached thereto, or conveying or having conveyed in any manner any goods in packages of any size and character in which they are prohibited to be imported into this Colony, or any goods imported contrary to any Ordinance relating to the Customs, or which is found or discovered to have been within three nautical miles of any part of the coast of this Colony, from which any part of the lading of such ship or boat is or has been thrown overboard, or on board which any goods are or have been staved or destroyed to prevent seizure, every such ship or boat, together with any such goods, and all packages, casks or other vessels containing the same, shall be forfeited, and every person who is found or discovered to have been on board any ship or boat liable to forfeiture as aforesaid, within three nautical miles of the coast, or on board any vessel in Her Majesty's service, having on board any goods in such packages

as aforesaid, shall forfeit a sum not exceeding one hundred pounds; and every such person may be detained and taken before any Justice, to be dealt with as hereinafter directed: Provided that no person shall be detained whilst actually on board any vessel in the service of a foreign state or country.

*As to Offences committed by and Penalties attaching to Persons.*

153. Any officer of Customs or any police constable having reasonable cause to believe that any person on board any ship or boat within the limits of any port in this Island, or who has landed from any ship or boat, is carrying or has any uncustomed or prohibited goods about his person, may search such person, and if any person rescues, destroys or attempts to destroy any goods to prevent seizure, or obstructs any such officer or constable in going to, remaining on, or returning from such ship or boat, or in searching as aforesaid, or otherwise in the execution of his duty, every such person shall forfeit the sum of one hundred pounds; and if any passenger or other person on board any such ship or boat, or who may have landed from any such ship or boat, upon being questioned by any such officer or constable whether he has any goods liable to duty upon his person, or in his possession, or in his baggage, denies the same, and any such goods are after such denial discovered to be or to have been upon his person, or in his possession, or in his baggage, such goods shall be forfeited and such person shall forfeit treble the value of such goods.

Power to search suspected persons.

Before any person is searched by any such officer or constable as aforesaid, such person may require such officer or constable to take him or her before any Stipendiary Justice, or before the Collector or sub-Collector, who shall if he sees no reasonable cause for search discharge such person, but if otherwise direct such person to be searched, and if a female she shall not be searched by any other than a female searcher.

Any officer or constable required to take any such person before such Justice, Collector or sub-Collector shall do so with all reasonable dispatch. If any officer

or constable requires any person to be searched, not having reasonable ground to suppose that he has uncustomed or prohibited goods about his person, such officer or constable shall forfeit any sum not exceeding ten pounds.

Penalty for importing, &c, prohibited or uncustomed goods.

154. Every person concerned in importing or bringing into this Island any prohibited goods, or any goods the importation of which is restricted contrary to such prohibition or restriction, and whether the same be unshipped or not, and every person who unships or assists, or is otherwise concerned in the unshipping of any goods which are prohibited, or any goods which are restricted and imported contrary to such restrictions, or any goods liable to duty the duties for which have not been paid or secured; or who knowingly harbours, keeps or conceals, or knowingly permits or suffers, or causes or procures to be harboured, kept or concealed any such goods, or any goods which have been illegally removed without payment of duty from any warehouse or place of security in which they were deposited; or to whose possession any such goods knowingly come, or who assists or is concerned in the illegal removal of any goods from any warehouse or place of security in which they were deposited as aforesaid; or who is in any way knowingly concerned in conveying, removing, depositing, concealing or in any manner dealing with any goods liable to duties of Customs, with intent to defraud Her Majesty of such duties or any part thereof; or who is in any way knowingly concerned in any fraudulent evasion or attempt at evasion of such duties or any part thereof, shall in each of the foregoing cases forfeit either treble the value of the goods or the penalty of one hundred pounds, at the election of the Collector, and the offender may either be detained or proceeded against by information.

Penalty for removing goods previous to examination.

155. Every person who removes any goods imported into this Island from any ship, quay, wharf or other place previous to the examination thereof by the proper officer of Customs, unless under the care or authority of such officer, or who removes or withdraws from any quay, wharf or other place any goods entered to be

warehoused after the landing thereof, so that no sufficient account thereof is taken by the proper officer, or so that the same are not duly warehoused, and every person who assists or is otherwise concerned in such removal or withdrawal, or who knowingly harbours, keeps or conceals, or knowingly permits or suffers or causes or procures to be harboured, kept or concealed any such goods, or to whose possession any such goods knowingly come, shall forfeit either treble the value thereof or the penalty of one hundred pounds, at the election of the Collector, and the offender may either be detained or proceeded against by information.

156. Every person who unships or is aiding or concerned in the unshipping of any spirits, tobacco or cigars, cigarrillos or cigarettes liable to forfeiture under this or any other Ordinance, or who carries, conveys or conceals, or is aiding, assisting or concerned in the carrying, conveying or concealing of any such spirits, tobacco or cigars, cigarrillos or cigarettes, shall forfeit for each such offence treble the value of such goods or the sum of one hundred pounds, at the election of the Collector, and every such person may be detained to be dealt with as hereinafter directed.

Penalty for unshipping spirits, cigars, &c.

157. If any person liable to be detained under this Ordinance is not detained at the time of committing the offence for which he is so liable, or after detention makes his escape, such person may at any time afterwards be detained and taken before any Justice to be dealt with as if detained at the time of committing such offence.

Persons escaping detention.

158. Whenever any person is detained and taken before any Stipendiary Justice found or discovered to have been on board any ship or boat within any port, bay, harbour, river or creek of this Island, such ship or boat having on board or having had on board spirits, tobacco, cigars, cigarrillos or cigarettes in such casks or packages as would under this or any other Ordinance relating to the Customs subject the same to forfeiture, or for unshipping, or for aiding or being concerned in the unshipping of any spirits, tobacco, cigars, cigarrillos or cigarettes liable to forfeiture under this or any other Ordinance relating to the Customs, or for carrying, con-

Proceeding before justices for light offences.

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veying or concealing, or for aiding or being concerned in the carrying, conveying or concealing of any such spirits, tobacco, cigars, cigarrillos or cigarettes, and it appears to such Justice that the quantity of spirits in respect of which such person is detained does not exceed two gallons, or that the quantity of tobacco in respect of which such person is detained does not exceed ten pounds weight, or that the quantity of such cigars, cigarrillos or cigarettes does not exceed five pounds weight, such Justice may proceed summarily upon the case without any information and although no direction has been given by the Collector, and convict such person of such offence, and adjudge that such person shall, in lieu of any other penalty, forfeit any sum not less than the single value nor more than treble the value of such goods, including the duties of importation due thereon, and in default of payment of such sum of money commit such person to imprisonment in any of Her Majesty's gaols for any time not exceeding one month.

Detention of  
offenders till  
the hearing.

159. When any person is detained for any offence against this or any other Ordinance relating to the Customs and taken before any Justice, such Justice may, if he sees reasonable cause, order such person to be detained in gaol or in the custody of the police a reasonable time to obtain the order of the Collector, and to prepare the necessary informations, convictions and warrants of commitment, and at the expiration of such time to be brought before a Stipendiary Justice, who may finally hear and determine the matter; and when any information is preferred before a Stipendiary Justice against any person for any such offence, and it appears to any Justice by deposition on oath that such person is likely to abscond before such information can be heard, such last-mentioned Justice may if he thinks fit grant his warrant to apprehend and bring such offender before a Stipendiary Justice at a time and place to be named in such warrant for the hearing of such information; but any person so detained may be liberated on giving by recognizance security to the satisfaction of any Justice in the sum of one hundred pounds or in the amount of the penalty sought to be recovered to appear at such time and place as is appointed for hearing the case.

160. No person shall intermeddle with or take up any spirits being in casks of less content than twenty gallons which may be found floating upon or sunk in the sea within the waters of the Gulf of Paria, or within three nautical miles of the coast of the Island; and if any spirits are so intermeddled with or taken up, the same shall be forfeited, together with any ship or boat in which they are found.

Spirits found  
at sea.

161. The Governor may mitigate or remit any penalty or fine or any part of any penalty or fine incurred under this or any other Ordinance relating to the Customs, or release from confinement any person committed under this or any other Ordinance relating to the Customs, on such terms and conditions as to him may appear proper.

Power of  
Governor as  
to penalties.

162. Every person who obstructs any officer of Customs, or any person acting in his aid or assistance or duly employed for the prevention of smuggling, in the execution of his duty, or in the due seizing of any goods liable to forfeiture by this or any other Ordinance relating to the Customs, or who rescues, or attempts or endeavours to rescue or cause to be rescued any goods which have been duly seized, or who before or at or after any seizure staves, breaks or otherwise destroys or attempts or endeavours to stave, break or otherwise destroy any goods to prevent the seizure or securing thereof, shall upon being duly convicted of any of the said offences before any Stipendiary Justice, be adjudged by such Justice for the first offence to be imprisoned in any of Her Majesty's gaols and there kept to hard labour for any term not less than six nor more than nine months, and for the second offence for any term not less than nine nor more than twelve months, and for the third or any subsequent offence for twelve months.

Obstructing  
officers of  
Customs in  
the execution  
of their duty.

*As to the Course of Procedure for Recovering Penalties,  
Enforcing Forfeitures, and Punishing Offenders.*

163. All duties, penalties and forfeitures incurred under or imposed by this or any other Ordinance relating to the Customs and the liability to forfeiture of any goods seized under the authority thereof, may, except as is hereinafter provided, be sued for, prosecuted, deter-

Prosecutions  
for penalties  
and  
forfeitures.

mined and recovered by action, information or other appropriate proceeding in the Supreme Court in the name of the Attorney General, or in cases where the amount of the penalty sought to be recovered or the value of the forfeiture sought to be enforced does not exceed fifty pounds, by information in the name of some officer of Customs before any Stipendiary Justice of the peace.

Power to  
commit  
married  
woman.

164. Where any married woman is guilty of any offence against this or any other Ordinance relating to the Customs, she shall, in default of paying any penalty she may have incurred, be liable to be committed to prison.

Commitment  
by Justice.

165. When any person is convicted before a Stipendiary Justice and adjudged to pay a pecuniary penalty for any offence against this or any other Ordinance relating to the Customs, such Justice shall state in the conviction, and also in the commitment of such person, if committed in default of payment, the amount of costs awarded to be paid by such person, as well as the penalty so adjudged, and shall commit such person until payment of such penalty and costs.

Power to  
remove  
proceedings  
to the  
Supreme  
Court.

166. It shall be optional for the defendant in any case, except as hereinafter provided, at any time before the commencement of the trial or hearing of any information before a Stipendiary Justice, to require that instead of proceeding against him on account thereof by information before a Stipendiary Justice the proceedings shall be brought in the Supreme Court, and upon the request in writing of such defendant delivered to the officer by whom the goods were seized, or to the Crown Solicitor, such proceedings may be instituted in the Supreme Court, for which purpose, on notice by the defendant to the Justice, if proceedings have been already commenced before him, such Justice shall adjourn the case for one week to afford the defendant an opportunity of delivering such request; and in order to confer jurisdiction on the Supreme Court, it shall be sufficient to state such request on the back of any process to be issued in such case, in the words following —“ On the requisition of defendant, who prefers a trial by the Supreme Court to a trial before a Stipendiary

Justice;" and such endorsement signed by the Crown Solicitor shall be evidence to the Court of the same, notwithstanding the provisions hereinbefore contained: Provided that in any case where proceedings have been already commenced before a Stipendiary Justice, and the defendant is under bail or recognizance to appear before such Justice, or in custody for default of such bail, such proceedings shall not be removed, but such Justice shall hear and determine the case.

167. Whenever the Collector or the proper officer of Customs proceeds by information against any person for any offence under this or any other Ordinance relating to the Customs before a Stipendiary Justice instead of instituting such proceedings in the Supreme Court, and the case is one in which if such proceedings were had in the Supreme Court a *capias* or other writ might issue for the purpose of arresting and holding the offender to bail, any Justice may, on sufficient information on oath being given before him that the offence charged has been committed, issue his warrant to apprehend and bring such offender before him or any other Justice, and on his being so brought the Justice may require him to give by recognizance security to the satisfaction of such Justice in such amount as such Justice may deem sufficient, to appear before a Stipendiary Justice at a time and place appointed for the hearing of the case by the Justice taking the recognizance, and in the meantime, in default of such security, such last-mentioned Justice may commit such offender to gaol or to the custody of the police.

Power of Justice to order arrest pending proceedings.

168. When, by this or any other Ordinance relating to the Customs, a penalty is jointly and severally incurred by any number of persons, such persons may be proceeded against jointly by one information or writ, or severally by separate informations or writs; and in case of a proceeding against such several persons by joint information or writ for recovery of the penalty or penalties severally incurred by each, the penalty or penalties shall be recoverable against each, notwithstanding that any one or other of such persons so jointly proceeded against may have allowed judgment

Procedure where several persons are liable.

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to go by confession or default, or that the penalty adjudged to be paid by any one or other of the defendants so jointly sued may be for a different amount from that of the penalty in which any one or other of such several persons may be convicted, or that any one or other of such several persons so jointly prosecuted may be acquitted, and no judgment on any such information or writ shall be reversed or avoided on the ground of any such judgment being obtained by confession or default of any of the persons, nor on account of any difference in the amount of the penalty or penalties in which any one or more of such persons may be convicted, or the acquittal of any such persons; but every such judgment shall be valid and effectual against any or all of the said several persons so jointly proceeded against, and for the full amount of the penalty or penalties in which such persons have been severally or respectively convicted.

Consequences  
of second  
conviction.

169. When any judgment is given against any person for any offence for which any pecuniary penalty is imposed by this or any other Ordinance relating to the Customs, and it is made to appear that such person has been previously convicted of any similar offence, the presiding Judge may order that such person shall, in lieu of payment of any penalty, be imprisoned in any of Her Majesty's gaols, with or without hard labour, for a period not less than six nor more than twelve months.

Validity of  
warrants, &c.,  
notwith-  
standing  
defects.

170. No conviction, warrant of commitment, or condemnation for an offence against this or any other Ordinance relating to the Customs shall be held void by reason of any defect therein, and no party shall 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 offence, and that it appears to the Court or Judge before whom such warrant is returned that such conviction proceeded upon good and valid grounds; and every such warrant may be executed by any police constable, and in any part of this Colony, without further endorsement or sanction than that of the Justice issuing the same; and no objection shall be taken or allowed to any information,

complaint or summons for any alleged defect therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint.

171. Upon the exhibiting of any information before any Stipendiary Justice for any offence against this or any other Ordinance relating to the Customs, for which offence the party charged is not liable to be detained, or by which information any penalty or forfeiture is sought to be recovered, or any punishment of hard labour sought to be inflicted, within three years next after the commission of the offence, such justice from time to time and at any time afterwards, may issue his summons directed to such party, stating shortly the matter of such information, and requiring him personally to appear at a certain time and place, before him or any other Stipendiary Justice to answer to the said information and to be further dealt with according to law.

Summons on information before Justice.

172. If on the day and at the place appointed in such summons the party so summoned appears before the Justice, then such Justice shall proceed to hear and determine the matter of such information, and upon proof thereof, either upon the confession of the party, or upon the oath of any credible witness or witnesses, shall convict the party charged; but if the party so summoned fails to appear, then if it be proved upon oath to the Justice then present that such summons was duly served upon such party a reasonable time before the time appointed for his appearance, such Justice may proceed *ex parte* to hear such information and adjudicate thereon as if such party had personally appeared before him in obedience to such summons.

Procedure on hearing before Justice.

173. When any information has been exhibited before any Stipendiary Justice for the forfeiture of any goods seized under this or any other Ordinance relating to the Customs, such Justice shall summon the owner of such goods, or the person from whom they were seized, to appear before him or any other Stipendiary Justice, and upon his appearance or default, due service of the

Condemnation by Justice.

summons being proved, such justice may proceed to the examination of the matter, and upon due proof that the goods are liable to forfeiture under this or any other Ordinance relating to the Customs may condemn the same.

Service of  
summons.

174. Every summons issued by a Justice of the Peace under this or any other Ordinance relating to the Customs, either to bring any person before him to answer any information, or any person to appear before him to testify what he may know concerning the matter of such information, wherever in the Colony such person may be or reside, shall be deemed to be sufficiently served by any officer of Customs or other duly authorised person delivering the same to the party summoned personally, or by leaving the same at his usual or last known place of abode or business in the Colony, or on board any ship or vessel to which he may belong, or may have lately belonged.

Refusal to  
give evidence.

175. If any person so summoned to testify as aforesaid refuses or neglects to appear at the time and place appointed by such summons, and no just excuse is offered for such neglect or refusal, then, after due proof of the service of such summons, or if such person, having appeared in obedience to such summons, refuses to give evidence or to answer according to the best of his knowledge and belief any lawful question required of him, he shall, for every such default or offence, forfeit such amount, not exceeding twenty pounds, as such Justice sees fit.

Recovery of  
penalty where  
offender was  
not detained.

176. In case of the non-payment of any penalty incurred for any offence in respect of which the offender, whether liable to detention or not, was not detained, the convicting Justice or any other Justice may, by warrant under his hand, commit the offender to any of Her Majesty's gaols, there to remain for such term as is hereinafter provided or until the penalty is paid; and such warrant may be executed in any part of the Island by any police constable: Provided that the convicting Justice may, in cases where upon consideration of the circumstances he deems it expedient so to do, and for a first offence only, mitigate the payment

of the said penalty so as the sum to be paid by such person be not less than one moiety of the penalty.

177. Any Stipendiary Justice before whom any person liable to be detained, and who has been detained for any offence against this or any other Ordinance relating to the Customs is brought may, either on the confession of such person of such offence, or on proof thereof upon oath, convict such person of any such offence, and every person so convicted shall immediately upon such conviction pay without any mitigation into the hands of such Justice, for the use of Her Majesty, the penalty imposed for such offence, and in default thereof the said Justice shall, by warrant under his hand, commit such person so convicted as aforesaid and making such default as aforesaid to any of Her Majesty's gaols, there to remain for such term as is hereinafter provided, or until the penalty is paid.

Recovery of penalty where offender was detained.

178. All penalties and forfeitures recovered under this or any other Ordinance relating to the Customs shall be paid over by the Justice by whom the same are received to the Receiver General for the use of Her Majesty.

Disposal of penalties paid.

179. Where any person has been committed by any Justice to prison for non-payment of any penalty incurred under this or any other Ordinance relating to the Customs, the keeper of the prison is hereby required to discharge such person at the end of six months from the commencement of his imprisonment on such committal.

Limitation of imprisonment for non-payment of penalties.

180. Where any person is convicted before a Justice of any offence against this or any other Ordinance relating to the Customs, and it appears that such person has been before convicted of any such offence, the said Justice may, if he thinks fit, order and adjudge that such person shall, in lieu of payment of any penalty, be imprisoned in any of Her Majesty's gaols, and there kept to hard labour for the period of six months.

Consequences of conviction after previous offence.

*As to the Removal of Proceedings before Justices.*

181. No writ of certiorari shall issue to remove any proceedings before any Justice under this or any other

Writs of certiorari and

habeas corpus  
or judge's  
order.

Ordinance relating to the Customs, nor shall any writ of habeas corpus or judge's order issue to bring up the body of any person who has been convicted before any justice under this or any other Ordinance relating to the Customs, unless the party against whom such proceedings have been directed, or who has been so convicted, or his solicitor, shall state by affidavit the grounds of objection to such proceedings or conviction; and upon the return to such writ of certiorari or habeas corpus or judge's order no objections shall be entertained by the Court other than such as are stated in such affidavit; and any justice may amend any information, conviction, or warrant of commitment for any offence under this or any such Ordinance at any time whether before or after conviction.

Notice of the  
issue of writ  
or order.

182. No such writ or order shall issue without notice in writing to the Crown Solicitor, and no return to any such writ or order shall be considered by the Supreme Court, or any judge thereof, unless there be produced to such Court or Judge an affidavit, stating that notice of the issuing of such writ or order was given to the Crown Solicitor, or left at his office four clear days before the return of such writ or order; and with respect to all such writs or orders, there shall be an interval of four clear days at least between the day of issue and the day of the return thereof, and any such writ or order issuing without notice, or not in conformity with the directions herein contained, shall be void to all intents and purposes.

*As to Proceedings in the Supreme Court.*

First process  
in suits in the  
Supreme  
Court.

183. In all actions or informations for recovery of penalties under this or any other Ordinance relating to the Customs in the Supreme Court a writ of subpoena or capias as the first process shall issue at the election of the Attorney General, in which shall be specified the amount of the penalty or penalties sued for.

Special  
warrants at  
request of  
Crown  
Solicitor.

184. The Marshal is hereby required (on the request of the Crown Solicitor, or of any person acting on his behalf, such request to be indorsed on the back of any writ of capias, and signed by such solicitor, or by such

other person, stating his authority) to grant a special warrant to such persons as are named to him by such solicitor or other person, for apprehending the person against whom such writ issues, and in default thereof the Marshal shall be liable to such process of contempt, fines and penalties, as he is now by any law or custom liable to in case of refusing to execute similar process where the defendant might have been taken thereupon in the usual course of proceeding.

185. The Marshal granting such special warrant shall be indemnified for all liability for the escape of any person who is arrested by virtue of such warrant, but when any person so arrested is tendered to the keeper of any of Her Majesty's gaols, he is hereby required to receive every person so arrested as aforesaid, and give a receipt for his body.

Indemnity of  
Marshal as to  
special  
warrants.

186. In any case where the Attorney General waives the right of issuing a writ of capias and elects to proceed by subpcena, service of a copy of such subpcena either on the defendant personally or by leaving the same at his usual or last known place of abode or business in the Colony, or on board any ship or vessel to which such defendant may belong or have lately belonged shall be deemed to be sufficient.

Service of  
subpcena.

*As to Proceedings by Indictment or Information.*

187. No indictment shall be preferred for any offence against this or any other Ordinance relating to the Customs, nor shall any action in the Supreme Court be commenced for the recovery of any penalty or forfeiture for any such offence, unless such indictment is preferred or action is commenced at the request of the collector in the name of the Attorney General.

Indictments.

188. In any prosecution for recovery of any fine, penalty or forfeiture, incurred under this or any other Ordinance, relating to the customs, the Attorney General if satisfied that such fine, penalty or forfeiture was incurred without any intention of fraud, or that it may be inexpedient to proceed in the said prosecution, may enter a *nolle prosequi* or otherwise, on such information

Power to  
enter a nolle  
prosequi.

as well with respect to the share of such fine, penalty or forfeiture, to which any officer or other person may be entitled as to the Queen's share thereof.

Limitation of time in respect of proceedings.

189. All actions, indictments or informations, brought or exhibited for any offence against this or any other Ordinance relating to the Customs, in any court or before any Justice, shall be brought or exhibited within three years next after the date of the offence committed.

*As to Proofs in Proceedings.*

Onus of proof in certain cases.

190. If in any prosecution under the direction or at the request of the collector in respect of any goods seized for non-payment of duties, or any other cause of forfeiture, or for the recovering any penalty or penalties under this or any other Ordinance relating to the Customs, any dispute arises whether the duties of Customs have been paid in respect of such goods, or whether the same have been lawfully imported or lawfully unshipped, or concerning the place from whence such goods were brought, then and in every such case, the proof thereof shall be on the defendant in such prosecution.

Averments in smuggling cases.

191. The averment that the collector has directed or elected that any information or proceedings under this or any other Ordinance relating to the Customs shall 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 goods thrown overboard, staved, or destroyed, were so thrown overboard, staved, or destroyed to prevent seizure, or that any goods thrown overboard, staved or destroyed, during chase by any ship or boat in Her Majesty's service, or in the service of the revenue, were so thrown overboard, staved, or destroyed to avoid seizure, or that any person is an officer of customs, or that any person was employed for the prevention of smuggling, or that the offence was committed within the limits of any port, and the naming of such port in any information or proceedings shall be deemed to be sufficient, unless the defendant in any such case proves to the contrary.

192. If upon any trial a question arises whether any person is an officer of Customs, his own evidence thereof or other evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation, unless sufficient proof be given to the contrary.

Sufficiency of certain evidence.

193. Upon the trial of any issue or upon any judicial hearing or investigation, touching any seizure, penalty or forfeiture, or other proceeding under this or any other Ordinance relating to the Customs or incident thereto, where it may be necessary to give proof of any order issued by the collector, the order or any letter or instructions referring thereto, which has been officially received by any officer of Customs for his government, and under which he has acted as such officer shall be admitted and taken as sufficient evidence and proof of such order.

Proof of orders issued by the collector.

194. Condemnation by any Stipendiary Justice under the Customs Laws may be proved in any Court of justice, or before any competent tribunal, by the production of a certificate of such condemnation purporting to be signed by such Justice, or an examined copy of the record of such condemnation, certified by the Clerk of the Peace attending such Justice.

Evidence of condemnation in forfeiture.

*As to the Entry of appearances and claims by the Owners of Vessels or Goods seized.*

195. No claim or appearance shall be permitted to be entered to any information filed for the forfeiture of any ship or goods, seized for any cause of forfeiture in the Supreme Court, or before any Justice, unless such claim or appearance be made by or in the true name of the owner or proprietor of such ship or goods describing his place of residence and his business or profession; and if such person resides in this Colony, oath shall be made by him before one of the Judges of the Supreme Court if such information is filed therein, or before any Stipendiary Justice, before whom such information is exhibited that the said ship or goods were his property at the time of seizure; but if such person resides out of this

Entry of claims or appearances in the Supreme Court.

Colony, then oath shall be made by the solicitor by whom such claim or appearance is entered, that he has full authority from such claimant to enter the same, and that to the best of his knowledge and belief such ship or goods were at the time of seizure thereof the bonâ fide property of the claimant, and on failure of making such proof of ownership the ship or goods shall be condemned, as if no claim or appearance had been made.

Ship or goods the property of more than five persons.

196. When any such ship or goods are at the time of the seizure thereof the bonâ fide property of any number of proprietors exceeding five, two of such proprietors making, or whose solicitor makes oath as aforesaid, may enter such claim or appearance on the part of themselves and their co-proprietors.

Ship or goods the property of a joint-stock company.

197. When any such ship or goods are at the time of the seizure thereof, the property of any joint-stock company, or of partners in any co-partnership, actually carrying on trade in this Island, such claim and appearance may be entered and oath made by the chief officer resident in this Island, or any agent of such joint-stock company, or by any agent for, or any one of the partners in any such co-partnership.

Effect of certificate of probable cause.

198. When in any information or action relating to any seizure, judgment is given for the claimant, and it appears to the Judge or Justice before whom the same was heard, that there was a probable cause of seizure, and such Judge or Justice certifies so on the record or other written proceedings, such certificate shall be a bar and may be pleaded as such to any action, indictment or other proceeding against the seizer; and in case any action, indictment, or other proceeding is brought to trial against any person on account of any seizure (whether any information is brought to trial for the condemnation of the same or not) and judgment is given for the plaintiff, if the Judge or Justice before whom such action, indictment or other proceeding is tried certifies on the record or other written proceedings that there was probable cause for such seizure, the plaintiff shall not be entitled to more than twopence damages, nor to any costs, nor shall the defendant be fined more

than one shilling; and the production of such certificate or a copy thereof, verified by the signature of the officer of the Court having charge thereof, shall be sufficient evidence of such certificate.

*As to Actions against Officers of Customs.*

199. No action shall be commenced against any officer of Customs or against any person acting for or under the direction of the collector, or duly employed in the prevention of smuggling, for anything done in the execution of or by reason of his office, until one month next after notice in writing has been delivered to him or left at his usual place of abode by the solicitor of the plaintiff, in which notice shall be clearly stated the cause of action, the name and place of abode of the plaintiff, and the name and place of abode or business of such solicitor; and if any action is commenced against any such officer or other person, and no such notice has been given, such officer or other person may call upon the plaintiff to establish to the satisfaction of the Court on affidavits on both sides, that such action is brought for some act, matter or thing not done in the execution of or by reason of his office, and if the plaintiff fails so to satisfy the Court, such action shall discontinue, but if the plaintiff so satisfies the Court, he shall not be allowed on the trial of such action to give evidence of any cause of action other than such as are disclosed in his affidavits.

Notice of actions against officers of Customs.

200. Upon the trial of any action brought in pursuance of such notice, the plaintiff shall not be entitled to a verdict without proving on the trial that such notice has been duly served, and in default of such proof the defendant in such action shall receive a verdict with costs; nor shall any such plaintiff be at liberty to produce any evidence of any cause of action except such as has been distinctly stated in such notice.

Plaintiff to prove notice.

201. It shall be lawful for any officer or other person to whom such notice is given at any time within one month after service thereof to tender amends to the plaintiff or his solicitor, and in case such amends be not accepted to plead such tender in bar of the action together with the plea of "not guilty" and other pleas,

Tender of amends.

with leave of the Court; and if upon the trial of such action the amends so tendered are found sufficient judgment shall be given for the defendant, and in such case or in case the plaintiff is non-suited or discontinues his action, or in case judgment is given for such defendant on demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to if he had pleaded the general issue only; but if it is found that no amends were tendered or that the same were insufficient or otherwise against the defendant on such plea or pleas, then judgment shall be given for the plaintiff with such damages as are proper.

Payment into Court.

202. In case any such officer or other person as aforesaid neglects to tender any amends or sufficient amends before action brought, it shall be lawful for him by leave of the Court, at any time before the trial of the said action, to pay into Court a sum of money by way of amends to abide the usual practice in such cases.

Limitation of time for bringing actions against officers of Customs.

203. Every such action against any officer of Customs or other such person as aforesaid shall be commenced within four months after the cause of action has arisen; and if such action be brought in respect of any seizure made by such officer or other person, the period shall be computed from the day of seizure, unless the seizure becomes within that time the subject of an information for condemnation, in which case such cause of action shall not be deemed to have arisen until the day after the trial of the information; and the defendant may plead the general issue and give the special matter in evidence on the trial thereof: and if the plaintiff is non-suited or discontinues or if upon a verdict or demurrer judgment is given against him the defendant shall be entitled to costs and have such remedy for recovering the same as any other defendant now has in other cases where costs are legally recoverable.

Actions in Petty Civil Court against officers of Customs.

204. Any party complaining of any illegal seizure of any ship or goods may after service of the notice in writing to the effect and within the time hereinbefore provided in respect to the bringing of an action in the Supreme Court, and in case no such amends as herein-

before provided have been tendered, proceed against the officer by whom such seizure was made by plaint in any Court having jurisdiction in petty civil actions within the district where the cause of action arose: Provided that the sum claimed for damages by the party so complaining shall not exceed the amount to which the jurisdiction of such Court is limited.

*Miscellaneous.*

205. It shall be lawful for the Governor from time to time to make such rules and regulations as he may deem proper for the admission and clearance of open boats or launches and their cargoes from and to any part of the Republic of Venezuela and to revoke or alter such rules and regulations as he sees fit, and all such open boats, launches and cargoes complying with such rules and regulations shall be exempt from the provisions of this Ordinance with respect to the entry and clearance thereof.

Regulations for boats trading with Venezuela.

206. All rules and regulations made under this Ordinance shall be published in the *Royal Gazette*. Production of a copy of the *Royal Gazette* purporting to contain any such rules or regulations shall be *prima facie* evidence of the making and tenor of such rules and regulations.

Publication of regulations.

207. All rules and regulations relating to the Customs heretofore made by the Governor and now in force shall continue in force until new rules and regulations in lieu thereof are made by the Governor.

Regulations now in force.

*As to the Interpretation of terms used in this Ordinance.*

208. For the purpose of this Ordinance—

“Attorney General” shall include the Solicitor General.

Interpretation.

“Collector” shall mean the Collector of Customs.

“Sub-Collector” shall mean the Sub-Collector having jurisdiction in any particular place.

“County” shall mean and include any borough, town, or other magisterial jurisdiction unless there be something in the subject or context repugnant to such construction.

- “Landing Waiter” shall include any officer duly authorized to superintend the landing and examination of goods on their importation.
- “Master” shall mean the person having or taking the charge or command of any ship.
- “Agent of the owner of a steam vessel” shall mean the person or firm doing the business of any steam vessel other than the master thereof.
- “Officer of Customs” shall include all searchers, landing-waiters, clerks, lockers, and all other persons employed in the service of the Customs.
- “Queen’s Warehouse” shall mean any place provided by the Crown for lodging goods therein for security of the Customs.
- “Seaman” shall include mate, mariner, sailor or landsman, being one of the crew of any ship.
- “Searcher” shall include landing-waiter or any other officers of Customs duly appointed.
- “Ship” shall include a boat or other vessel of any description.
- “Warehouse” shall mean any place in which goods entered to be warehoused may be lodged, kept and secured.
- “Official import lists and official export lists” shall mean any lists which are now or may from time to time be issued by the Collector prescribing the denominations, descriptions and quality by tale, weight, measure, value or otherwise by which articles of merchandise are required to be entered on their importation into and exportation from the Colony.
- “Importer” shall include any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of Customs.
- “Person” shall include a corporation and any other body of persons recognised by law

*As to the Repeal of Existing Ordinances.*

Repeal of  
Ordinances.

209. The several enactments set forth in the schedule to this Ordinance are hereby repealed except as to any-

thing done before the commencement of this Ordinance, and except so far as relates to any arrears of duty or to any drawback which become due or payable, and except so far as may be necessary for the purpose of supporting or continuing any proceeding heretofore taken or to be taken after the commencement of this Ordinance, and except as to the recovery or application of any penalty for any offence committed or any forfeiture incurred before the commencement of this Ordinance and all bonds taken or licenses granted, and all things done under the authority or in pursuance of any of the enactments hereby repealed, shall nevertheless be valid and effectual.

210. This Ordinance shall not come into operation until Her Majesty's confirmation and allowance thereof has been signified and proclaimed in the Colony. Commence-ment.

211. This Ordinance may be cited for all purposes as "The Customs Ordinance, 1880." Short title.

Passed in Council this first day of October, in the year of our Lord, one thousand eight hundred and eighty.

A. C. ROSS,  
*Clerk of the Council.*

#### THE SCHEDULE.

No. of Ordinance.	Title or Short Title.	Extent of Repeal.
14 of 1862 ...	To authorize the Governor to prohibit the exportation from this Colony of arms and military and naval stores.	The whole.
6 of 1872 ...	For the prevention of danger from petroleum.	Section 5.
11 of 1878 ...	The Customs Ordinance, 1878.	The whole.
20 of 1878 ...	To amend the Customs Ordinance, 1878.	The whole.
23 of 1879 ...	To repeal the Forty-third Section of the Customs Ordinance, 1878.	The whole.