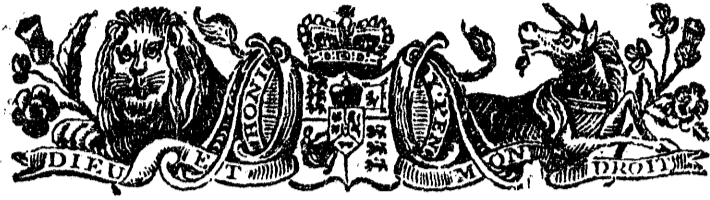


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ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies.

[Passed 20th April, 1841.]

MAY IT PLEASE YOUR MAJESTY,

WE, Your Majesty's most dutiful and loyal subjects the Commons of Newfoundland; in General Assembly convened, towards raising the necessary Revenue to defray Her Majesty's Public Expenses in this Island, and to provide for the permanent improvement of the Colony, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties hereinafter mentioned; and do therefore beseech Your Majesty that it may be enacted, *And be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in General Assembly convened, and by the authority of the same, that from and after the Thirtieth day of June, in the year of Our Lord one Thousand Eight Hundred and Forty-one, there be raised, levied, collected and paid unto Your Majesty, Your Heirs and Successors, upon all Wines and Spirits, and upon all Goods, Wares and Merchandize imported into this Colony and its Dependencies, the several Duties, as the same are respectively set forth in Figures in the Table of Duties hereinafter contained, and denominated—

Preamble.

Duties imposed by this Act.

A Table of Duties payable upon all Wines, Spirits, Goods, Wares and Merchandize, imported into Newfoundland and its Dependencies.

Table.

						£.	s.	d.
All Wines in Bottles	....	....	....	....	the Gallon	0	2	0
All other Wines	....	....	....	....	the Gallon	0	1	0

	£.	s.	d.
For every Gallon of Brandy, Geneva and Cordials, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength and for any greater or less quantity than a Gallon.—The Duty per Gallon	0	0	6
For every Gallon of Rum and Whiskey, the Manufacture of the United Kingdom or of any of Her Majesty's Colonies or Possessions, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength and for any greater or less quantity than a Gallon.....The Duty per Gallon	0	0	6
For every Barrel of Apples	0	1	0
For every Cwt. of Salted Beef and Pork	0	1	0
For every Cwt. of Bread or Biscuit	0	0	3
For every Hundred Weight of Butter	0	1	6
Coals, the Ton	0	1	0
For every Barrel of Flour not exceeding in Weight 196 Pounds	0	1	0
Goods, Wares and Merchandize, not otherwise enumerated, described, or charged with duty in this Act, and not herein declared to be duty free, for every £100 of the true value thereof	3	10	0
Molasses			Free.
Salt			Free.
Implements and Materials fit and necessary for the Fisheries, —Videlicit, Lines, Twines, Hooks, Nets, and Seines			Free.
Coin and Bullion			Free.
Horses, Mares and Geldings			Free.
Neat Cattle and Calves			Free.
Sheep			Free.
Hogs			Free.
Potatoes, and all other Vegetables			Free.
Printed Books			Free.
Lumber, the Thousand Feet, One Inch Thick	0	2	6
Oatmeal, the Barrel, not exceeding in weight 200 pounds	0	0	6
Ton Timber and Balk of all kinds, including Scantling, the Ton	0	1	6
Shingles, the Thousand	0	1	0
Tea, the Pound	0	0	2
Refined Sugar, the Hundred Weight	0	5	0
Unrefined or Clayed Sugar, the Hundred Weight	0	2	0
Cigars, the Thousand	0	10	0
Manufactured and Leaf Tobacco, the Pound	0	0	1
Tobacco Stems, the Cwt.	0	1	0
Ale, Porter, and Cider, for every £100 of the value thereof	5	0	0

Duties to be paid by Importers.

All which Duties shall be paid by the Importer or Importers of such Articles to the Collector or Sub-Collectors of Her Majesty's Customs, and shall be collected and secured by the means, and under the regulations and penalties, and in the way and manner, hereinafter provided.

Timber, Lumber, &c., previous to entry to be measured as required by Law.

II.—*And be it further enacted*, that upon the entry of any Timber, Lumber or Shingles, subject to Duty by this Act, and which may hereafter be imported into this Island or its Dependencies, the Master

4th Victoria, Cap. 1.

or Commander of the Vessel in which such Timber, Lumber, or Shingles, may have been imported, shall, before such Vessel shall be cleared at the Customs, produce to the Collector or Sub-Collector, respectively, a certificate from some one of the Sworn Surveyors of Lumber appointed by Law, of the true measurement and contents of such Timber, Lumber, or Shingles respectively.

III.—*And be it further enacted*, that the said Duties shall be raised, levied, and exacted, on all such Goods, Wares, and Merchandize, over and above and in addition to the Duty or Duties now raised, levied, or collected on the same articles, under and by virtue of an Act of the Imperial Parliament passed in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled, “*An Act to regulate the Trade of the British Possessions abroad*,” and over and above and in addition to any Duty or Duties now raised, levied or collected, or which hereafter may be raised, levied or collected, on the same, under or by virtue of any other Act or Acts of the Imperial Parliament; and that nothing in this Act contained shall reduce or lessen, or be construed to reduce or lessen, the amount of any such Duty or Duties, now received or receivable under the said Acts of the Imperial Parliament or any of them.

Duties hereby imposed to be in addition to those previously existing.

IV.—*And be it further enacted*, that all sums of Money granted or imposed by this Act, either as Duties, Penalties, or Forfeitures, shall be deemed and are hereby declared to be Sterling Money of *Great Britain*; and that all such Duties shall be paid and received according to British Weights and Measures in use on the *Sixth* day of *July*, One Thousand Eight Hundred and Twenty-five; and that in all such cases where such Duties are imposed according to any specific quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

Duties to be in Sterling, and according to Imperial Weights and Measures of July 1825.

V.—*And be it further enacted*, that the produce of the Duties received by the means and powers of this Act shall be accounted for and paid quarterly by the Collector or Sub-Collector of Her Majesty's Customs, into the hands of the Treasurer or Receiver General of this Island, or other proper officer authorized to receive the same, to be applied to such uses as shall be directed by the Legislature of the Island of *Newfoundland*.

Duties to be paid over to Colonial Treasurer quarterly.

VI.—*And be it further enacted*, that all Ships and Vessels arriving at any Port, Harbour, Roadstead or Cove, in this Island or its Dependencies, having on board any Goods, Wares or Merchandize, and the Masters, Owners, Consignees and Importers of the same respectively, shall be under and subject and be liable to the same Rules, Regulations, Forms and Restrictions as are expressed and contained in an Act passed in the Imperial Parliament in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled “*An Act to regulate the Trade of the British Possessions abroad*,” in respect to the report and entry of such Vessels and their Cargoes with the Collector of Her Majesty's Customs or the Sub-Collector as aforesaid, both inwards and outwards, the entry of Goods comprising any of the said articles to be laden or unladen, the payment of all Duties and Dues, the entry inwards of such Goods by Bill of Sight, the Regulations made and provided in case the importer of any Goods subject to Duty under this Act should refuse to enter the same and pay the Duties thereon, the validity of any entry made, the mode and manner of Ware-

Same forms of entry &c to be observed as directed by 3 & 4 Wm. 4, Cap. 59.

tively authorized to administer such oath; and in case of failure or refusal to produce such Invoice (unless there be no such Invoice) or to answer such questions or to answer them truly, or if other than the true and real Invoice be produced, or if such true and real Invoice be altered by such Importer or his known Agent, then and in every such case such Importer shall forfeit the Sum of *One Hundred Pounds*: *Provided always*, that if such Articles be charged with Imperial Duties, and have been valued according to the provisions of the Imperial Act, such valuation shall be accepted as the true value for paying or securing the Colonial Duties thereon.

IX.—*And be it further enacted*, that if, upon examination, it shall appear to the Collector or Sub-Collector of Her Majesty's Customs, Landing Waiter, or Guager, that such articles are not valued according to the true value thereof, it shall be lawful for such Collector or other Person to detain and secure such Articles, and within *three days* from the landing thereof to take such Articles for the use of the Crown; and the said Collector or other Person shall thereupon, in any such case, cause the amount of such valuation, with an addition of *Ten Pounds per Centum* thereon, and also the Duties paid upon such entry, to be paid to the Importer or Proprietor of such Articles, in full satisfaction for the same, and shall dispose of such Articles for the benefit of the Crown; and if the produce of such Sale shall exceed the Sum so paid, and all charges incurred by the Crown, One Moiety of the overplus shall be given to the Officer or Officers who shall have detained and taken such Articles, and the other Moiety detained for the benefit of the Crown shall be paid to the Treasurer or Receiver General of this Island, or other proper Officer authorized to receive the same, to be applied to the public uses of this Colony, as the Legislature shall direct.

Goods under-valued.
may be detained and
sold.

Appropriation of
proceeds.

X.—*And be it further enacted*, that in cases where the Duty imposed by this Act shall not amount to more than *Twenty-five Pounds*, the Collector or Sub-Collector of Her Majesty's Customs shall forthwith collect the same, before granting his Warrant for the removal of the articles so imported; and in case such Duty shall amount to more than *Twenty-five Pounds*, then such Collector or Sub-Collector shall be at liberty to secure the said Duties by taking Bond from the Importer, Owner, or Consignee, to Her Majesty, Her Heirs, and Successors, with Two sufficient Sureties, for the payment of the Rates and Duties herein-before mentioned, in manner following, that is to say—for Wines and Spirits, and for all other Goods, Wares and Merchandize whatsoever, in *Four Months* from the date or dates of such Bond or Bonds respectively.

Duties not amount-
ing to £25 to be paid
immediately—above
that amount Bond
may be taken.

XI.—*And be it further enacted*, that there shall be allowed on the exportation of all Wines, and all Brandy, Gin, Rum, and all other Spirituous Liquors, and all Muscovado Sugar, from this Island of *Newfoundland* to the *United Kingdom*, or any other British Possession, or to any Foreign Port or Place, a Drawback of the full Duties which shall have been paid under this Act upon the Importation thereof into *Newfoundland*: *Provided* proof be made, to the satisfaction of the Collector of Her Majesty's Customs, or other proper officer authorized to collect the Colonial Revenue in this Island, that such Wines, Brandy, Gin, Rum, and other Spirituous Liquors, and such Sugar, respectively, had been duly imported into the United Kingdom or other British Possession, or into such Foreign Port or Place, by a certificate, under the hands of the Collector or Comptroller of the

Allows Drawback on
Exportation of
Wines, Spirits, and
Muscovado Sugar.

Customs at such Port in the United Kingdom, or in such British Possession, under the hand and seal of the British Consul or Vice Consul in such Foreign Port or Place, or if there be no Consul or Vice Consul at such place, then under the hands and seals of two well-known Merchants, of the actual and due landing of such Wines, Brandy, Gin, Rum, and other Spirituous Liquors, or of such Sugar, at such Port in the United Kingdom, or such British Possession, or such Foreign Port or Place, respectively: *Provided always*, that no Drawback shall be allowed upon any such Wines, Brandy, Gin, Rum, or other Spirituous Liquors, or such Sugar, unless the same shall be exported in Boats or Vessels exceeding in burden Sixty Tons registered Tonnage, and be claimed within One Year from the day of such Shipment: *Provided nevertheless*, that the aforesaid Collector, or other proper Officer, is hereby authorized to allow a further time for the production of such Certificate on reasonable cause.

Proviso.

Governor may order Goods, &c., seized or detained, to be restored.

XII.—*And be it further enacted*, that in case any Goods, Ships, Vessels or Boats, shall be seized as forfeitures, or detained as undervalued, under this or any Colonial Law, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Island, for the time being, by and with the advice and consent of Her Majesty's Council, to order the same to be restored, in such manner and on such terms and conditions as he shall think fit to direct; and if the Proprietors of the same shall within Twenty days accept the terms and conditions prescribed by the said Governor, Lieutenant-Governor, or Person administering the Government, by and with the advice and consent aforesaid, he or they shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

Governor to appoint a Board to audit Accounts of Receivers of Duties imposed by this Act.

XIII.—*And be it further enacted*, that it shall be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Island, to nominate One Member from the Council and Two Members from the Assembly, who shall constitute a board of Audit who shall have power to Audit the Accounts of the Receivers of the Duties imposed by this Act, and finally to settle and close the Accounts of such Receivers: *Provided always*, that such Accounts so Audited shall be laid before the Legislature in each Session, within One Month from the commencement thereof.

Remuneration to Officers of Customs for Collection of Duties.

XIV.—*And be it further enacted*, that there shall be allowed and paid to the Collector and other Officers of Her Majesty's Customs, and to defray all the expenses of remuneration for the Collection of the Colonial Revenue, and Charges incidental thereto, the sum of One Thousand Three Hundred and Seventy-seven Pounds Seventeen Shillings, to be appropriated in the manner following, to wit:—

To the Collector of Her Majesty's Customs at St. John's, for his Salary for the years 1835, 1836, and 1837, One Hundred and Fifty Pounds.

To the Collector of Her Majesty's Customs at St. John's, Fifty Pounds.

Tide Surveyor at St. John's, One Hundred and Fifty Pounds.

The Landing Waiter at St. John's, Two Hundred Pounds.

Clerk of the Collector at St. John's, One Hundred and Thirty Pounds.

Sub-Collector at Fogo, One Hundred Pounds.

Sub-Collector at La Poile, One Hundred Pounds.

Sub-Collector at Greenspond, One Hundred Pounds.

Preventive Officer at Bay Bulls, Fifty Pounds.

Tide Waiters at St. John's, Two Hundred and Seven Pounds
Seventeen Shillings.

Imperial Sub-Collectors, One Hundred and Ten Pounds.

Stationery, Printed Forms, Postages, and other Ordinary Charges,
Thirty Pounds.

XV.—*And be it further enacted*, that all Penalties and Forfeitures recovered under this Act shall be divided, paid and applied as follows, that is to say—after deducting the charges of Prosecution and Sale from the produce thereof, one third part of the net produce shall be paid into the hands of the Treasurer of the Colony, to be applied as the Legislature shall direct—one third part to the person who shall inform for the same—and the other third part to the Officer who shall seize and sue for the same. Penalties.

XVI.—*And be it further enacted*, that all Yachts sailing under warrant of the Lords of the Admiralty, as belonging to the Royal Yacht Club, be exempted, on view of the said warrant, from the payment of all local dues whatever, and that it shall and may be lawful for the said vessels, or any of them, to enter the several Ports in this Colony and depart therefrom, without obtaining an entrance or clearance at the Custom House. Vessels belonging to the Royal Yacht Club exempted from the payment of local dues, &c.

XVII.—*And be it further enacted*, that it shall and may be lawful for the Officers of Her Majesty's Customs to take such samples of any Goods as shall be necessary for ascertaining the amount of any duties payable on the same; and that all such samples, whether taken under the authority of this Act or of any former Act, shall be disposed of and accounted for in such manner as the Governor or Person administering the Government of this Island for the time being, shall, with the advice of Her Majesty's Council, direct. Samples of Goods liable to duty may be taken by Officers of Customs.

XVIII.—*And be it further enacted*, that this Act shall be in force from and after the Thirtieth day of June, in the year of Our Lord One Thousand Eight Hundred and Forty-One, for and during the period of one year, and no longer. Limitation.