

Customs Amendment, No. 2.

18. When any such gaol as aforesaid shall be made fit for the reception and safe keeping of such debtors and other prisoners, it shall be lawful for the said Sheriff to remove back thereto all such debtors and other prisoners as shall then be in his custody.

And to be removed back.

19. Whenever the removal of debtors or other prisoners shall become necessary for any of the reasons aforesaid or from any other emergency, and it shall be impossible previous thereto to obtain such order as aforesaid, it shall be lawful for the Visiting Justices to issue an order to the keeper of such gaol to remove such debtors or other prisoners to such other gaol or place of confinement within his jurisdiction as shall be specified in such order: Provided that such removal shall be subject to such restrictions as to its duration as are hereby required and directed in similar cases of removal by order of the Governor, and that any such order of the Visiting Justices, together with a report of the causes thereof, shall be forthwith notified to the Governor and also to the Sheriff of the district: Provided also that no such removal shall be deemed or taken to be an escape.

In cases of emergency may be removed by order of Visiting Justices.

20. It shall be lawful for the Sheriff of any district to remove any prisoner whatever from any gaol under his control and management to any other gaol under his control or management, or in case of the illness of such prisoner to any hospital or infirmary, as occasion may require; and also for the purpose of transportation may remove any prisoner to any gaol whatsoever within the limits of the Colony: Provided that no such removal except as first above mentioned shall actually take place without the leave of a Judge of the Supreme Court on application made to him for that purpose.

Sheriff may remove prisoners from one gaol to another within his jurisdiction.

21. For the purpose of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being, and the word "Gaol" shall be taken to include any prison for debtors and any house of correction.

Interpretation.

No. VIII.

AN ORDINANCE to amend "*The Customs Ordinance*," (Session I., No. 3,) and "*The Customs Amendment Ordinance*," (Session III., No. 6).

CUSTOMS AMENDMENT, No. 2.

[20th October, 1846.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session I., No. 3, and by an Ordinance enacted in like manner, Session III., No. 6, provision is made for the collection of certain duties on goods imported into and for the general regulation of the revenue of Customs in the Colony of New Zealand: And whereas it is expedient that further provision be made in that behalf:

Preamble reciting No. 3, Sess. I., and No. 6, Sess. III.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for His Excellency the Governor from time to time, by Proclamation, to appoint and define proper places within the several ports of the Colony to be legal quays or landing-places for

Power to Governor to proclaim landing-places.

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for the lading and unlading of goods, and to define the portions of such quays and landing-places upon which particular goods shall be laden or unladen, and from time to time in like manner to alter and vary the places to be used for such quays and landing-places as occasion may require; and also in like manner to appoint the hours within which such goods shall be so laden or unladen, and to alter and vary the same as occasion may require: Provided always that nothing herein contained shall prevent the lading or unlading of any such goods at any other time with the permission of the principal officer of Customs.

Goods landed &c.
contrary to Proclama-
tion to be forfeited.

2. All goods liable to the payment of any duty of Customs which shall be laden or unladen in any port contrary to the provisions of any such Proclamation as aforesaid shall be forfeited.

Goods undervalued
may be detained and
sold.

3. And whereas by the said first recited Ordinance provision is made for ascertaining the true value of goods entered at value, and it is expedient to make further provision for the security of the revenue: Be it enacted that if, upon examination of any goods entered to pay duty according to the value thereof, it shall appear to the officers of Customs that such goods are not valued according to the true value thereof at the place of import, it shall be lawful for such officers to detain and secure such goods, and within seven days from the day on which the goods shall be finally examined by the proper officers by virtue of a duty-paid entry, to take such goods for the use of the Crown; and the Collector of Her Majesty's Customs shall thereupon cause the amount of such valuation, together 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 goods in full satisfaction of the same, and shall dispose of such goods by sale for the benefit of the Crown.

Surplus to be divided.

4. If the produce of such sale shall exceed the sums so paid and all charges incurred by the Crown, one-half of the overplus shall be given to the officer or officers who shall have detained and taken such goods; and the money retained for the benefit of the Crown shall be paid to the Collector of Customs and shall be carried to account as duties of Customs.

Search for smuggled
goods.

5. Upon an information on oath made before any Justice of the peace by any officer of Customs, that he believes (on certain reasonable grounds to be set forth therein) that any goods liable to forfeiture under any Ordinance relating to the Customs are in any particular house building or place, it shall be lawful for such Justice to grant a warrant to such officer of Customs to enter and search such house building or place, and thereupon it shall be lawful for such officer, taking with him a constable, to enter such house building or place in the day time, and to search for and to seize and secure any goods so liable to forfeiture, and in case of necessity to break open any doors chests or package for that purpose.

Goods for Colonial
Government to be
imported duty free.

6. And be it further enacted that notwithstanding anything in any Ordinance relating to the Customs contained, all goods wares and merchandise imported into the Colony as supplies for Her Majesty's Colonial Government, and at the public charge, shall be admitted to entry on importation without any duty being charged thereon.

Interpretation.

7. For the purpose of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.