



Rep. 2246-1935.

ANNO TERTIO
VICTORIÆ REGINÆ.

No. 3.

AN ACT to impose certain Rates and Duties upon Wheat and other Grain Flour Meal and Biscuit exported from the Province of South Australia and to prevent the clandestine Exportation thereof.

WHEREAS the present scarcity of Wheat and Flour in this Province renders it most urgent for the Public Welfare that the improvident Exportation of these articles should be checked in consequence of the constant increase of population therein and its almost total dependence upon external supply:—

BE IT THEREFORE ENACTED by His Excellency Lieutenant-Colonel GEORGE GAWLER Knight of the Royal Hanoverian Guelphic Order Governor and Commander-in-Chief of Her Majesty's Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows:—That from and after the passing of this Act it shall and may be lawful for His Excellency the Governor by any Order or Orders made by and with the advice and consent of the Council to fix such Rates and Duties as shall seem fit and expedient to be collected and paid upon and in respect of all Biscuit Wheat and Flour of Wheat Oats Oatmeal Barley Barley-meal Maize Rice ground Rice and Paddy exported from any port within this Province and to make the said Rates and Duties payable for such periods of time as shall seem fit and also by any further Order or Orders to limit or extend the said periods and alter and vary the amount of the said Rates and Duties as may be deemed expedient and that the said Rates and Duties shall be levied collected and paid accordingly.

II. And also that any person or persons intending to export Biscuit Wheat or the Flour of Wheat Oats Oatmeal Barley Barley-meal Maize Rice ground Rice or Paddy shall give notice of their intention to the Colonial Secretary and Collector of Customs at the least four days before the same shall be shipped.

shipped and shall before the said Biscuit Wheat or Flour of Wheat Oats Oatmeal Barley Barley-meal Maize Rice ground Rice or Paddy is removed for the purpose of shipping the same obtain the certificate of the Collector of Internal Revenue that all Rates and Duties payable thereon have been discharged and satisfied and also the written permission of the Colonial Secretary for the shipment thereof or in default thereof such Biscuit Wheat Flour of Wheat Oats Oatmeal Barley Barley-meal Maize Rice ground Rice or Paddy and the vessels or carriages containing the same shall be liable to seizure and sale by public auction and the price obtained for the same shall be applied one half to the use of Her Majesty and the other half to the use of the Officer making such seizure.

III. And also that any persons attempting to ship Biscuit Wheat Flour of Wheat Oats Oatmeal Barley Barley-meal Maize Rice ground Rice or Paddy without having complied with the requisitions of the second section of this Act and the master of any vessel receiving on board any Biscuit Wheat Flour of Wheat Oats Oatmeal Barley Barley-meal Maize Rice ground Rice or Paddy in respect of which the said requisitions have not been complied with shall forfeit and pay treble the value of the article so attempted to be shipped or received the same to be recovered by action of debt brought by any person wishing to bring the same and the vessel in which the same shall be found shall be liable to seizure and shall be sold by public auction and the amount of the said forfeiture and the price of the said vessel obtained at public auction shall be applied one half to the use of Her Majesty and the other half to the use of the person bringing such action as aforesaid or to the use of the officer making such seizure.

IV. And also that it shall and may be lawful for any Officer of the Customs or for any Policeman to stop and search all carts carriages or vessels suspected to contain Biscuit Wheat Flour of Wheat Oats Oatmeal Barley Barley-meal Maize Rice ground Rice or Paddy and to seize and detain the same when found to contain any of the said articles until the permission of the Colonial Secretary for the removal and shipment of the same be produced.

V. And also that in all cases of seizure made or proceedings taken for any penalty or penalties under this Act the proof of the provisions and requisitions by this Act made and required having been fulfilled and complied with shall lie upon the defendant.

VI. And also that throughout this Act the word "vessel" shall include all ships or boats of whatever kind and description and the verb "remove" in its several tenses shall be construed to mean the word "convey" in its several tenses and that where by this Act Wheat or Flour or any other article or thing is made liable to seizure all packages of whatever kind containing the same also all vehicles whether used for land or water carriage in which the same is found or which shall be proved to have been used in the transport thereof shall also be deemed liable to such seizure and sale as the Wheat Flour or other article so contained or carried is by this Act made liable.

VII. And also that in all cases wherein forfeitures or penalties may be incurred under this Act His Excellency the Governor shall have power to remit the whole or any part thereof: Provided always that no forfeiture or penalty imposed or recoverable by this Act shall be incurred or recovered in respect of any provisions shipped *bona fide* for the use of the crew and passengers of any vessel during her voyage or for the purpose of being conveyed

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veyed to any of the ports or dependencies of this Province in any case where a warrant for the shipment of the same shall have been previously obtained signed by His Excellency the Governor and countersigned by the Colonial Secretary.

And also that this Act shall remain in force for the term of six months only.

(Signed)

GEORGE GAWLER.

Passed in Council this 7th day
of September, 1839.

GEORGE HALL,
Clerk of Council.