

1852.

VICTORIA.

C U S T O M S .

ORDERED BY THE COUNCIL TO BE PRINTED,

TOGETHER WITH THE ACCOMPANYING

DESPATCHES,

11TH AUGUST, 1852.

C. J. LA TROBE,
Lieutenant Governor.

Message No. 17.

The Lieutenant Governor directs to be laid upon the table of the Legislative Council, the accompanying copies of Correspondence from the Lords Commissioners of Her Majesty's Treasury, The Right Honorable the Secretary of State for the Colonies, and the Commissioners of Customs, relative to the Transfer of the Customs Establishment, as it at present exists, to the control and management of the Colonial Government, from such date as may be arranged by the Authorities in the Colony.

2. The Lieutenant Governor would suggest to the Council, that the 31st day of December next appears to be the most convenient date, in all respects, on which the Transfer in question, as authorised by the Lords of the Treasury, under the powers vested in their Lordships by the 15th section of the Constitutional Act, should take place.

*Government Offices,
Melbourne 11th August, 1852.*

Melbourne :

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1852.



COPY.

Enclosures in
Message No. 17.

Downing-street,
12th February, 1852.

No. 13.

SIR,

Referring to my Circular Despatches of the 8th of August, 1850, and 19th of April, 1851, relative to the transfer of the Customs' Establishment to the control and management of the Colonial Government, I have to inform you that the Commissioners of Customs are about to issue to the Collector of Customs Instructions which have been settled with my concurrence, to communicate with you on the time at which the establishment should formally be transferred to the Colonial Government and for making up and closing all his accounts to that date, transferring to the Colony at the same time all Goods which may then be in Bond, and notifying the change to all his subordinate Officers.

2 The Collector of Customs will be deputed by the Commissioners of Customs, under the power they hold by law for that purpose, to be Comptroller of Customs and Navigation Laws.

3. They will address to him the instructions which will be necessary for his guidance in that capacity, in preparing the several documents and returns requisite for carrying on the Trade of the Colony ; and the instructions addressed to him on these or any other points of duty attaching to him as Comptroller of Customs and Navigation Laws will be transmitted by me to you, to be forwarded to the Collector of Customs.

4. In paragraph 12 of my Despatch to Sir C. A. Fitz Roy, No. 125, of the 30th August, 1850, enclosing the Australian Act, I apprised him that the charges of collecting the Revenue of Customs might, for a time, continue to be audited as they then were in the manner which had been directed by the Lords Commissioners of the Treasury under the Act 7 and 8 Vict. ch. 72.—After the date, however, when the transfer of the establishment shall have been completed, the accounts can no longer be transferred to this country for examination. You will therefore proceed to consider and report to me upon the best mode of providing for their examination and audit in the Colony in order that I may communicate your Report to the Lords Commissioners of the Treasury, who, I have no doubt, will be prepared to exercise the powers vested in them by the 15th section of the Constitutional Act in giving effect to any arrangement on this subject which may be considered desirable by the Colonial Government.

5. I have already stated in my former Circular Despatch of the 19th of April, 1851, that it would be your duty to avail yourself as much as possible of the continued service of the Officers on the existing establishments of Customs. I have merely to repeat that direction here, and to add that it will only be just that these Officers, so long as they remain in their present situations, should continue to receive the Salaries assigned to them by the Board of Customs under whom they accepted their respective employments, and further that if in the course of time any of the existing appointments should be found superfluous, it will be proper that the holders of them should, if possible, be employed in any other similar posts which may be created or become vacant, so that the public may in no case be prematurely charged with Retiring Allowances.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed)

GREY.

Lieutenant Governor La Trobe,
&c., &c., &c., &c.

CIRCULAR.]

Downing-street,
20th April, 1852.

SIR,

With reference to my Predecessor's Despatch, No. 13, of the 12th February last, I transmit to you a packet from the Treasury, containing Deputations and Instructions addressed to the several persons who have been appointed to execute the duties of Comptrollers of Customs and Navigation Laws at the Ports in the Colony under your government.

I annex a list of these Officers. The same packet also encloses similar Deputations and Instructions, which you will place in the hands of those individuals who are acting as Sub Collectors of Customs at the Ports therein named, but whose names not being known to the Board of Customs the Commissioners have not been able to affix them to these documents.

You will have the goodness to insert the proper names in these Deputations and Instructions, and you will furnish the Collectors of Customs of their respective Ports with a list of such names that the same may be transmitted to the Board of Customs.

In the event of the death or removal from the service of any of the individuals to whom the enclosures are addressed, you will take the necessary measures for having the duties of Comptrollers of Customs and Navigation Laws executed by the individuals who may be appointed to succeed them, and their names communicated to the Commissioners, in order that proper Deputations may be transmitted to them.

I have the honor to be,
Sir,
Your most obedient humble servant,
(Signed) JOHN S. PACKINGTON.

Lieutenant Governor La Trobe,
&c., &c., &c., &c.

[COPY.]

No. 102.

Custom House, Melbourne,
3rd August, 1852.

SIR,

Referring to the several Despatches of the Secretary of State which have been placed in my hands by His Excellency the Lieutenant Governor, respecting the transfer of this Establishment to the control and management of the Colonial Government:

2. I have the honor to forward, for the consideration of his Excellency, Copy of a Circular Letter received by me from the Commissioners of Customs, dated 18th March, 1852, No. 8, enclosing, amongst the documents therein enumerated, Copy of a Letter from the Lords of the Treasury to the Commissioners of Customs, dated 19th March, 1851, authorising the transfer in question from such date as may be determined upon by His Excellency.

3. The Lords of the Treasury appear, by the Letter referred to, to have exercised the powers vested in them by the 15th section of the Constitutional Act, and to have given effect to the arrangement as anticipated by the Secretary of State in the 4th paragraph of his Despatch, dated 12th February last, No. 13, the details of which appear contained in the Circular Letter of the Commissioners of Customs of 18th March last, No. 8, and Secretary of State's Circular Despatch of the 20th April.

4. Under these circumstances, and providing His Excellency concurs in the view I have taken of the matter, it will be necessary for His Excellency to determine and inform me of the period when such transfer shall take place.

5. The several Despatches are herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant,
(Signed) JAMES CASSELL,
Collector.

The Honorable the Colonial Secretary.

No. 8:

Custom House, London,
18th March, 1852.

SIR,

Her Majesty's Government having, in consequence of the changes which have recently taken place in the fiscal and political system of Her Majesty's possessions abroad, determined upon transferring the Customs Establishments at the Colonies named in the margin, which have hitherto been under the control and superintendence of this Board, to the management of their respective Colonial Governments.

We herewith transmit, for your information, Copy of a Minute of the Lords of the Treasury, dated 25th June, 1850, as well as a Copy of a Despatch of Earl Grey to the respective Governors of those Colonies, dated the 8th August, 1850, explanatory of his Lordship's views in regard to the contemplated change. We also transmit Copy of a Letter from the Lords of the Treasury, dated 19th March, 1851, and of a Letter from Mr. Cornwall Lewis, dated the 3rd May, 1851, transmitting a Copy of a Despatch from Earl Grey to the Governors of those Colonies, dated the 19th of April, 1851, in further explanation of his Lordship's views.

From the last-named Despatch of Earl Grey, you will observe that the original intentions of Her Majesty's Government have been so far modified that, instead of selecting Officers from the present Customs Establishments, for the express purpose of solely discharging the duties of Controllers of Customs and Navigation Laws, Her Majesty's Government have determined that the present Customs Establishments shall be transferred, as they at present exist, to the control and management of their respective Colonial Governments, with the understanding that those Officers shall discharge the duties which now devolve generally upon the imperial Controllers of Customs and Navigation Laws in North America, and furnish, as heretofore, the accounts of Trade and Navigation which are required by the Inspector General of Imports and Exports, and the Registrar General of Shipping in London, to enable them to prepare the accounts which are required to be laid before Parliament.

And in obedience to the directions of the Lords of the Treasury, and for the purpose of enabling you to discharge the several duties which Her Majesty's Government have imposed upon the Officers of your Port for the protection of imperial interests. We have transmitted to their Lordships, for the purpose of being forwarded to the Governor of Victoria our deputations, constituting you and the Officers, named in the annexed list, Controllers of Customs and Navigation

12th February,
1852, No. 13.
20th April, 1852,
Circular.

Cape of Good
Hope,
Port Natal,
Mauritius,
Ceylon,
New South Wales
Van Diemen's
Land,
Melbourne,
New Zealand,
Adelaide,
Sierra Leone,
Gambia, and
St. Helena.

Laws, as well as instructions (copy of which is herewith annexed) for your and their guidance in discharging the duties of the said office. And we direct you, upon the receipt of this communication, to place yourself in communication with the Governor of Victoria, with the view to the Establishment of Customs, hitherto under our superintendance, being transferred to the management of the Colonial Government, from such period as may be determined upon by His Excellency; up to which period you will make up your accounts and transmit them to this country for final examination and audit. And you will take the necessary steps for transferring to the Colony all goods which are at present deposited in bond for security of Colonial Customs duties at your Port; reporting your proceedings to us, as well as any matters which you may deem fit for our cognizance, arising out of the contemplated change.

You will not fail to make known generally to the Officers of Customs of your Port, and Survey, who have hitherto contributed to the Superannuation Fund, the determination of the Lords of the Treasury, as signified by Mr. Cornwall Lewis' letter of the 19th March, 1851, in regard to the grant of Retiring and Superannuation Allowances.

In carrying out this important change, points of detail may no doubt arise upon the system first coming into operation, which may not have been provided for by our instructions. In the event however of any such contingency arising, we rely upon your intelligence and experience, in order that no inconvenience may arise to the public service, and that you will in the meantime, and pending a reference to us for further directions, exercise your discretion in meeting any difficulties of the nature adverted to, by a reference to the manifest intentions of Her Majesty's Government and the spirit of our General Instructions.

(Signod) THOS. F. FREMANTLE,
GEO. R. DAWSON,
F. GOULBURN,

The Collector of Customs at Melbourne.

Treasury Minute, dated 25th June, 1850.

My Lords refer to the arrangements respecting Customs' Establishments in the American and West Indian Colonies, directed by their Minutes of the 24th December, 1847, 29th July, 1849, and 29th January last; and to the provision made in those Colonies by substitution in lieu of the establishment which had previously been employed under the management of the Board of Customs, in the collection of both Imperial and Colonial Duties, of such Officers only as are required for ensuring due observance of the Imperial Laws relating to the navigation and trade irrespective of any arrangements or appointments having reference to the collection of Colonial Duties, or to enforcement of local laws and regulations; and My Lords being of opinion that it is advisable that analogous arrangements should be adopted, as regards the Settlements in Australia and New Zealand, and likewise as regards other Colonies where the collection of Customs' Duties is made under authority of local Legislative enactments or Special Orders of Her Majesty in Council, to raise a revenue for the service of the Colonial Government, or for other local objects, they direct that a letter be written to the Commissioners of Customs, adverting to the views above stated, and desiring the Commissioners will report to My Lords what portion of the business transacted by the present Establishments at the stations hereafter specified, it will be necessary to make provision for, with a view to the above mentioned Imperial objects, and what Officers it will be necessary to retain for that purpose, in cases where it may not be expedient to employ Officers belonging to the Colony, viz.:—

- In the several Australian Colonies—
- New Zealand
- Ceylon
- Mauritius
- Cape of Good Hope
- Natal
- St. Helena
- Sierra Leone
- The Gambia

Also desire the Commissioners will report the names of the Officers constituting the actual establishments under their direction in the Colonies in question, with their several periods of service and rates of salary, shewing what claim these Officers, if at present reduced, might have to retired or redundant allowance from the funds of this Country. Also desire the Commissioners will report whether the adoption as the arrangements above adverted to, will render it necessary or expedient that any alteration should be made in the Orders in Council, whereby trade is at present regulated and duties are levied at the Cape of Good Hope and Natal, or Sierra Leone, the Gambia, and St. Helena.

Downing-street,
8th August, 1850. Minute in
Treasury Letter,
5th July, 1850.

SIR,

1. I herewith transmit, for your information and guidance, the copy of a Minute of the Lords Commissioners of the Treasury, relative to the Customs' Establishment in the Colony under your Government. From that Minute you will perceive that the Customs' Establishments in () and in the other Colonies therein mentioned, are, with the exception of such officers as may be specially retained for Imperial objects, to be considered henceforth as Colonial Establishments; and consequently, that, as vacancies may occur, the appointments will be liable to reduction or modification as may be found expedient with reference to the requirements

of the local Trade and Revenue. In recommending any such changes you will, however, take especial care to avoid arrangements that would place officers prematurely on the retired List.

2. It is necessary that I should explain to you the considerations which have led to the adoption of this arrangement.

3. Previously to the repeal, by authority of the Act of 9th and 10th Victoria, cap. 94, of the duties which had been levied in the Colonies under the Act of 8th and 9th Victoria, cap. 93, for regulating the Trade of the British Possessions abroad, Establishments were maintained in almost all the Colonies, under the directions of the Board of Customs in this country, and holding appointments as officers under that Board. These Establishments were also, in most cases, employed for the collection of Colonial Duties, under Colonial laws; the expense of them was in general defrayed partly from the Colonial Revenue, partly from that of this country, and the retirement or superannuation of the officers was provided entirely from the latter.

4. The repeal, before adverted to, of the Possessions Act Duties has been followed in the North American and West Indian Colonies by the removal of those Home Customs Establishments, and the substitution for them of one or two officers only, with appointments from the Lords Commissioners of the Treasury, to attend to the observance of the Navigation Laws, and other Imperial objects, and of Establishments appointed by the Colonial Governments for the collection of Colonial Duties and the regulation of Trade under Local laws. In Jamaica and Canada, the Imperial officers have as yet been retained for these purposes, by, and at the charge of the Colonial Government.

5. But these proceedings did not at first affect the Australian settlements, or other Colonies to which the Possessions' Trade Act of 9th and 10th Victoria did not specifically apply, and where Trade was carried on and Duties were levied under either special Legislative enactments, as in

New South Wales
Van Diemen's Land
South Australia
Western Australia
New Zealand
Ceylon
Mauritius
Malta

Or Orders of the Queen in Council, as in the Colonies of the
Cape of Good Hope
St. Helena
Sierra Leone
Gambia
Gibraltar

6. In all these Colonies, except Malta, Gibraltar, and Western Australia, there are Customs Establishments appointed by the Lords Commissioners of the Treasury on recommendations of the Board of Customs, and in communication with, and receiving direct instructions from that Board, on subjects which would more probably be left to the Colonial Governments, more especially now that the levy of differential duties, as well as other restrictions on Colonial Trade, have been generally speaking, relinquished.

7. As regards the Australian Colonies and New Zealand, an alteration in this state of things would, doubtless soon naturally result from the Constitutional changes now under the consideration of Parliament; but in the meantime, as propositions have already been brought before the Lords Commissioners of the Treasury, by the Customs Department relating to the Establishments in South Australia and New Zealand, it has been considered, on the whole advisable that measures should at once be taken for putting the Customs Establishments and arrangements throughout the Colonies, on the footing of those in the West Indies and North America; and relinquishing further interference on the part of the Treasury or of the Board of Customs, in the nomination of officers or in any other details relating to the administration of the local Customs Laws and Regulations.

8. These are the considerations which have led to the adoption of the arrangement in question, and it is one which has appeared to Her Majesty's Government both desirable in itself, and calculated to be acceptable to the Colonies affected by it.

9. The effect will be, to place the future appointment of Officers to the Customs' Department precisely on the same footing as that of all other Officers of the Colonial Establishment, under the rules on that subject, laid down in the volume of Colonial Regulations, Chapter 3, Section 1. You will, therefore, fill up all vacancies: but except in offices of the lowest of the three classes into which appointments are divided, you will only do so provisionally, and subject to the confirmation of the Secretary of State. Both in the principles on which you will select the candidates to be recommended, and also in the course of reporting immediately all appointments you will strictly follow the Rules laid down in the above cited chapter of the Colonial Regulations, which is so full and clear in its directions, and so explanatory of the grounds on which those directions rest, that I feel it unnecessary to add anything more upon the subject in this Despatch.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed) GREY.

Treasury Chambers,
19th March, 1851.

GENTLEMEN,

I am commanded by the Lords Commissioners of Her Majesty's Treasury, to state to you with further reference to the communication made to you by the Board's direction, on the 3rd July last, respecting the Establishments under your management in certain of the Colonies in which Import Duties provided for by the Act, 8 & 9 Victoria, cap. 93, relating to the trade of the British Possessions abroad had not been levied, and to which, consequently, the Act of the 9 & 10 Victoria, cap. 94, or the arrangement adopted in pursuance thereof did not apply, that my Lords have had under consideration the representations in your report of the 3rd August last; and I am to observe, that the circumstances to which you have adverted, of the Duties of Customs in the Colonies in question being collected, not under enactments of the Imperial Parliament, but for purposes of Colonial Revenue under Local Laws, or special orders of Her Majesty in Council, varying in their tenor according to peculiar considerations attaching to each Colony; and of the Customs' Establishment being therefore maintained almost entirely for Colonial objects, and the the expense of salaries and management wholly defrayed from the Colonial Revenues, have appeared to my Lords and to the Secretary of State, to constitute cogent grounds for vesting the regulation and management of the Customs Establishments in the local Governments and Legislatures.

I am further to state, that, with this view, it is my Lords' intention that the control of these Establishments, and all future appointments in them, should be transferred to the respective Colonial Governments, from such date after the receipt in each Colony of instructions to this effect, as may be arranged by the respective Governments and Legislatures; and that thereupon the deductions from the Officers' salaries, on account of Superannuation Fund, under the provisions of the Act of 4 & 5 William IV., cap. 24, should be discontinued; with the understanding however, that upon retirement or superannuation hereafter of the Officers who have held appointments under you, and whose services are thus to be transferred, provided such retirement take place with the testimonials, and under the conditions required, and enjoined by the said Act, such allowance as it may warrant in respect of services anterior to the date of transfer, and cessation of contribution, will be accorded by my Lord's Board, and will be payable from the Customs Revenue, to which the superannuation fund, deductions heretofore made from the salaries of the parties have been added; or in any other manner in which superannuation and retired allowances of your department in general may be defrayed. But at the same time I am to observe to you, that any grants of additional superannuation or retired allowance, in respect of services subsequent to the date of transfer of the Establishments, will depend upon the Colonial Governments and Legislatures.

I am further to acquaint you, that as my Lords conceive it most materially concerns the interests and accommodation of the local traders and ship owners in the Colonies now in question, officers should be stationed in them, competent and duly empowered to perform duties similar to those devolving on the Controllers of Customs and Navigation Laws in the American and West Indian Colonies, as indicated in your Reports of 8th August, and 26th November, 1849, my Lords are of opinion that provision for this purpose may very appropriately be made in these Colonies, by conferring the requisite powers in that respect on the Colonial Officers of Customs, requiring at the same time, as a condition of the accommodation to be afforded to the Colonists, that it shall be incumbent on those officers to furnish such Returns or other documents relating to Trade, as are required for the information of the Imperial Government and Parliament, as well as perform the other functions attaching to the appointment of Controller of Customs and Navigation Laws.

My Lords, therefore, desire you will consider what appointments or other arrangements you may be prepared to recommend for these objects, and that you will furnish my Lords, for transmission to the Colonial Governments, with such Deputations and Instructions for the principal or other Customs' Officers, as may be requisite in each case.

I am directed to transmit for your information a copy of Lord Grey's Circular Despatch of the 8th August last, and to desire you will apprise your Officers in the Colonies of the arrangements now sanctioned by my Lords for giving effect to the intentions notified in that Despatch.

I am, Gentlemen,
Your obedient Servant,
(Signed) G. CORNEWALL LEWIS.

The Commissioners of Customs.

Treasury Chambers,
3rd May, 1851.

GENTLEMEN,

I am commanded by the Lords Commissioners of Her Majesty's Treasury, to transmit herewith a copy of the Circular Letter, dated 19th ultimo, which Earl Grey has addressed to the respective Governors of the Colonies, relative to the transfer of the Customs Establishments to the Local Governments of those Colonies, for your information with reference to your Reports of the 3rd August, 1850, and 28th March, 1851, on this subject.

I am,
Gentlemen,
Your obedient Servant,
(Signed) G. CORNEWALL LEWIS.

The Commissioners of Customs.

[CIRCULAR.]

Downing Street,
19th April, 1851.

SIR,

With reference to my Despatch of the 8th August last, on the subject of the Customs Establishment, in the Colony under your government, I have to acquaint you that I have since been in communication with the Lords Commissioners of the Treasury, with reference to certain arrangements which would become necessary, especially as regards the delegation to Colonial Officers, after the transfer of the existing Customs Establishments to the Colonial Governments, of such persons and functions as in the case of Colonies which had been subject to the Imperial Duties, imposed by the Act for regulating the Trade of British Possessions, have been vested in the Controller of Customs and Navigation Laws; and likewise as regards the preparation and punctual transmission by those Officers of Returns relating to Trade and Navigation.

It is the intention of Her Majesty's Government that the control of these Establishments and all future appointments in them, should be transferred to the respective Colonial Governments, from such date after the receipt in each Colony of these and of corresponding Instructions, which will be addressed by the Commissioners of Customs to their Officers, as may be arranged by the respective Governments and Legislatures; and thereupon the deductions from the Officer's Salaries on account of the Superannuation Fund under the provisions of the Act 4 and 5 William IV, cap. 24, will be discontinued, and any Grants of Superannuation or retired allowance, in respect of services subsequent to the date of the transfer of the Establishment, will depend upon the Colonial Governments and Legislatures. At the same time it will be your duty to avail yourself as much as possible, of the continued services of the Officers on the present Establishment.

As it appears to be essential for the interests and accommodation of the Local Traders and Ship Owners in the Colonies to which the present arrangement is applicable, that Officers should be stationed in them, competent, and duly empowered, to perform similar duties to those devolving on the Controller of Customs and Navigation Laws in the American and West Indian Colonies, Her Majesty's Government propose that provision for that purpose should be made by the Commissioners of Customs, by conferring the requisite powers in that respect on the Colonial Officers of Customs requiring, at the same time, as a condition of the accommodation so to be afforded to the Colonists, that it shall be incumbent on those Officers to furnish such Returns or other Documents relating to Trade, as are required for the information of the Imperial Government and Parliament, as well as perform the other functions attaching to the appointment of Controller of Customs and Navigation Laws.

You will be further informed of the details of this arrangement, and such Deputations and Instructions will be transmitted to you for the principal or other Customs Officers in as may be requisite.

I have honor to be
Sir,
Your most obedient humble Servant,
(Signed) GREY.