

in proportion to the damage so received; provided proof be made to the satisfaction Proviso. of the officer in charge of the Port or District in which the vessel importing such Goods, Wares or Merchandize shall have arrived, that such damage was received after such Goods, Wares or Merchandize were shipped, and before they were landed in this Island or its Dependencies, and that such abatement be claimed at the time of the first examination of such Goods, Wares or Merchandize.

XVII.—*And be it further enacted,* That upon such claim as aforesaid, the Officer Amount of duty to be remitted—how settled. appointed to superintend the landing of such Goods, Wares or Merchandize, shall examine the same with reference to such damage, and shall thereupon state the amount of damage received, and make a proportionate abatement of Duties accordingly. Provided, that if such officer be incompetent to estimate such damage, or if the importer of such Goods, Wares or Merchandize, be not satisfied with the abatement made by him, the said officer shall appoint two disinterested Merchants experienced in the nature and value of such Goods, Wares or Merchandize, to examine the same and to report in writing the amount of damage so received as aforesaid, and an abatement of Duties shall thereon be made in proportion to the amount of damage ascertained by such report.

XVIII.—*And be it further enacted,* That in case any Goods, Ships, Vessels or Boats, shall be seized as forfeited, or detained as undervalued, under this or any Colonial Law, it shall and may be lawful for the Governor or Administrator of the Governor may order goods, &c. seized to be restored. Government 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 upon 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 or Administrator of the Government, by and with the advice and consent aforesaid, 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.

XIX.—*And be it further enacted,* That all Penalties and Forfeitures imposed by Penalties—how recovered. this Act shall and may be sued for, prosecuted and recovered, by Action of Debt, Bill, Plaint or Information, in any of Her Majesty's Courts of Record in this Island, in the name of the Collector for the Port of St. John's.

XX.—*And be it further enacted,* That it shall be lawful for the Governor or Administrator of the Government for the time being, to nominate one Member of Her Majesty's Council, sitting in the House of Assembly, and two elected Members of the Governor to appoint Board to audit the accounts of Collectors. said House of Assembly, who shall constitute a Board of Audit, and 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.

XXI.—*And be it further enacted,* That there shall be allowed and paid annually during the continuance of this Act to the undermentioned Officers of Her Majesty's Remuneration to Officers of Customs for collection of Duties. Customs, and to defray all expenses of remuneration for the collection of the Colonial Revenue, and of Charges incidental thereto, the sums following, that is to say—

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

To the Tide Surveyor at St. John's, Two Hundred Pounds.

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

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