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D U T I A B L E G O O D S.

R E P O R T F R O M T H E S E L E C T C O M M I T T E E.

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Brought up by Mr. John Meredith, and ordered to be printed, 2 October, 1862.



*REPORT of the SELECT COMMITTEE appointed on the 18th September, 1862, to enquire into the circumstances connected with the Landing by a Government Official of 21 Packages of DUTIABLE GOODS from the Heather Bell, the same being entered and described as Personal Luggage: with power to send for Persons and Papers.*

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MEMBERS (elected by Ballot.)

MR. JOHN MEREDITH (*Mover.*)  
MR. PERKINS.  
MR. SHARLAND.

MR. BALFE.  
MR. SHERWIN.

DAYS OF MEETING.

- No. 1. Friday, September 19. *Present*—Mr. J. Meredith (Chairman), Mr. Perkins, Mr. Sharland, Mr. Balfe, Mr. Sherwin.  
No. 2. Tuesday, September 23. *Present*—Mr. J. Meredith (Chairman), Mr. Perkins, Mr. Balfe, Mr. Sherwin.  
No. 3. Friday, September 26. *Present*—Mr. J. Meredith (Chairman), Mr. Sherwin, Mr. Balfe.  
No. 4. Wednesday, October 1. *Present*—Mr. J. Meredith (Chairman), Mr. Balfe, Mr. Sherwin.

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WITNESSES EXAMINED.

G. F. EVANS, Esquire, Custom House Agent.  
J. W. CAMPBELL, Esquire, Landing Waiter.  
H. W. HARMSWORTH, Esquire, Commander *Heather Bell*.  
T. T. WATT, Esquire, Landing Surveyor.  
WILLIAM RUSSELL, Weigher, H. M. Customs.  
WILLIAM MUNRO, ditto.

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R E P O R T .

REPORT of the Select Committee appointed (by Ballot) to enquire into the circumstances connected with the landing by a Government Officer of 21 packages of dutiable Goods from the *Heather Bell*, the same being entered and described as Personal Luggage.

Your Committee, in pursuance of the intention expressed in the Progress Report which they presented on the 19th ultimo to your Honorable House, proceeded to investigate the nature and extent of what appeared to them defects in the present system of carrying on the Customs' Service; and have now further to report—

That it appears from the evidence of the Customs' Officers named in the margin\*, and who were examined, that dutiable Goods may be landed, and the payment of Duties avoided, at any time between 4 o'clock P.M. and 9 o'clock A.M. during the half-year ending 30th September, and from 4 P.M. until 8 A.M. during the half-year ending 30th March.

It also appears that no additional instructions have been given to the Custom House Officers since the passing of the new Customs' Tariff relative to what is to be considered and treated as Personal Luggage of Passengers arriving in our Ports; that great facilities are afforded for evading the payment of Duties, by the inefficiency of the existing Regulations in reference to such Luggage; and that the protection of the Revenue requires the establishing and enforcing of a more stringent system than that which at present exists.

JOHN MEREDITH, *Chairman.*

\* T. T. Watt, Esq.; J. W. Campbell, Esq.; G. F. Evans, Esq.; W. Russell; W. Munro.

## EVIDENCE.

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FRIDAY, 19 SEPTEMBER, 1862.

*Present*—Mr. J. Meredith (Chairman), Mr. Sharland, Mr. Perkins, Mr. Balfe, Mr. Sherwin.

MR. G. F. EVANS *examined.*

*By the Chairman.*—You are a Custom House Agent? I am.

Did you apply, on behalf of Mr. Barnard, to have 50 cases of personal baggage passed through the Customs? Mr. Barnard called on me at the Custom House the day after the *Heather Bell* came in, (on the Monday). I asked him how many packages he had. He said, he thought about 50. Mr. Barnard then went in the long room, where I was getting the Sufferance signed for him, and said, there were some packages he thought would be liable to Duty, and how should he manage with respect to them?

[Mr. Barnard here entered the Committee Room, and stated that he wished to be present. Mr. Sherwin moved, and Mr. Sharland seconded, That Mr. Barnard be allowed to remain during the investigation. A discussion arose thereon, the Chairman drawing attention to a Rule for the guidance of Committees. And Mr. Sherwin's motion having been put, it was resolved in the affirmative.]

MR. EVANS'S *Examination continued.*

I told him I could not give him any further information as to what amount of Duties he would have to pay; but if he would see Mr. Campbell, the Landing Waiter, and tell him what he had told me, that Mr. Campbell would endorse on the back of the Baggage Sufferance the goods which were liable to Duty; and any further information which he might require Mr. Campbell would afford.

Mr. Barnard, amongst other things, mentioned something about a hamper containing wine, and a bottle or two of spirits; and I think he said there was a package or two for a friend of his.

*In reply to Mr. Perkins.*—No alteration has taken place in the Rules of the Customs regarding the passing of Baggage Sufferances.

[Mr. Barnard here attempted to address the Committee, but was ordered to refrain from such interruptions.]

A passenger by any ship must enter a Sufferance covering the number actually imported.

*By Mr. Balfe.*—The course taken by Mr. Barnard was the usual one: he could have taken no other.

*By Mr. Sherwin.*—I do not know how many packages paid duty; nor can I say if all the packages are cleared.

*By Mr. Sharland.*—It was not my duty to point out to the Custom House Officer those packages liable to Duty: Mr. Barnard ought to have done that. I did not see them landed, and had nothing to do with the landing.

*By Mr. Perkins.*—Duty has been paid upon some: upon some carpeting and some furniture; that is all. I had two invoices placed in my hands, by direction of Mr. T. J. Knight, on Wednesday last, the 17th. The Duty was paid yesterday, the 18th.

The packages Mr. Knight paid Duty for did not appear on the ship's manifest. I did not see the mark on them. The Invoices mentioned Mrs. Knight as the purchaser of the goods.

It is usual to pay Duty upon goods that do not appear upon the ship's manifest. Wharfage was paid upon the goods.

I have reason to believe that those packages formed part of the Baggage Sufferance, and alluded to by Mr. Barnard when he applied for the Sufferance.

Mr. Evans then withdrew.

CAPTAIN HARMSWORTH *examined.*

*By the Chairman.*—I am Captain of the *Heather Bell* ship, recently arrived in this Port from London.

Mr. Barnard, family, and effects came in the *Heather Bell*.

The effects did not pay any freight. Mr. Barnard paid a certain sum for his family, and to bring six tons of private effects.

It is usual for passengers by ships to take dutiable goods as personal baggage.

Everything that comes as cargo is reported at the Custom House, but we never report passenger baggage.

*By Mr. Sharland.*—As Mr. Barnard made that agreement about his goods, they did not appear in the Manifest.

I was on board when they were landed, and a Custom House Officer (Munro) was also present.

There was no attempt at concealing the baggage.

*By Mr. Perkins.*—Where a passenger engages room to come out here, and to bring his own personal goods, we would not take those goods if we thought they were not for his own personal use.

Mr. Barnard had a right to bring six tons of personal effects. If the goods had been in excess of that weight he must have paid for them.

This is a customary thing with vessels trading everywhere. One ton is the usual allowance for personal baggage.

There is nothing different in this case to what I have hitherto observed to be carried out.

Only part of the passenger baggage is for use on the voyage; the rest is stowed away with the cargo.

Baggage can only be discharged from 9 A.M. to 4 P.M.; so if they did escape duty the fault would lie with the Custom House Officer.

Captain Harmsworth then retired.

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MR. THOMAS TRAIL WATT *examined.*

*By the Chairman.*—I am Landing Surveyor of Her Majesty's Customs.

My opinion has several times been asked by the Landing Waiter to decide whether cases imported in the *Heather Bell* are dutiable or not.

About Monday last my attention was called to some such cases.

Upon that day Mr. Campbell, the Landing Waiter employed on the *Heather Bell*, informed me that Mr. Barnard's luggage was being landed; he asked me what I would consider to be "Passengers' Baggage," I told him that nothing could pass free of Duty as Passengers' Baggage except wearing apparel or cabin furniture, such as had been used on the passage. Some little time after that conversation I observed alongside the *Heather Bell* cases addressed to Mr. Barnard which appeared in my opinion to be goods not really personal baggage. I gave instructions to the Weigher on the ship (Munro) not to allow those things to pass as baggage until they were forwarded to the Queen's Warehouse for examination and further inquiry. Soon after that, on the same day I think, I saw Mr. Barnard in conversation with Mr. Campbell; he came to me at the Bonding Warehouse, when Mr. Barnard put into my hand (I think) two Invoices, which were headed Mrs. Knight debtor to ———. I told Mr. Barnard that the practice at present with regard to *ad Valorem* Duties was to add 10 per cent. to the Invoice value, and 10 per cent. to be paid on that amount as Duty. After that I saw on the wharf a crate, apparently crockeryware, addressed "J. Barnard, No. 1," I think; that crate was not included in the Invoices which I had in my hand; I therefore gave orders that the crate should be sent to the Queen's Warehouse to secure the Duties. There was also a case or package which contained a birdcage for Mr. William Knight, which has been Duty paid by Mr. Knight.

*By the Chairman.*—It is not usual to deliver goods before payment of Duty, and that course was not deviated from in this case.

The course adopted in this case is exactly similar to that observed in all other cases.

*By Mr. Sharland.*—Mr. Barnard did not claim that the goods should be Duty free.

*By Mr. Perkins.*—The Collector or Chief Clerk of Customs signs the Baggage Sufferance, and it is addressed to the Landing Waiter of the ship.

I saw the Baggage Sufferance. I did not see it before I saw the goods, although I was aware such a Sufferance had been passed.

No alteration whatever is made in the preparation (as to quantity) of the Baggage Sufferances.

*By Mr. Balfe.*—There was nothing in Mr. Barnard's case to make me think he wished to avoid the Duties.

*By Mr. Sherrin.*—All the Luggage, with the exception of the crate of crockery, has been delivered.

Four or five packages paid duty, including Mr. Knight's birdcage.

Mr. Campbell delivered the Luggage.

*By Mr. Sharland.*—It is not the custom to examine the packages of passengers coming from England, excepting those which from their outward appearance may lead to suspicion; the case is then sent to the Warehouse to be further examined.

The responsibility of goods being taken away on which Duty should be paid rests with the Custom House Officer.

I have been informed that a crate was taken away that ought to have paid Duty.

Mr. Wise showed me a receipt from Mr. Barnard for that cask, and said he thought it contained glass.

*By Mr. Perkins.*—So far as I know, no other cases have been examined but the crate of crockery in the shed.

Since the passing of the *ad Valorem* Act the Landing Waiters have been directed to examine Passengers' Luggage.

Mr. Watt then withdrew.

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MR. CAMPBELL *examined.*

*By the Chairman.*—I am Senior Landing Waiter of H. M. Customs.

On the 8th instant a Baggage Sufferance was entered at the Custom House for 50 packages of personal baggage. I may premise that in entering a certain number of packages it is not usual to enter the exact number but to exceed the number, so as to make the residue "short landed." (It is usual, to complete the entry, to state in the endorsement how the packages have been disposed of.)

On the morning in question I met Mr. Barnard with the Baggage Sufferance in his hand, and he entered into conversation respecting the articles. I was very busy that morning, but the sum and substance of the conversation was, as to what were dutiable or otherwise. Mr. Barnard stated that among his things there were some packages for Mr. Thomas John Knight. I told Mr. Barnard that only baggage or cabin furniture would be admitted free. Mr. Barnard made other observations, but I cannot remember what they were.

I proceeded to the Franklin Wharf; and, on returning to the *Heather Bell*, I enjoined the Officer of Customs on the vessel to be particular in looking out for any packages among Mr. Barnard's personal baggage bearing the address of Mr. Knight. I saw one load that day of Mr. Barnard's baggage on a dray, which I passed. The day following, or the next, the Sufferance was about exhausted. The goods having been reported to me as being nearly all out, I enquired of the Officer (Russell) about Mr. Knight's things; he pointed to some packages on the Wharf bearing Mr. Barnard's address. It did not occur to me then that these packages were intended for Mr. Knight, and conceiving them not to be *bonâ fide* personal baggage I spoke to Mr. Watt about sending for Mr. Barnard. Mr. Barnard almost immediately made his appearance.

Mr. Barnard produced invoices, and Mr. Watt marked them preparatory to duty being taken in the usual way. The entry passed the Custom House.

Later on that day I proceeded to the vessel, as is my custom to do, and I saw a crate on the Wharf addressed to Mr. Barnard (apparently crockery); and, considering that not coming within the scope of the Table of Exemptions, I directed its removal to the Queen's Warehouse. That terminates the "landing."

There were 50 packages of personal baggage entered; 29 of those packages were endorsed as personal baggage. The same amount of care is not taken with regard to personal baggage if the Officer is satisfied that it is *bonâ fide* baggage.

Duty was paid upon 4 of these packages. I was doubtful about the birdcage, whether it was free or not; but yesterday Mr. Knight passed an entry for it. It was, however, delivered before the Duty was paid upon it.

Mr. Campbell here explained that in lieu of 50 packages being landed 34 packages were actually landed,—4 for Duty, 29 exempt, and 1 detained.

One of the cases (the birdcage) was delivered before the Duty was paid, but that is a case discretionary with the Landing Waiter.

It is not the duty of any person landing goods under a Baggage Sufferance to point out to the Custom House Officer any packages containing dutiable goods.

Baggage means wearing apparel, bedding, a writing desk. A watch in a person's pocket would come under the category of personal effects, or anything used on the voyage out.

I passed a load of baggage for Mr. Barnard containing trunks of personal effects, such as wearing apparel, &c.

In the second load I learn that whilst I was absent a cask was allowed to be taken away, which is doubtful. Russell and Munro (Weighers) can afford the information as to what the second load contained, but I cannot.

I am responsible for allowing dutiable goods to be removed from the Wharf.

The report of the Officer in charge was to the effect that the goods in the second load were similar to those in the first, excepting one cask.

I cannot state (in any case) that there were not dutiable goods in any of the packages delivered to Mr. Barnard as personal baggage. Where my suspicion would be awakened I would proceed to examination, but not where I felt satisfied that there was no attempt of an evasion of the Duty.

I was unwell yesterday, and consequently absent from office, and it was only this morning that I learned of the delivery of the cask; and I do not see now, the cask having been delivered, that Duty can be recovered on it.

*By Mr. Sharland.*—I have no reason whatever to suppose that the cask in question contained dutiable goods—it was represented to me as being a dry cask.

The cask ought to have been examined, but has not been so; being landed on a Baggage Sufferance it would not be sent to the shed.

Had I found that cask to contain a Dinner Service in use, I should not have passed it, but have referred it to the Collector or Mr. Watt. Mr. Barnard had mentioned that there was a Dinner Service in the luggage. No Duty has been paid upon that Service.

I do not think Mr. Barnard is censurable, as he told me beforehand that the cask contained a Dinner Service.

Mr. Barnard has not been applied to on the subject; nor has he communicated with me that a Dinner Service has been landed. I have not seen Mr. Barnard since.

*By Mr. Perkins.*—There is a crate now in the Queen's Warehouse; that crate may contain the Dinner Service.

The Invoices produced embraced Mr. Knight's things; I handed the Invoices to Mr. Watt.

The three packages on the Wharf corresponded with the Invoices presented to me.

The goods sent away by me were chiefly trunks and old boxes, but nothing new. That was the first load; I did not see the second.

In the event of new cases making their appearance, I examined them. None of those packages sent away by me were examined.

In this case, from what I saw, I did not choose to suspect in any way.

I observed to Mr. Barnard that we were under restrictive Laws now; and I must do Mr. Barnard the justice to say, that he told me he had packages for Mr. Knight, and was anxious to do what was right.

*By Mr. Sherwin.*—The dry cask ought to have been examined, as, if my attention had been drawn to that cask (a hogshead), I should have at once inferred that it contained the Dinner Service before mentioned.

Mr. Swift is a Clerk or sort of Assistant Landing Waiter on the Wharf.

*By Mr. Meredith.*—Mr. Barnard was in no way to blame.

The goods most decidedly ought to have appeared on the ship's report. My remarks apply to Mr. Knight's things.

*By Mr. Perkins.*—No wharfage was paid upon the Personal Baggage.

Mr. Barnard having tendered me information I did not call upon him to furnish an inventory.

Mr. Campbell then withdrew.

The Committee then, after a short consultation, decided to bring up a Progress Report at 4 P.M. this day.

TUESDAY, 23 SEPTEMBER, 1862.

The Committee met pursuant to adjournment.

*Present*—Mr. John Meredith (Chairman), Mr. Perkins, Mr. Balfe, Mr. Sherwin.

WILLIAM MUNRO *examined*.

*In reply to the Chairman.*—I am a Weigher in H.M. Customs.

I remember landing some of Mr. Barnard's luggage; but most of the things were landed before I came on. On the 15th, the things were landed after I went on board the ship.

I recollect all the things I landed.

One case containing a birdcage; a crate sent to Bond; two new cases—clean white cases, all nailed down (I don't know the contents); 1 cask—a rough-looking one; a dry goods cask.

They were all directed to Mr. Barnard.

I took the instructions from Russell, the Weigher; and when these things came out I said to the Mate that there was no entry for these things; but he said that Mr. Barnard's boy and man had said that the Baggage Sufferance included the whole. I replied that they did not look much like baggage, but they must stay there till I saw either Mr. Watt or Mr. Campbell. I reported it to Mr. Watt. He said he believed an Entry was to be passed for them by Mr. T. J. Knight.

I let the cask go as luggage, because luggage often comes out in old casks in that way, instead of in cases. I do not know the contents of the cask. I could not say it did not contain dutiable goods. I do not recollect whether I showed the cask to Mr. Campbell or Mr. Watt. It was one of the small sugar hogshead ones.

If I had known it contained crockery for Mr. Barnard's own use, I should have passed it, and considered it to be Personal Baggage and exempt from Duty.

I put the crate aside, and submitted it to Mr. Watt, who ordered it to be sent to Bond.

At the time Mr. Watt inspected the crate all the other packages had gone.

*By Mr. Perkins.*—Have the contents of the crate been ascertained; and whose duty is it? I do not know if it has. It is the duty of either Mr. Watt or Mr. Campbell.

I do not recollect the day the *Heather Bell* hauled alongside.

No instructions were given to any Officer to take charge of the *Heather Bell*.

There are no Officers of Customs in charge on the Wharf after 4 P.M. until 9 the following morning. Next month it will be 8 o'clock in the morning. Formerly we had the boat's crew, which came on at 6 in the morning and remained until 6 in the evening.

I was told by Mr. Campbell or Mr. Watt that an Entry was passed for Mr. Knight's cases, and they were to go. I was told so at the time I drew attention to them. I think it was in the forenoon that I first noticed the cases, and they remained until 4 P.M.

*By Mr. Sherwin.*—I have had no fresh instruction defining what Personal Baggage is since the *ad Valorem* Duties came on.

*By Mr. Balfe.*—I have been 8 years in the Customs.

*By Mr. Sherwin.*—Personal Baggage, in my opinion, is the cabin furniture, wearing apparel, anything used on the voyage.

How could you pass the cask as Personal Baggage, as you did not know whether it had been used on the voyage or not, or whether it came from the cabin or the hold of the ship? Things come out marked "not wanted on voyage," and they are considered Personal Baggage. I should consider that they held clothing. I did not suppose that cask to contain clothing; but thought it might contain things they had used at home, and had brought out for their own use here. Passengers often so pack their goods used at home.

I should consider a dinner service as Personal Baggage. If entered as Baggage I must allow it to pass.

*By Mr. Perkins.*—Have you no fresh instructions since the passing of the *Ad Valorem Act* regarding personal baggage? I have got none, Sir.

*By Mr. Meredith.*—Supposing persons coming from the adjacent Colonies, bringing with them 2 or 3 trunks, portmanteaus, &c. which they describe as personal baggage, do you ever take any means to ascertain their contents? That lies with the Landing Waiter. If he gives them out as personal baggage, we have nothing further to do with them.

The Landing Waiter does not see these goods before a baggage sufferance is procured.

The Weigher must report to the Landing Waiter if he sees any suspicious luggage.

I have not felt it my duty to report any suspicious luggage since the passing of the *Ad Valorem* duty.

*By Mr. Perkins.*—No passenger can land anything after 4 o'clock.

The Witness then withdrew.

The Committee then adjourned until Friday at 11.

FRIDAY, 26 SEPTEMBER, 1862.

*Present*—Mr. John Meredith, Mr. Sherwin, Mr. Balfe.

WILLIAM RUSSELL *examined*.

I am a Weigher in H. M. Customs; I have been so for 9 years.

I was employed in landing some of Mr. Barnard's luggage.

The first load was all light things, consisting of bedding, washstand, looking-glass, and such things.

The second load was less in number than the first, and consisted of about 5 or 6 cases. I called the attention of Mr. Campbell to that load. I cannot say that all the second load was personal luggage. On my first appointment to the Customs I was accustomed to call the attention of a Landing Waiter to all cabin passenger luggage. I received those instructions from Mr. Friend.

I have not received any instructions from the present Head of the Department regarding passenger's baggage or luggage.

I take my orders from the Landing Waiter, by instructions from Mr. D'Arch.

Mr. Campbell gave me no particular instructions regarding Mr. Barnard's luggage. He said as soon as Mr. Barnard's and Mrs. Brown's luggage came out I was to let him know it. I accordingly informed him, and Mr. Campbell saw the luggage.

Having drawn Mr. Campbell's attention to the baggage, my responsibility ceased.

There is no protection whatever to the Revenue from 4 o'clock P.M. until 9 A.M.

When vessels come in from Melbourne or elsewhere, no special search is made for concealed dutiable goods.

Any goods not in the Manifest may be landed after 4 P.M. and before 9 in the morning.

When the hatches are put on they are not sealed.

The Witness then withdrew.

Adjourned until Tuesday at 11.

TUESDAY, 30 SEPTEMBER.

There being no quorum, the Committee was further adjourned until Wednesday, the 1st proximo, at 11 o'clock.

WEDNESDAY, 1 OCTOBER, 1862.

*Present*—Mr. John Meredith (Chairman), Mr. Balfe, Mr. Sherwin.

The Committee proceeded to the consideration of their Report, to be brought up this afternoon at 3 o'clock.

The Report having been agreed to, the Committee separated.