

428

EAST AFR. PROT.

C. O.
13639

Recd
Apr 4 - 1912

13639

246

JUBA RIVER COMMISSION

Date.
912
April

Two copies of recommendations made at the conference between the Customs Officers of the F.O. and Italian Comd together with a joint report.

Stamp Paper.

Mr G. Fiddes

Mr O. Fennell has indicated that he thinks that it is a technical matter which we should accept the recommendation of the local authorities.

Copy of despatch to the F.O. saying that Mr Hancock is prepared to approve of the arrangement which has been arrived at by the authorities of the S.A.P. of Station 5 and I am asking the Italian Comd to assist in getting the Italian Govt's approval.
H. J. R.

Apr 316 - 4/10/12 and 317/10/12

Stamp Paper

10007.
GOVERNMENT HOUSE,
NAIROBI. Recd 4 MAY 12
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

April 10th 1912.

No. 246

Sir,

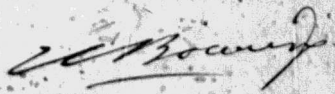
I have the honour to inform you that the conference between the Customs Officers of this Protectorate and Italian Somaliland, your approval of which was conveyed in paragraph 2 of your despatch No. 436 of August 9th, has now taken place.

Recommendations
Report by
Mr. Major

for
24483

2. I transmit herewith copies of the recommendations made and of Mr. Major's report thereon.

I have the honour to be,
Sir,
Your humble, obedient servant,



ACTING GOVERNOR.

THE RIGHT HONOURABLE
LEWIS HARCOURT, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

INCLOSURE

No. Despatch No. 24 of 10.4.1912

Res: 4 MAY 12

NOTE

Matters discussed at a meeting of the Director of Customs of the Italian East Africa and the Chief of Customs of British East Africa, at Kismayu, the 20th day of March 1912, the Provincial Commissioners of Guimbo and Jubaland being present.

1. GOODS IN TRANSIT

Transit fees to be charged on packages as they arrive not as subsequently made up for transport. Both in transit to Italian East Africa and in transit from Italian East Africa.

2. TRANSHIPMENT GOODS

Goods for transhipment to River steamers to be discharged and taken to Italian East Africa, and discharged there, under supervision of a British Customs Officer. Certificate to be furnished within 10 days after arrival by Italian Government, (as per form attached) in respect to each ship arriving at Kismayu, with goods for Italian East Africa, for transhipment to Guimbo. Similarly goods from Guimbo for transhipment by River Steamers and exportation at Kismayu will be transhipped under supervision

431

of a British Customs Officer and a certificate similar in form to that for goods imported as above will be furnished by the Italian Government within ^{the} 10 days of shipment.

3. CHARGES TO BE MADE FOR ABOVE.

Suggested ten Rupees for each voyage with cargo of River Steamer, with additional charge of five Rupees, for each barge, with cargo loaded.

4. BAGGAGE

Baggage of Italian Officers in transit, to be passed without examination, and without transit fees, if sealed, and supported by certificate of Italian Resident of Suimbo, that it contains nothing but personal effects.

5. REFUND OF TRANSIT DUTY.

Facilities to be given for Refund of Transit duty at Gobwea. Payments to be made fortnightly or at greater other intervals, as may be necessary.

6. BONDED WAREHOUSE PRIVILEGES.

Question to be considered as to granting privilege to Italian Government to be allowed to store goods intended for Italian East Africa temporarily in hulks or barges, in Kismayu Harbour and in the River at Gobwea, such hulks or barges, to be decketed, and have hatches, to be capable of being closed and locked, the keys to be retained by the British Customs Officer

Should

Should the privilege be extended, so as to allow of goods intended for the British side of the river, to be also lodged in the hulks or barges temporarily, the hulks or barges shall be regarded as British Government Bonded Warehouses, and rent to be charged for goods stored by Importers on the British side of the river and remaining therein in bond; such rent to be collected by the British Customs Officers, and half the amount to be retained by the British Government, the other half being paid to the Italian Government.

**Certificate from the Government of Italian East Africa,
for goods transported to River Steamers and Barges for
Discharge at Swine.**

Ship's Name	Whether British or Foreign, if Foreign the Country.	Master's Name	Port or Place whence Imported
Invoice Numbers	Number of packages, quantities and description of goods	Country of origin	Invoice value including expenses of Freight, Insurance, & Invoice value of packages, landing and wharfage.

I hereby certify that the within mentioned goods, have duly been landed, at this port, ex a.s.s. and that the duty due thereon has been paid, or has been secured to be paid.

Witness my hand, this day of 19.....

..... (Signature)

(or other Proper Officer)

Certificate from the Government of Italian East Africa, for goods transhipped to River Steamers ~~and~~ Barges, from Guimbo or for exportation from Kismayu.

401

Ship's Name	Whether British or Foreign, if Foreign the Country.	Master's name	Port or Place of destination.
Numbers	Number of packages, quantities and Description of goods	Country of origin	Value

I hereby certify that the within mentioned goods have been shipped at this port for transshipment to S.S.....and exportation at Kismayu.

Witness my hand, the.....day of.....19..

.....Italian Resident.

(or other proper Officer)

Dear Chevalier Baccari,

I enclose a note of matters discussed at yesterday's meeting.

You will see that I have added a suggestion to No.6 to cover the extension of bonding privileges to persons on the British side of the river. I do not know whether you will agree to my suggestion and I am prepared to discuss it with you and Chevalier Fouzi.

3. In my report to my Government I propose to embody in the proposed arrangements such of the instructions issued to the Customs Master at Gobwen on the 3rd of January 1910 as are not affected by the agreements come to yesterday, but expunging Nos.7 & 8 which do not affect the Italian Government.

A copy of the instructions referred to were forwarded to Captain Dal Canto under cover of my letter of the 5th January 1910.

Yours sincerely,

Sd/- F. W. Major.

TRANSIT GOODS

Instructions for the guidance of the Customs Supt. at Kismayu, issued the 7th January 1912.

1. Your attention is drawn to the accompanying copy of instructions, issued for the guidance of the Customs Master at Gobwen.
2. In future, goods in transit for Italian East Africa are to be allowed free storage for 10 days.
3. Owners of goods brought by steamers, and intended for transit through Kismayu and Gobwen to Italian East Africa may make out the transit entries before arrival and present them on arrival to the Customs Superintendent at Kismayu.
4. Goods imported into Kismayu harbour and intended for Italian East Africa by way of river's mouth may be transhipped in the harbour and may, if checked by a Customs Officer, be taken direct to Italian East Africa, but duty must first be paid on them and such duty shall not be refunded unless under a certificate from the Italian Government, that the goods have duly been landed intact in Italian East Africa. All goods so transhipped shall pay a transhipment fee to cover administrative expenses of 25 cents per package.
5. The Customs Superintendent will from time to time call for the Gobwen delivery Order Book for the purpose of comparing the transit entries as certified to by the Customs Master at Gobwen with the delivery orders issued by him.

sd. F. W. Major

Chief of Customs
East Africa Protectorate

Instructions for the guidance of the Customs Master
at Gobwen, issued at Gobwen, the 3rd day of January 1910

.....

1. For goods in transit from Italian East Africa through Gobwen and Kismayu, the necessary entries may be made out in duplicate by the owners at Gumbo or other place or places in Italian East Africa prior to the goods coming into the hands of the Customs Master at Gobwen. The entries in support of the goods should be handed to the Customs Master at Gobwen by the owner on his arrival at that place. Such entries must have endorsed thereon ~~an~~ a certificate, by the Italian Officer responsible, to the effect that the goods are being shipped bona fide in transit. The certificate must be signed by the Italian officer and be stamped with the Italian East African ~~state~~ Government stamp. The original entry, when signed by the Customs Master at Gobwen, will be handed to the owner of the goods who should present it to the Customs Superintendent at Kismayu on his arrival at that port. The duplicate entry will be retained by the Customs Master at Gobwen as his voucher for the necessary entry in the Cash Book.

2. The Customs reserves to it-self the right of examination and search of any or every package passing through Gobwen in transit, but the Customs Master at Gobwen is instructed that he must not require more packages to be opened and examined than is absolutely necessary for the protection of the revenue. He will ordinarily examine one package in ten only unless he has reason to suspect any attempt to evade the revenue. Any discrepancy of ~~in~~ ~~origin~~ between the goods and the

particulars shown on the entry is to be immediately reported to the European Officer in charge of Gobwen.

3. Should the transit entry produced by the owner of any goods bear no certificate by the Italian Government the Customs Master will not refuse to pass the goods but he will make a careful examination of them and satisfy himself that they correspond with the particulars given in the entry. Should they differ in any important particular, he will detain the goods, reporting the matter to the European Officer in charge of Gobwen, and await his instructions.

4. Goods passing in transit from Kismayu to Italian East Africa through Gobwen will be dealt with as at present until further instructions are issued.

5. Whenever persons with goods or baggage in transit arrive at the Custom House Gobwen out of office hours, it will be the duty of the Customs Master to attend at the Custom House if summoned for the purpose of seeing them. If personal baggage only is passed, no charge for overtime will be made, but if any goods other than baggage, are passed, the usual charge will be made and the goods must not be delivered until the fee has been received.

6. Transit fees will continue to be charged as in the past i.e. 25 cents per package.

7. Persons discharging maize supported by Pass Note at Gobwen may be permitted to store the same direct into their own Godowns, but care must be taken to check the number of kilans taken from each dhow for comparison with the quantity shown in the Pass note, provided that whenever the discharging of dhows takes place after or

before the official hours such maize should be deposited in the Customs enclosure and must not be removed except with the authority of the Customs Master. No discharge of Maize shall take place except between the hours of 6 a.m. and 6 p.m.

8. The Customs Master will from time to time make such examination of shows and ~~packages~~ the packages used in the discharge of maize as may be necessary to ensure that contraband goods are not being passed into the Protectorate.

9. The Emperor Navigation Company may be permitted to land and load goods and passenger's baggage at its own landing places, provided that no such landing or loading shall take place except after notification to, with the consent of, and in the presence of the Customs Officer. All goods and baggage so landed shall be subject to the usual Regulations, as to examination, search, entry, pass notes or otherwise.

10. Any animal other than horses or mules brought into British East Africa for use in that Protectorate must pay the duty due thereon provided that after duty has been paid on such animal, no further amount in respect to it shall be collected or claimed. Duty on animals duly passed through in transit, such animals not having been used for transport in the Protectorate, shall be refunded as in the past, but no drawback shall be granted in respect to any animal which may be used in the Protectorate for any but breeding purposes.

Ed. F. S. Major
Chief of Customs
East Africa Protectorate.

Proposals put forward by the Chief of Customs of British E.Africa and the Director of Customs of Italian E.Africa for the proper carrying out and control of the Transit and Transshipment Trade of Jubaland.

GOODS IN TRANSIT

1. Transit fees at the rate of 25 cents (Indian Currency) per package will be charged on packages as they arrive at the Custom House, not as subsequently made up for transport. This will apply to both goods in transit to and in transit from Italian East Africa. Provided that in the case of all timber, which term shall include planks and bories, one package shall be taken to mean half the load usually carried by a camel in Jubaland.

2. The duty due on all goods in transit for Italian E.Africa shall be paid or secured to be paid in accordance with the Transit Regulations Customs Ordinance 1920 a copy of which is attached to these proposals.

3. Goods in transit for Italian East Africa shall be allowed free storage for 10 days.

4. Owners of goods brought by steamer and intended for transit through Kismayu and Gebwen to Italian East Africa may make out the transit entries before arrival and present them on arrival to the Customs Superintendent at Kismayu.

For goods in transit from Italian East Africa through Gebwen and Kismayu, the necessary entries may be made out in duplicate by the owners at Suakin or other place or places in Italian East Africa prior to the goods coming into the hands

of the Customs at Gobwen. The entries in support of the goods should be handed to the Customs Master at Gobwen by the owner on his arrival at that place. Such entries must have endorsed on them on a certificate, by the Italian Officer responsible, to the effect that the goods are being shipped bona fide in transit. The certificate must be signed by the Italian Officer and be stamped with the Italian East African Government stamp. The original entry, when signed by the Customs Master at Gobwen, will be handed to the owner of the goods who should present it to the Customs Surintendant at Kisumu on his arrival at that port. The duplicate entry will be retained by the Customs Master at Gobwen as his voucher for the necessary entry in the Cash Book.

5. The Customs reserves to itself the right of examination and search of any or every package passing through in transit, but the Customs Master at Gobwen is instructed that he must not require more packages to be opened and examined than is absolutely necessary for the protection of the revenue. Any discrepancy he will ordinarily examine 1 package in 10 only unless he has reason to suspect an attempt to evade the revenue. Any discrepancy of importance between the goods and the particulars shown on the entry is to be immediately reported to the European Officer in charge of Gobwen.

6. Should the transit entry produced by the owner of any goods bear no certificate by the Italian Government, the Customs Master will not refuse to pass the goods but he will make a careful examination of them and satisfy himself that they correspond with the particulars given in the entry. Should they differ in any important particular, he will detain the goods, reporting the matter to the European Officer in charge of Gobwen, and await his instructions.

7. Whenever persons with goods or baggage in transit arrive at the Custom House Gobwen out of office hours, it will be the duty of the Customs Master to attend at the Custom House if summoned for the purpose of passing them. If personal baggage only is passed, no charge for overtime will be made, but if any goods other than baggage are passed, the usual charge will be made and the goods must not be delivered until the fee has been received.

REFUND OF TRANSIT DUTY

8. Facilities shall be given by the British Government for the refund of Transit duties at Gobwen.

Payments will be made fortnightly or at other intervals as may be necessary, and as may from time to time be decided on.

9. Any animal other than horses or mules brought into East Africa for use in that Protectorate must pay the duty due thereon provided that after duty has been paid on such animal, no further amount in respect to it shall be collected or claimed. Duty on animals duly passed through

in transit, such animals not having been used for transport in the Protectorate, shall be refunded as in the past, but no drawback shall be granted in respect to any animal which may be used in the Protectorate for any but breeding purposes.

BAGGAGE

10. Baggage of Italian Officers in transit shall be passed without examination and without payment of transit fees, if sealed and supported by a certificate of Italian Resident at Gumbo that it contains nothing but personal effects.

TRANSHIPMENT GOODS

11. Goods for transhipment for river steamers shall be discharged and taken to Italian East Africa, and discharged there, under supervision of a British Customs Officer. Certificate to be furnished within 10 days after arrival by the Italian Government, (as per form attached - Encl. 2) in respect to each ship arriving at Kisumu, with goods for Italian East Africa, for transhipment to Gumbo.

Similarly goods from Gumbo for transhipment for Steamers and exportation at Kisumu will be transhipped under supervision of a British Customs Officer, and a certificate (as per form attached - Encl. 3) will be furnished by the Italian Government within 10 days of the shipment.

The charge to be made for the above to cover Administrative expenses shall, in lieu of the present charge of 25 cents per package be 10 Rupees (Indian Currency) for each voyage with cargo of River Steamers with additional charge of 5 Rupees for each barge with cargo towed.

BONDED WAREHOUSE PRIVILEGES

13. The Italian Government shall be allowed to Store goods intended for Italian East Africa temporarily in hulks or barges, in Kisumu harbour and in the river at Gobwas, such hulks or barges to be decked and have hatches, to be capable of being closed and locked, the keys to be retained by the British Customs Officers.

Should the privilege be extended, so as to allow of goods intended for the British side of the river, to be lodged in the hulks or barges temporarily, the hulks or barges shall be regarded as British Government Bonded Warehouses, and rent shall be charged for goods stored by Exporters on the British side of the river and remaining therein in Bond; such rent to be collected by the British Customs Officers, and half the amount to be retained by the British Government, the other half being paid to the Italian Government.

.....

138. If there be on board any ship any goods being part of the cargo of such ship, the Master shall, before commencing voyage of such ship from any port within the jurisdiction, exhibit to the proper officer of the Customs a copy of the ship's report, and of such goods, certified by the Chief or other proper officer of the Customs, and indorsed with an account of the cargo discharged.

Copy of ship's report and account of goods to be submitted.

139. Before any coasting ship shall depart from any port, an account, with a duplicate thereof, in the Form A in the First Schedule hereto, and signed by the Master, owner, consignee or charterer, shall be delivered to the Chief or other proper officer of the Customs; and the Chief or other proper officer of the Customs shall retain the duplicate, and return the original account, dated and signed by him. And such account shall be the clearance of the ship for the voyage and the transire or pass for the goods expressed therein, and if any such account be false the Master shall forfeit a sum not exceeding seven hundred and fifty Rupees.

Account to be delivered before departing.

140. Within twenty-four hours, or within such further time as the Chief or other proper officer of the Customs may under special circumstances permit, after the arrival of any ship so employed as a coasting ship at the port or place of discharge, the transire shall be delivered to the Chief or other proper officer of the Customs, who shall note thereon the date of delivery, and retain such transire as a record in his office, and if any of the goods on board such ship shall be unladen contrary thereto, the master shall forfeit a sum not exceeding seven hundred and fifty rupees; and if any goods shall be laden on board any ship in any port or place within the jurisdiction and carried coastwise, or having been brought coastwise shall be unladen in any such port or place contrary to this or any other Ordinance relating to the Customs, such goods shall be forfeited.

Transire to be delivered up before goods be landed.

Penalty on unlawful unloading.

Forfeiture of goods

141. Any officer of the Customs, or, where there is no officer of the Customs, any police officer acting under the authority of an officer of Customs, may go on board any coasting ship in any port or place within the limits of the jurisdiction at any period of her voyage, and search such ship and examine all goods on board, and all goods then being or unloading, and demand that all documents which ought to be on board such ship, shall be brought to him for inspection, and may detain all or any of such documents (except the ship's register) until clearance of such ship is made in accordance with the provisions of this Ordinance; and the master of any ship refusing to produce such documents on demand, or to bring the same to the Chief or other proper officer of the Customs or police officer, as the case may be, when required, shall forfeit the sum of three hundred rupees. Provided that when such documents or any of them shall have been deposited with any Consul, Vice-Consul, or Consular Agent, the master of such ship shall obtain the receipt of such Consul, Vice-Consul, or Consular Agent, thereon, and upon such demand or requirement as aforesaid produce or bring such receipt in lieu of the document, or documents mentioned aforesaid, and such receipt on being so produced or brought may be delivered as aforesaid, and the Consul, Vice-Consul or Consular Agent giving such receipt shall of demand made by the proper officer of Customs produce for inspection by him the document or documents mentioned in such receipt, and shall not return, re-deliver, or give up such document, or documents, until such clearance as aforesaid.

Officers may board and search any coasting ship.

Provis. where documents deposited with Consul, etc.

Transit and Re-export of goods.

142. Goods brought to any port of the Protectorate intended for conveyance through the Protectorate to a foreign port may be declared in transit provided that the transit agent shall declare that such goods are for transit within seven days after the arrival of such goods in the port first mentioned.

Goods to be declared in transit by transit agent.

143. Goods imported for conveyance by the Uganda Railway and declared for transit through the Protectorate shall after a date to be hereafter notified by the Governor pass through the Custom House at Kilindini. Should any such goods be landed at the port of Mombasa and be not immediately removed to the Kilindini Customs on the request of the Chief of Customs, they may at his discretion be treated as goods imported for home consumption.

Transit goods to be landed at Kilindini.

144. The transit agent shall pay on the goods declared in transit through the Protectorate the like import duties as imposed on goods imported into the Protectorate for home consumption, or shall give a guarantee to the satisfaction of the Chief of Customs for the payment of such import duties if such goods are not re-exported within six months of the issue of the transit entry.

Transit agent to pay duty or give security.

145. Goods in transit shall be liable to warehouse rent and to all the usual landing and other charges for the time being chargeable on imported goods and further to a charge of twenty-five cents per package to cover administration expenses of a consignment of such goods.

Transit goods liable to other charges in addition to 25 cents per package.

Bill of entry in triplicate describing goods to be made by the transit agent.

146. A bill of entry in triplicate written in English shall be presented to the proper officer of Customs by the transit agent at the place of entry of the goods declared for transit through the Protectorate.

Such bill of entry shall be signed by the transit agent and shall state the correct description of the merchandise, its place of origin, its value at the place of entry, its weight or quantity if in bulk, and the number and marks of the parcels if packed and the intended place of exit from the Protectorate.

147. The Original and duplicate of the bill of entry shall be retained by the proper officer of customs and the triplicate bill of entry shall be marked with "visé" by him and returned to the transit agent. The bill of entry bearing the "visé" shall then be the transit bill of entry of the goods and shall be produced whenever required by any officer of Customs or any District Commissioner or Assistant District Commissioner of the Protectorate.

148. Every package or parcel of goods in transit shall be roped, corded or otherwise securely fastened and shall be stamped with the transit stamp or sealed with the Customs seal, as the case may require, unless the nature of the goods shall not permit of such being done.

149. The transit bill of entry shall be delivered to the proper officer of Customs at the place of exit and the Customs seals or stamps removed, and, on the goods being identified and found intact, a note to that effect shall be endorsed on the transit bill of entry and signed by such officer of Customs at the place of exit.

150. Should the transit agent desire to vary the transit bill of entry by having removed from it any of the merchandise specified therein as for transit, he may apply to any Customs Officer within the Protectorate to expunge the same from the bill of entry and such officer may, upon sufficient reason being shown, and on receipt of any duties due, and not already paid, on the goods sought to be removed endorse the bill of entry with a description of the merchandise which it is desired to remove, and such merchandise shall be deemed to be eliminated from the transit bill of entry accordingly, and no application for refund of duty in respect of such merchandise shall afterwards be entertained.

A fee of two rupees shall be charged for every such endorsement.

151. If the quantity of goods in transit be found at the place of exit to be less than that specified in the transit bill of entry the proper Officer of Customs at such place of exit shall endorse on the transit bill of entry a note of the amount of deficiency, and unless such deficiency is accounted for by reasons for which the transit agent is not responsible, the import duty payable on goods of the like kind shall be charged on such deficiency and such duty shall be deducted from the amount to be refunded, or otherwise recovered from the transit agent.

152. Save as herebefore otherwise provided the import duty paid on goods declared for transit shall be repaid, less the deductions, if any, in respect of any deficiency, at the option of the transit agent either at the place of entry or the place of exit. In either case the proper Officer of Customs shall make such payment and shall receive in exchange the endorsed transit bill of entry and the Customs receipt if any, which, shall forthwith be cancelled.

153. If no application for the return of any duty paid in respect of goods declared for transit be made within six calendar months of the date of the issue of the transit entry the goods shall be deemed to be imported for home consumption.

154. (1) The provisions of this Ordinance relating to the appraisement and examination of goods imported for home consumption and the assessment of duty thereon shall apply to the appraisement, examination and assessment of duty on goods declared in "transit."

(2) Goods declared in transit shall for the purpose of recovering any penalty imposed by this or any other Ordinance relating to the Customs be deemed to be and be treated as goods imported or exported as the case may be, and in any case of having relating to them be deemed and be taken to be goods liable to duty and unshipped or shipped, as the case may be, without payment of duty unless the contrary be proved.

Prohibited goods shall not be admitted to pass in transit, unless the

Visé bill of entry to be retained by the transit agent and produced whenever required.

Transit packages to be roped or stamped.

Transit bill of entry to be delivered to the proper Officer of Customs at place of exit.

Goods to be removed from bill of entry with the sanction of a Customs Officer.

Tribble duty to be charged if deficiency is not accounted for.

When import duty to be refunded.

No refund of duty unless claimed within six months.

Transit goods to be examined in a manner similar to goods imported for home consumption.

Goods in transit to be treated as goods imported or exported.

155. When any goods, capable of being easily identified, which have been Drawback imported by sea or land into any Customs port, and on which duties of Customs have been paid on importation, are re-exported by sea or land from a Customs Port to foreign parts, the whole of such duties shall be refunded, subject to a charge of 25 cents per package to cover administration expenses in connection with re-export traffic.

Provided that in every case proof to the satisfaction of the proper officer of Customs is adduced that import duty has been paid and the goods are identified to the satisfaction of such officer and are in the original condition and packing and bulk has not been broken and that the application for such refund is made within twelve calendar months from the date of the payment of import duty.

157. Notwithstanding anything herein contained, no drawback shall be allowed.

- (a) on goods which have been used in the Protectorate.
- (b) upon goods not included in the report outwards or the exportations of which is not otherwise proved.
- (c) upon goods entered for drawback, which are of less value than the amount of drawback claimed thereon. Such goods are liable to confiscation and the owner shall be liable to a penalty not exceeding one thousand Rupees.
- (d) unless the claim is entered in the name of the owner who has paid duties originally.
- (e) where the drawback payable is less than thirty Rupees.

158. In the event of goods on which drawback has been allowed being re-imported, the full duty shall be payable thereon.

Bonds and other Securities

Bonds and other Securities relating to the Customs.

159. All bonds and other securities entered into by any person or persons for the performance of any condition, order, or matter relating to the Customs or incident thereto, shall be valid, and upon breach of any of the conditions thereof may be sued and proceeded upon in the same manner as any bond expressly directed or given by or under the provisions of any Ordinance relating to the Customs, and all bonds relating to the Customs, or for the performance of any condition or matter incident thereto, shall be taken to be for the use of His Majesty; and all such bonds, except such as are given for securing the true exportation of any payment of duty upon warehoused goods, may, after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, be cancelled by or by order of the Chief of Customs; and all bonds given under the provisions of this or any Ordinance relating to the Customs by persons under twenty-one years of age shall be valid.

160. Whenever any person shall give a bond to His Majesty for the performance of any condition, order, or matter relating to the Customs or incident thereto, and it shall appear to the Chief of Customs that the condition of such bond has been broken, he may by indorsement on such bond, or otherwise, appoint some officer of Customs or other person to sue thereon, and such person shall thereupon be entitled to sue and to recover for the use of His Majesty the amount recoverable in respect of such breach of the condition of the said bond.

Miscellaneous

161. Certificates of cargo landed, goods damaged, or short landed, contents of a case, package, bundle or bag, or a duplicate of any certificate, manifest, declaration, pass-note or any other document may, on payment of a fee not exceeding ten Rupees, be furnished, at the discretion of the Chief of Customs, to any person applying for the same, if the Chief of Customs is satisfied that no fraud has been committed or intended by the applicant.

162. The Governor may from time to time make rules with penalties for breaches thereof for governing and controlling porters, coolies, cartmen and others carrying goods or using trucks and carts within the Customs premises.

Conditions of grant of drawback.

Full duty on re-imported goods, on which drawback has been paid.

All bonds and other securities entered into valid.

Bonds of minors are valid.

How bonds put in suit.

Chief of Customs may give certificates of cargo landed, damaged, &c. &c.

The Governor may make rules for governing and controlling porters, coolies, cartmen, &c. within the Customs premises.

Burden of proof of due entry, on whom to lie.

163. The burden of proof that the proper duties payable with respect to any goods have been paid, and that all requirements of this Ordinance with regard to the entries of any goods or otherwise have been complied with and fulfilled, shall in all cases, lie upon the person whose duty it was to comply with and fulfil the same.

Boats, lighters, &c., conveying goods to and from ship to be registered.

164. All boats, lighters, or other craft used in loading or unloading or shipping any goods from or to any ship in any port shall be properly registered and marked in such manner as may from time to time be prescribed by the Port Authority.

Attendance of the Customs Constables.

165. Whenever services of a Customs constable are required for watching shipment or otherwise at places other than those duly appointed, a fee of one Rupee for every six hours or part thereof shall be charged and such fees shall be paid into the Treasury of the Protectorate.

Penalty for not removing tar, pitch, or other article of combustible or dangerous nature.

166. If the importer, consignee, his agent or any person having charge of any article of a combustible or dangerous nature shall suffer the same to remain in the Customs premises beyond the space of five working hours after he shall have been required by any Customs officer to remove the same therefrom, then and in every such case every person so offending shall for every such offence be liable to a fine not exceeding fifteen Rupees and not less than three Rupees for every hour that any of the said articles or goods shall be or remain in the place aforesaid after the expiration of the said five working hours.

All goods imported or exported shall be liable to cramage and other charges.

167. Goods which are exempt from Customs duty shall, upon importation or exportation by sea or land, be liable equally with all other goods to the payment of rent, cramage or any other charges that may be due under this or any other Ordinance.

Application of Export duty.

168. The valuation for duty on goods exported shall be that at the time when an export declaration is made and duty paid thereon.

Refund of duty allowed on goods not landed.

169. When import duty has been paid on any goods and such goods have not been actually imported, it shall be lawful for the Chief of Customs to refund the duty in respect thereof.

Payment of duty short levied or erroneously refunded.

170. When the Customs charges or duties have been short levied through inadvertence, error, or misconstruction on the part of Customs Officers or through misstatement as to value, quantity, or description on the part of the owner, or when any such duty or charge, after having been levied, has been owing to any such cause, erroneously refunded, the person chargeable with the duty or charge so short levied, or to whom such refund has erroneously been made, shall pay the deficiency or repay the amount paid to him in excess, on demand being made; and the Customs Officers may refuse to pass any goods belonging to such person until the said deficiency or excess be paid or repaid.

No refund of charges erroneously levied or paid, unless claimed within six months.

171. No Customs duties or charges which have been paid, and of which repayment wholly or in part is claimed in consequence of the same having been paid through inadvertence, error, or misconstruction, shall be returned, unless such claim is made within six calendar months from the date of such payment.

Crown goods or goods exempted from duty to be liable thereto when sold.

172. (1) All goods which have been imported free of duty on the grounds that they are the property of the Crown, or of an officer of the Government or of any Company, firm or individual privileged by contract or otherwise to import such goods free of duty, shall in case of the sale thereof, be liable to, and be charged with, the same duties as may be payable on the importation of similar goods not being the property of the Government or of such officer, company, firm or individual.

Valuation and Customs duty on postal parcels.

(2) The officer of a Public Department in whose charge such goods may be sold, or whoever shall cause such goods to be sold, shall furnish the Chief of Customs with particulars of the sale thereof, and out of the proceeds of the same pay to the said Chief of Customs the duties which may be due thereon.

Duty on goods exported by parcel post.

173. On arrival of any postal parcels from a foreign port, the Postmaster General shall not deliver such parcels until the Customs duty payable thereon has been received.

174. The Postmaster General shall not deliver any postal parcels intended for transmission by Foreign or Colonial parcel post containing any article liable to duty, unless accompanied by a Customs pass showing that the Customs duty has been paid thereon.

Certificate from the Government of Italian East Africa for goods transhipped to River Steamers and Barges, from Gato for exportation from Kisumu.

Ship's Name	Whether British or Foreign, if Foreign the Country	Master's Name	Port or Place of destination	
No	Numbers	Number of packages, quantities and description of goods	Country of origin	Value

I hereby certify that the within mentioned goods have been shipped at this port for transhipment to S.S. and exportation at Kisumu.

My hand, this ... day of ... 19...

..... Italian Resident
(Or other Proper Officer)

INSTR. No. 267
The Director, Jubel, 10.11.1911

Secretariat No. 188

The Honourable

The Acting Chief Secretary,

Nairobi,

Anglo-Italian Commission on the Juba River
Customs

With reference to Mr. Bean's Minute No. 2465/11/08 of the 2nd November 1911 I have to report that I met the Director of Customs of Italian East Africa at Kisumu on the 20th instant.

The Provincial Commissioners of Jubaland and Guimbo (Italian) asked that they might be present at our meeting, and their request was granted.

I attach a note of matters discussed, a copy of which was forwarded to Chevalier Baccari, the Provincial Commissioner of Italian East Africa. At the meeting

the meeting Chevalier Baccari who speaks English appeared to take the leading part as representing the Italians, only consulting Chevalier Fossi on technical matters.

After the receipt by Chevalier Baccari of my letter of the 21st instant, a copy of which is enclosed, we again met and the Italians signified their agreement with the record of the matters discussed and their willingness to accept the proposals and conditions set forth therein.

C. & D.

I attach copies of the instructions issued to the Customs Superintendent at Juba and Customs the 3rd January 1910 referred to in my letter to Chevalier Baccari and a re-draft of those

E.

instructions in which I have embodied the new conditions agreed on as I stated in my letter to Chevalier Baccari would be necessary, and which I think may now be put forward by this Government as the final proposal for governing the transit and transshipment trade in Jubaland.

With

With regard to the Bonding privileges provided for it may be remembered that goods for the British side of the river should pay rent and those for the Italian side of the river should be exempt, but it was the only way I could think of preventing the clashing of the arrangements proposed with Section 80 of the Customs Ordinance 1910, which provides for a yearly rental for private bonded warehouses of £.30.

You will observe that directly the barges are used by the people on our side of the river they become British Bonded Warehouses and we are entitled to charge rent. They therefore cannot be said to be private licensed warehouses. I think the rates ought to be nominal, say half the rates fixed for bonded goods in the rest of the Protectorate and published at page 585 of the Official Gazette of the 1st October 1910. As we are to have the trouble of collecting the fees it is fair we should retain a moiety. The cost of supply and maintenance of the barges will fall on the Italians.

Ed. W. Major
Chief of Customs

Custom House

1st April 1912.

9a 13/5/02
 Cap. 13/5/02
 13 May 02

C.	0
R.	11
D.	11

Hand 15897

DRAFT.

The U.S. of
 Foreign Office

Sir
 With ref^e to the to form!

this Dept. of the book 9th of

(on 24/5/02) Aug. last, having to transmit

to you, further information of

has Sir E. Grey, the accompany

top sole dep. with its emble

from the O.A.G. of the C.A.B. & to

request you to inform Sec^r

Sir E. Grey, that ^{he} ~~Mr. H.~~ is

prepared to approve of the

agreement which has been

examined at by the authorities of

MINUTE.

- Mr. Venning 195
- Mr. Butler
- Sir G. Fiddes
- Sir H. Just
- Sir J. Anderson
- Lord Emmott
- Mr. Harcourt

OAG 706
 Call emble

316 31 May

To Secy of State in
Somaliland in ^{report} respect to
the requirements of Resolution
2 of the Juba River Boundary
Commission.

2. Mr H. would be glad
if Sir E. Grey would ascertain
whether the Italian Govt
approve of the agreement.

Yours
H. H. H.

H. H. H.