ANNO QUINTO

GEORGII IV. REGIS.

****

CAP. I.

An Act to indemnify all Persons concerned in advising, issuing, or acting under a certain Order in Council, for regulating the Tonnage Duties on certain Foreign Vessels; and to amend an Act of the last Session of Parliament, for authorizing His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in any Foreign Vessels.

[5th *March* 1824.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Vessels from Pilotage*, His Majesty is authorized, by and with the Advice of His Privy Council, or by His Majesty's Order or Orders in Council, whenever it shall be deemed expedient, and under the Provisions in the said Act contained, to levy and charge any additional Duty or Duties of Customs upon any Goods, Wares, or Merchandize, imported into the United Kingdom, or into any of His Majesty's Dominions, in Vessels belonging to any Foreign Country, in which higher Duties shall have been levied upon Goods, Wares, 4 G. 4. c. 77.

or Merchandize, when inported into such Foreign Country in *British* Vessels, than are levied or granted upon similar Goods, Wares, or Merchandize, when imported in Vessels of such Country; provided that such additional Duties shall not be of greater Amount than may be deemed fairly to countervail the Difference of Duty paid or granted on Goods, Wares, or Merchandize, imported into or exported from such Foreign Country in *British* Vessels, more than the Duties there charged upon similar Goods, Wares, or Merchandize, imported into or exported from such Foreign Country in Vessels of such Country: And whereas His Majesty, by and with the Advice of His Privy Council, since the passing of the said recited Act, has been pleased to order, that there should be charged on all Vessels of the United States of *America*, which should enter any of the Ports of His Majesty's Possessions in *America* or the *West Indies*, with Articles of the Growth, Production, or Manufacture of the said States, a Tonnage Duty equal (as nearly as may be) to the Difference between the Tonnage Duty payable by Vessels of the United States, and the higher Tonnage Duty payable by *British* Vessels entering any of the Ports of the said United States from any Ports of His Majesty's Dominions in *America* or the *West Indies*; and by the said Order in Council, the Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* were required to give the necessary Directions accordingly: And whereas such Tonnage Duty hath been, and may be levied and paid upon and in respect of such Vessels accordingly: And whereas Doubts have arisen how far the Provisions of the said recited Act extend to the levying, by the Authority of the said Order in Council, additional Tonnage Duties upon the Vessels aforesaid; and it is expedient that all Proceedings under the said Order in Council should be sanctioned by Parliament; and that all Persons concerned in advising, issuing, or carrying the same into Execution, should be respectively indemnified: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such Order in Council, and any Directions or Warrants of the said Commissioners of His Majesty's Treasury accordingly, shall be deemed and taken to be good and valid in Law, to all Intents and Purposes whatever, as if the same had been specifically authorized by the said recited Act; and that all Persons concerned in advising, issuing, or carrying into Execution such Order in Council, or in issuing, giving, or advising any such Directions or Warrants, and also all Persons having acted, or who may act under, or in pursuance of, or in obedience to any such Order, Direction, or Warrant, shall be and they are hereby respectively indemnified for and on account of the same, and of any Act or Thing done in pursuance of, or in obedience to, or in conformity with any such Order, Direction, or Warrant as aforesaid, as fully and effectually, to all Intents and Purposes whatsoever, as if any such Order, Direction, or Warrant had been given, and such Acts, Matters, and Things had been done, in pursuance of any Act or Acts of Parliament; any thing in the said recited Act, or in any other Act or Acts of Parliament to the contrary thereof in anywise notwithstanding.

Order in Council for regulating certain Tonnage Duties declared valid, and Persons indemnified for acting under the same.

II. And

Actions to be stayed.

II. And be it further enacted, That if any Action, Suit, or Prosecution hath been or shall be commenced against any Person or Persons, for any Act, Matter, or Thing advised or done under such Order in Council, or under any such Directions or Warrants as aforesaid, it shall and may be lawful for the Defendants or Defenders in such Actions, Suits, or Prosecutions respectively, in whatever Courts such Actions, Suits, or Prosecutions shall have been commenced, to apply to such Court or Courts respectively, to stay all Proceedings therein respectively, by Motion in a summary Way; and such Court or Courts are hereby required to make Order for that Purpose accordingly; and the Court or Courts making such Order shall award and allow to the Defendant or Defenders respectively Double Costs of Suit, for which they shall respectively have the like Remedy as in Cases where Costs are by Law given to Defendants or Defenders

His Majesty by Order in Council may direct additional Tonnage Duties to be levied on Vessels belonging to Countries where higher Tonnage Duties are imposed on British Vessels than on Vessels of such Countries.

III. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for His Majesty, by and with the Advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from Time to Time in the *London* Gazette (whenever it shall be deemed expedient), to levy and charge any additional or countervailing Duty or Duties of Tonnage, upon or in respect of any Vessels which shall enter any of the Ports in the United Kingdom of *Great Britain* and *Ireland*, or in any of His Majesty's Dominions, and which shall belong to any Foreign Country in which any Duties of Tonnage shall have been or shall be levied upon or in respect of *British* Vessels, entering the Ports of such Country, higher or greater than are levied or granted upon or in respect of the Vessels of such Country: Provided always, that such additional or countervailing Tonnage Duties, so to be levied and charged as aforesaid, shall not be of greater Amount than may be deemed fairly to countervail the Difference of Duty paid in such Foreign Country upon or in respect of the Tonnage of *British* Vessels, more than the Duty there charged or granted upon or in respect of the Vessels of such Country.

His Majesty by Order in Council may authorize the Entry of Foreign Vessels on Payment of like Tonnage Duties as on British Vessels, upon certain Proof.

IV. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for His Majesty, by and with the Advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from Time to Time in the *London* Gazette, to permit and authorize the Entry into any Port or Ports of the United Kingdom of *Great Britain* and *Ireland*, or of any other of His Majesty's Dominions, of any Foreign Vessels, upon Payment of such and the like Duties of Tonnage only as are or may be charged or granted upon or in respect of similar *British* Vessels: Provided always, that before any such Order or Orders shall be issued, satisfactory Proof shall have been laid before His Majesty and His Privy Council, that Vessels of the Foreign Country, in whose Favour such Permission shall be granted, are charged with no other or higher Tonnage Duties on their Entrance into the Ports of such Foreign Country, than are levied on the Entry into such Ports upon the Vessels of such Country.

Duties to be levied as Duties of Customs.

V. And be it further enacted, That such additional or countervailing Tonnage Duties shall be levied, recovered, and applied, in such and the like Manner as any Duties of Customs are now by Law levied, recovered, and applied.

Duties may be removed, or again imposed.

VI. And be it further enacted, That His Majesty, by and with the Advice of His Privy Council, or by any Order or Orders in Council, as aforesaid, is hereby empowered to remove or again to impose any such additional or countervailing Tonnage Duties, whenever it shall be deemed expedient so to do.

Act may be altered this Session.

VII. Provided always, and be it enacted, That this Act may be altered, varied, or repealed, by any Act or Acts of this present Session of Parliament.

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