

ANNO SEPTIMO

GEORGII IV. REGIS.

Sess. 2.

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CAP. III.

An Act to confirm an Order in Council for allowing the Importation of Foreign Oats, Oatmeal, Rye, Pease, and Beans; to indemnify all Persons who have advised or acted in execution of the same; and to permit the Importation of such Articles until the Fifteenth Day of *February* One thousand eight hundred and twenty-seven.

[13th *December* 1826.]

Order in Council of 1st Sept. 1826.

WHEREAS, on the First Day of *September* in this present Year One thousand eight hundred and twenty-six, His Majesty, with the Advice of His Privy Council, was pleased to make a certain Order in Council, whereby, after reciting that by the Laws now in force for regulating the Importation of Corn, Oats and Oatmeal might be imported into the United Kingdom, and into the *Isle of Man*, for Home Consumption, under and subject to the Regulations of the several Statutes in that Case made and provided, whenever the Average Price of Oats (to be ascertained in the Manner therein prescribed) should be at or above the Price of Twenty-seven Shillings the Quarter; and Pease might in like Manner be imported whenever the Price shall be at or above Fifty-three Shillings the Quarter; and further reciting, that by a certain

Act of Parliament made and passed in the Third Year of His present Majesty's Reign, intituled *An Act to amend the Laws relating to the Importation of Corn*, it is enacted, that whenever Foreign Corn, Meal or Flour, shall be admissible under the Provisions of an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Law now in force for regulating the Importation of Corn*, or under the Provisions of the said Act passed in the Third Year of His present Majesty, there should be levied and paid certain Duties, therein specified, upon all such Foreign Corn, Meal or Flour, when admitted for Home Consumption; and further reciting, that by the Weekly Returns of Purchases and Sales of Corn made by the several Inspectors of Corn Returns in the Cities and Towns of *England* and *Wales*, to the Receiver of Corn Returns, it appeared that the Average Price of Oats, and also the Average Price of Pease, at the then present Time, exceeded the before-mentioned Prices of Twenty-seven Shillings and Fifty-three Shillings *per* Quarter; and further reciting, that from Information which had on that Day been laid before His Majesty, it appeared that the Price of Oats, as well as that of Pease, was still rising, and that the Crop of Oats, and also the Crops of Pease and Beans of the present Year, had failed to a considerable Extent, and that a Deficiency in the Crop of Potatoes was also apprehended in some Parts of the United Kingdom; and that if the Importation for Home Consumption, of Oats and Oatmeal, and of Rye, Pease, and Beans, were not immediately permitted, there was great Cause to fear that much Distress might ensue to all Classes of His Majesty's Subjects; and further reciting, that under the Acts aforesaid no Foreign Grain of the above Description, whatever might be the respective Average Prices of the same, could be admitted to Entry for Home Consumption till after the Fifteenth Day of *November* in the present Year, when the next Quarterly Average, by which the Admission of such Grain is regulated, would be made up, according to the Provisions of the said Acts; His Majesty, with the Advice of His Privy Council, did order, and it was thereby accordingly ordered, that Foreign Oats and Oatmeal, Rye, Pease, and Beans, whether warehoused or otherwise, should and might, from the Date of the said Order in Council, be permitted to be entered in the Ports of the United Kingdom and of the *Isle of Man* for Home Consumption, provided the Parties making Entry of any such Foreign Oats, Oatmeal, Rye, Pease, or Beans, should give Bond, with sufficient Sureties, to the Satisfaction of the Commissioners of His Majesty's Customs, for the Payment of any Duties, not exceeding in Amount the Duties therein-after mentioned, in case Parliament should authorize the Levy and Receipt thereof; that is to say, Oats, *per* Quarter, Two Shillings; Oatmeal, *per* Boll, Two Shillings and Two-pence; Rye, Pease, and Beans, *per* Quarter, Three Shillings and Sixpence; and His Majesty, by and with the Advice aforesaid, did thereby further order, and it was accordingly ordered, that such Permission to enter Oats and Oatmeal, Rye, Pease, and Beans, for Home Consumption, on the Conditions aforesaid, should continue in force from the Date thereof until the Expiration of Forty Days, to be reckoned from the Day of the next Meeting of Parliament, unless the Parliament should previously to the Expiration of the said Forty

Days make Provision to the contrary: And whereas it is expedient that all Persons advising or issuing the said Order in Council, and all Persons who have acted under or in obedience to the same, should be 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 the said Order in Council shall be and be deemed valid and of due Force in Law; and that all personal Actions and Suits, Indictments, Informations, and all Prosecutions and Proceedings whatsoever, which have been or shall be hereafter prosecuted or commenced against any Person or Persons, for having advised or issued or carried into Execution the said Order in Council, be, are, and shall be discharged and made void by virtue of this Act; and that if any Action or Suit shall be prosecuted or commenced against any Person or Persons, for or by reason of any Act, Matter, or Thing advised, commanded, appointed, or done, or forborne to be done, under or in relation to the said Order in Council, he, she, or they may plead the General Issue, and give this Act and the Special Matter in Evidence; and if the Plaintiff or Plaintiffs in any Action or Suit so to be prosecuted or commenced in *England* or *Ireland*, shall become nonsuit, or forbear further Prosecution, or suffer Discontinuance, or if a Verdict shall pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her, or their Double Costs, for which he, she, or they shall have the like Remedy as in Cases where the Costs by Law are given to Defendants; and if any such Action or Suit as aforesaid shall be commenced or prosecuted in that Part of *Great Britain* called *Scotland*, the Court before which such Action or Suit shall be commenced or prosecuted shall allow to the Defender the Benefit of the Discharge and Indemnity hereby provided, and shall further allow him his Double Costs of Suit in all such Cases as aforesaid.

Order in Council valid.

All Actions against Persons advising, &c. the same discharged.

Persons prosecuted may plead the General Issue.

Double Costs.

II. And be it also enacted, That if any Action or Suit hath been already commenced against any Person or Persons, for any such Act, Matter, or Thing so advised, commanded, appointed, or done, or forborne to be done, it shall and may be lawful for the Defendants or Defenders in such Actions or Suit respectively, in whatever Court in the United Kingdom of *Great Britain* and *Ireland* such Action or Suit shall have been commenced, to apply to such Court or Courts respectively, to stay all Proceedings thereon 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 allow and award to the Defendants or Defenders respectively Double Costs of Suit, for which they shall respectively have the like Remedy as in Cases where the Costs are by Law given to Defendants or Defenders.

Defendants may apply to the Court to stay Proceedings in Actions.

III. And be it further enacted, That the several Duties of Customs, for the Payment of which Bond hath been given under and in pursuance of the said Order in Council, shall be paid and payable to His Majesty at and after the Rates mentioned and required in and by the said Order in Council; and that all Bonds made and executed for securing the Payment of such Duties shall to all Intents and Purposes

Duties to be paid at the Rates required by the Order in Council.

Bonds declared valid.

Purposes be as valid and effectual in the Law as if the same had been made and executed by and under the Authority of an Act of Parliament requiring the same.

Importation of Foreign Oats, &c. allowed until 15th Feb. 1827, on Payment of Duty.

IV. And whereas it is expedient, pursuant to the Provisions of the said Order in Council, to permit the Importation of the several Articles aforesaid, until the Expiration of Forty Days, to be reckoned from the Day of the Commencement of the present Session of Parliament, and still further to permit such Importation for a limited Time; be it therefore enacted, That it shall and may be lawful during the said Period of Forty Days, and from thenceforward until the Fifteenth Day of *February* One thousand eight hundred and twenty-seven, to enter and import for Home Consumption, in any of the Ports of the United Kingdom and of the *Isle of Man*, Foreign Oats, Oatmeal, Rye, Pease, or Beans, upon and subject to the Payment of the several Duties of Customs mentioned in and by the said Order in Council; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

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