

ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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CAP. III.

An Act to confirm an Act of the Legislature of *Van Diemen's Land* for authorizing the Levy of certain Duties of Customs and on Spirits.

[15th *March* 1842.]

WHEREAS, in pursuance of the Powers and Authorities vested in the Lieutenant Governor of *Van Diemen's Land* by an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, for authorizing the Levy of Duties in *New South Wales*, and by another Act passed in the Third Year of the Reign of King *George* the Fourth, for continuing and amending the Provisions of that Act, a Proclamation was made and issued by his Excellency Colonel *George Arthur*, Lieutenant Governor of the Island of *Van Diemen's Land* and its Dependencies, bearing Date the Fourth Day of *February* in the Year One thousand eight hundred and twenty-nine, for the imposing and levying of certain Rates and Duties of Customs, and a certain Rate or Duty on Spirits distilled within the Colony: And whereas by an Act passed in the Ninth Year of the Reign of King *George* the Fourth the Two first-mentioned Acts were made perpetual, but it was by the last-men-

59 G. 3. c. 114.

3 G. 4. c. 96.

Proclamation of 4th February 1829.

9 G. 4. c. 83. ss. 26, 27.

mentioned Act provided that the Powers and Authorities by those Acts created should thenceforth be vested in and exercised by the Persons administering the Government of *New South Wales* and *Van Diemen's Land* respectively, with the Advice and Consent of their respective Legislative Councils: And whereas the said Lieutenant Governor, being the Person then administering the Government of *Van Diemen's Land*, did, by an Act passed, with the Advice of the Legislative Council of *Van Diemen's Land*, on the Second Day of *January* in the Year One thousand eight hundred and thirty-four, intituled *An Act to confirm and continue certain Duties of Customs and Duties on Spirits*, declare that the said Proclamation of the Fourth Day of *February* One thousand eight hundred and twenty-nine, and every Provision therein contained, should be confirmed and established: And whereas Doubts have been entertained whether such Confirmation was of Force to make good in Law the said Proclamation, and the levying of the Duties thereby ordered to be levied, before the passing of the said Act of the Colonial Legislature: And whereas it is expedient to remove such Doubts: Be it declared and enacted by the Queen'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 Proclamation, and every Provision therein contained, shall be holden good in Law, and taken to be of the same Force as if the same had been made on the Fourth Day of *February* in the Year One thousand eight hundred and twenty-nine, by the said Lieutenant Governor, with the Advice of the Legislative Council of *Van Diemen's Land*.

Colonial Act, 2d Jan. 1834.

Proclamation confirmed.

Indemnity for levying Rates or Duties under the Proclamation.

II. And be it enacted, That no personal Action or Suit, Indictment, Information, Prosecution, or Proceeding whatsoever, shall be prosecuted or commenced against any Governor or Lieutenant Governor of *Van Diemen's Land*, or against any Person or Persons, for having advised, commanded, or carried into execution any Orders for the Levy of any Rate or Duty in the said Colony ordered by the said Proclamation previous to the Second Day of *January* in the Year One thousand eight hundred and thirty-four; and that if any Action or Suit, Indictment, Information, or any other Proceeding, shall be prosecuted or commenced against any Person or Persons, by reason of any thing so advised, commanded, appointed, or done, it shall be lawful for the Defendant in any such Action, Suit, Indictment, or Information as aforesaid to apply to the Court in which such Action shall be brought, during the Sitting of such Court, or to any Judge of such Court during Vacation, for Stay of Proceedings, and such Court and such Judge respectively shall stay such Proceedings accordingly.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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