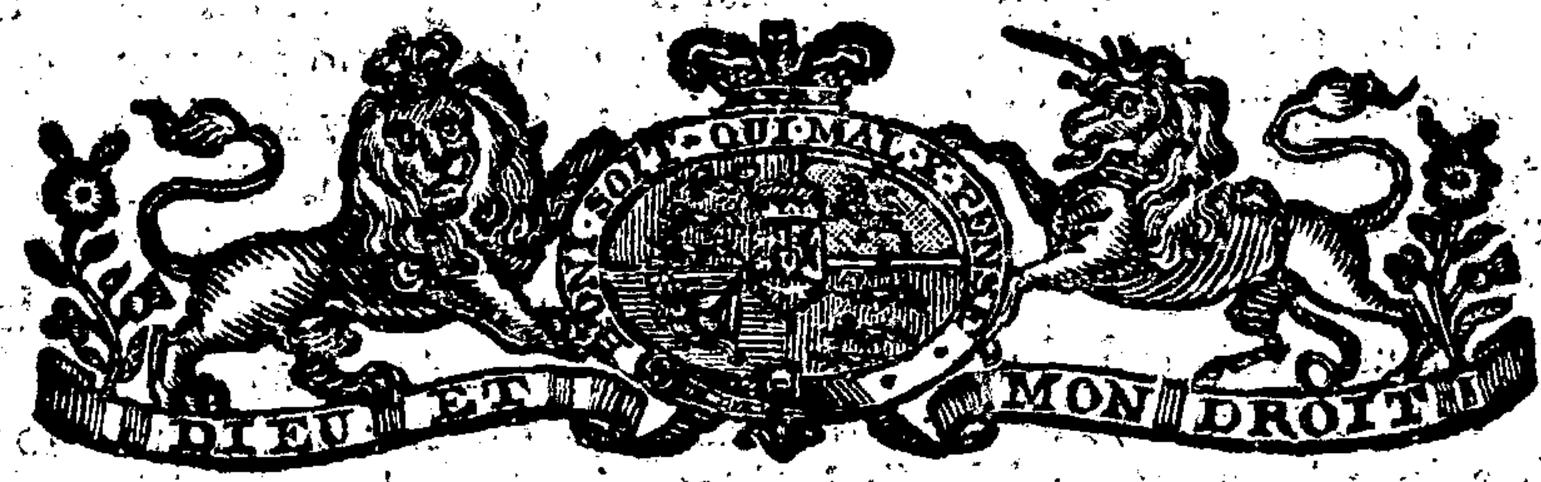

ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 201.

An Act to amend an Act of the Forty-ninth Year of His present Majesty, for erecting a new Gaol and House of Correction, and new Court Houses for the County Palatine of *Durham*, and making an equal County Rate for those Purposes.

[26th *June* 1811.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His present Majesty, intituled, *An Act for erecting a new Gaol and House of Correction, and new Court Houses in and for the County Palatine of* Durham, *and purchasing proper Scites for the same, and for disposing of the old Gaol and House of Correction, and Court Houses there, and making an equal County Rate for those Purposes:* And whereas under the Provisions of the said recited Act, the Expences of obtaining the same and carrying it into Execution will fall exclusively upon the Tenants or Occupiers of Lands and Tenements in the said County of *Durham*, which will be a great Burthen on them; and particularly in the Case of such Tenants or Occupiers as have no permanent Interest which may continue beyond the Period from which the Annual Rates and Taxes are thereby authorized to be imposed: It is therefore expedient that some of the Provisions therein contained should be altered and amended, and further and other Provisions made; but as such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's 49 G. 3.

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 from and immediately after the passing of this Act every Tenant or Occupier of any Messuages, Mills, Lands, Tenements, and Hereditaments, in any Parish, Town, Liberty, Precinct, Village, Hamlet, and Extra-parochial Place, and other Place within the said County of *Durham*, paying the Rate directed to be levied, assessed, and collected by the said recited Act, may deduct and retain out of the Rent payable to his or her Landlord for the Premises in respect of which such Rate is payable, the full Amount of Two-third Parts of all and every Sum and Sums of Money so paid; it being the Intent and Meaning of this Act, that Two-third Parts of such Rate shall be borne by the Landlord, and the remaining Third Part only by the Tenant; and every Landlord and Owner of such Messuages, Mills, Lands, Tenements, and Hereditaments shall and are hereby required to allow and make such respective Deductions and Payments accordingly; and every such Tenant paying or having levied upon him or her such Parts of the said Rates or Assessments as are herein-before directed to be borne by the Landlord, shall be and is hereby acquitted and discharged of and from so much Money as the same shall amount unto, as fully and effectually as if the same had been actually paid to any such Landlord or Landlords in Part of the Rent due from such Tenant, any Thing in the said recited Act to the contrary thereof in anywise notwithstanding.

Rates divided between Landlords and Tenants, &c.

II. Provided always, and be it further enacted, That in all Cases where the Messuages, Mills, Lands, Tenements, or Hereditaments held or occupied by any Tenant or Occupier have been or shall be charged or assessed in or to the Special County Rate or Rates, directed to be levied and collected under the Provisions of the said recited Act, at a higher Amount or Value than the Rent or Rents actually and *bonâ fide* paid or payable, or agreed to be paid or payable to his or her Landlord or Landlords thereof for the Time being, the Deduction or Allowance in and by this Act directed to be made by every such Landlord or Landlords, shall as to the Quota or Proportion of such Landlord or Landlords thereof, be calculated upon the Amount of the Rent or Rents actually and *bonâ fide* paid or agreed to be paid to him, her, or them; and in all such Cases as last aforesaid, the Rest of every such Rate or Rates exceeding and over and above the Rent or Rents actually and *bonâ fide* paid or agreed to be paid to the Landlord or Landlords as aforesaid, shall be wholly borne and paid, and discharged by every such Tenant or Occupier of the Hereditaments and Premises assessed or to be assessed at a higher Rate than the Rent actually and *bonâ fide* paid or payable by him or her as herein-before mentioned.

Where Landlords assessed at a higher Sum than the reserved Rents, the Proportions to be made according to the Rent.

III. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abrogate, or otherwise affect in any respect whatsoever any Covenant or Agreement, or any Lease or Demise, whether written or parol, which shall have been made or entered into by or between or on the Behalf of any Landlord or Tenant, or Occupier of any Messuages, Mills, Lands, Tenements, or Hereditaments within the said County of *Durham*, since the passing of the said recited Act, expressly relating to the special County Rates directed to be levied, assessed, or collected by the said recited Act, but that every such Lease, Covenant,

Act not to affect any Agreements between Landlord and Tenant.

and Agreement shall, during the Subsistence or Continuance thereof, remain and be of the same Force, Validity, and Effect between the respective Parties thereto, to all Intents and Purposes whatsoever as if this Act had not been made.

IV. And be it further enacted, That the said recited Act, and all and every the Clauses, Powers, Provisions, Orders, Regulations, Matters and Things therein contained (except such Parts thereof as are hereby altered, varied, or amended) shall be and the same is and are hereby declared to be in full Force and Effect, and shall be as good, valid, and effectual for carrying this Act into Execution, in as full, ample, and beneficial a Manner to all Intents and Purposes whatsoever as if the same had been repeated and re-enacted in the Body of this Act. Powers of former Act confirmed, except as here altered.

V. Provided always, and be it enacted, That all the Costs, Charges, and Expences preparatory to or attending the obtaining and passing of this Act, and the Costs, Charges, and Expences of carrying the several Purposes thereof into Execution, shall be borne and defrayed by the said County of *Durham*, and shall be paid and discharged by and out of the Rates assessed and raised, or to be assessed and raised within and for the said County, under or by virtue of the said recited Act. Expences of the Act.

VI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1811.