ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

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C A P. LXXIV.

An Act for the more easy Recovery of Tithes. [9th *September* 1835.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of King *William* the Third, intituled *An Act for the more easy Recovery of Small Tithes,* 7 & 8 W. 3. c. 6. whereby it was amongst other Things enacted, that Two or more of His Majesty's Justices of the Peace were authorized and required to hear and determine Complaints touching Small Tithes, Oblations, and Compositions substracted or withheld, not exceeding Forty Shillings: And whereas an Act was passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of Ecclesiastical Courts in* England, 53 G. 3. c. 127. *and for the more easy Recovery of Church Rates and Tithes,* whereby the Jurisdiction of the said Justices was extended to all Tithes, Oblations, and Compositions substracted or withheld, where the same should not exceed Ten Pounds in Amount from any One Person: And whereas by an Act of the Seventh and Eighth Years of the Reign of King *William* the Third, Chapter Thirty-four, Provision is made for the Recovery of Great and Small Tithes (not exceeding the Amount of Ten Pounds) due from Quakers, by Distress and Sale, under the Warrant of Two Justices: And whereas by an Act of the First Year of the Reign of King *George* the First, Chapter Six, the Provisions of the said last-mentioned Act were extended, in the Case of Quakers, to all Tithes or Rates, and Customary Rights, Dues, and Payments belonging to any Church or Chapel: And whereas by the said recited Act of the Fifty-third Year of the Reign of King *George* the Third

the aforesaid Provisions in relation to Quakers were amended, and were also made applicable to any Amount not exceeding Fifty Pounds: And whereas by an Act of the Parliament of *Ireland* of the Seventh Year of the Reign of King *George* the Third, Chapter Twenty-one, amended and extended by an Act of the Parliament of the United Kingdom of the Fifty-fourth Year of the Reign of King *George* the Third, Chapter Sixty-eight, similar Provisions are in force in *Ireland* for the Recovery, from Quakers, of Great and Small Tithes, and Customary and other Rights, Dues, and Payments belonging to any Church or Chapel, not exceeding the Amount of Fifty Pounds: And whereas it is highly expedient, and would further tend to prevent Litigation, if, in the Cases and with the Exceptions hereinafter mentioned, all Claimants were restricted to the respective Remedies provided by the said recited Acts: 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 from and after the passing of this Act no Suit or other Proceeding shall be had or instituted in any of His Majesty's Courts in *England* now having cognizance of such Matter for or in respect of any Tithes, Oblations, or Compositions withheld, of or under the yearly Value of Ten Pounds (save and except in the Cases provided for in the Two first-recited Acts), but that all Complaints touching the same shall, except in the Case of Quakers, be heard and determined only under the Powers and Provisions contained in the said Two first-recited Acts of Parliament in such and the same Manner as if the same were herein set forth and re-enacted; and that no Suit or other Proceeding shall be had or instituted in any of His Majesty's Courts either in *England* or *Ireland* now having cognizance of such Matter, for or in respect of any Great or Small Tithes, Moduses, Compositions, Rates, or other Ecclesiastical Dues or Demands whatsoever, of or under the Value of Fifty Pounds, withheld by any Quaker either in *England* or *Ireland*; but that all Complaints touching the same, if in *England*, shall be heard and determined only under the Powers and Provisions contained in the said recited Acts of the Seventh and Eighth Years of King *William* the Third, Chapter Thirty-four, and the Fifty-third Year of King *George* the Third; and, if in *Ireland* under the said recited Act of the Parliament of *Ireland*, of the Seventh Year of King *George* the Third, and the said recited Act of the Fifty-fourth Year of King *George* the Third, in the same Manner as if the same were herein set forth and re-enacted: Provided always, that nothing herein-before contained shall extend to any Case in which the actual Title to any Tithe, Oblation, Composition, Modus, Due, or Demand, or the Rate of such Composition or Modus, or the actual Liability or Exemption of the Property to or from any such Tithe, Oblation, Composition, Modus, Due, or Demand shall be *bonâ fide* in Question, nor to any Case in which any Suit or other Proceeding shall have been actually instituted before the passing of this Act.

Proceedings for the Recovery of Tithes under 10*l.* (except in the Case of Quakers) shall be had only under the Powers of the Two first-recited Acts.

Proviso.

II. And be it enacted, That in case any Suit or other Proceeding has been prosecuted or commenced, or shall hereafter be prosecuted or commenced, in any of His Majesty's Courts in *England* or *Ireland*, for

Manner of recovering Tithes due from Quakers.

for recovering any Great or Small Tithes, Modus or Composition for Tithes, Rate or other Ecclesiastical Demand, substracted, unpaid, or withheld by or due from any Quaker, no Execution or Decree or Order shall issue or be made against the Person or Persons of the Defendant or Defendants, but the Plaintiff or Plaintiffs shall and may have his Execution or Decree against the Goods or other Property of the Defendant or Defendants; and in case any Person now is detained in Custody in *England* or *Ireland* under any Execution or Decree in such Suit or Proceeding, the Sheriff or other Officer having such Person in his Custody shall forthwith discharge him therefrom; and the Plaintiff or Plaintiffs in such Suit or Proceeding shall and may, notwithstanding such Discharge, issue any other Execution or take any other Proceeding for recovering his Demand and his Costs out of the Property, Real or Personal, of the Person so discharged.

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