CHAPTER xciii.

An Act for the Settlement of Tithes in the Parish of Christ Church Newgate Street, in the City of London. A.D. 1879.

[3d July 1879.]

WHEREAS the mayor and commonalty and citizens of the city of London, governors of the House of the Poor commonly called Saint Bartholomew's Hospital, near West Smithfield, London, of the foundation of King Henry the Eighth (herein-after called "the hospital"), are or claim to be seized of the impropriate rectory and tithes of the parish of Christ Church Newgate Street, in the city of London, and to be entitled by virtue of the Act passed in the thirty-seventh year of the reign of King Henry the Eighth, intituled "An Act for tithes in London," and of the decree made in pursuance thereof, which is printed in the Statutes at Large, to tithes or sums of money in lieu of tithes at the rate of two shillings and ninepence in the pound on the rent or value of all the houses in the said parish: 37 Hen. 8. c. 12.

And whereas differences have arisen as to the amount of such tithes, and for settlement thereof it is expedient that the tithes or sums of money in lieu of tithes in the said parish should be commuted into a fixed annual sum:

And whereas it is expedient that the commutation aforesaid shall be made binding and be carried into effect:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it 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, as follows:

1. This Act may be cited as the Christ Church (City) Tithe Act, 1879. Short title.

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Interpretation of terms.

2. In this Act the term "churchwardens" means and includes the churchwardens of the said parish, the overseers of the poor thereof, or other the persons, if any, for the time being authorised to make and levy or cause to be made and levied the rates for the relief of the poor of the said parish; and the term "poor rates" means the last-mentioned rates; and the term "governors of the said hospital" means the governing body for the time being of the hospital; and the term "house" shall include shop, warehouse, cellar, stable, and every other kind of building, unless there be something in the subject or context repugnant to such respective constructions.

Hospital to accept annual sum of money in lieu of tithes.

3. On the passing of this Act all tithes and sums of money in lieu of tithes whatsoever arising or growing due in the said parish shall, as from the twenty-ninth day of September one thousand eight hundred and seventy-eight, cease and be extinguished, and the hospital shall as from that day accept and receive, in lieu and satisfaction of the tithes and sums of money in lieu of tithes to which they would have been entitled if this Act had not passed, the annual sum of one thousand eight hundred pounds, which shall be levied and collected by the hospital on and from the persons by law rateable to poor rates in the said parish in respect of the houses by law rateable to poor rates, and also on the occupiers of such other houses, if any, in the said parish as are not by law rateable to poor rates, and shall be assessed as to the houses rateable to poor rates on the annual rateable value of those houses as ascertained by the valuation or assessment for the poor rates, and as to the houses not rateable to poor rates according to their net annual value.

As to basis upon which value of rateable property is to be determined. 32 & 33 Vict. c. 67.

4. The amounts payable by each tithepayer in respect of the said annual sum of one thousand eight hundred pounds shall, for the purpose of determining the value on which his property is to be rated to the poor rate, be treated as if the same were tithe commutation rentcharge, and were included in the fourth section of the Valuation (Metropolis) Act, 1869.

Exemptions, &c. from tithes not to apply to tithe rate.

5. No owner or occupier of property in the said parish which is or in respect of which such owner or occupier claims that it is exempt from tithe, or liable only to a modus or other prescriptive or customary payment, shall be exempt from the payment of his proportion of the said annual sum, or liable only to such modus or prescriptive or customary payment; but every such owner or occupier shall pay to the hospital his proportion of the said annual sum, calculated on the rateable or net annual value of his property in the said parish, except that the vestry house adjoining the parish church of Christ Church Newgate Street, and the building adjoining

the said vestry house, which, with the ground floor of the said vestry house, is let upon lease to and is now in the occupation of George Thomas Robinson, shall be as heretofore for ever free from all liability to contribute any sum whatsoever towards the said annual sum of one thousand eight hundred pounds.

Governors to give up all claims against defendants in Chancery suit.

6. The governors of the said hospital shall, in consideration of the tithes and sums of money in lieu of tithes to which they would have been entitled if this Act had not passed being commuted into the said annual sum of one thousand eight hundred pounds, give up and renounce all claim against all and each of the defendants in the suit instituted in the Court of Chancery by bill of complaint filed on the tenth day of July one thousand eight hundred and seventy-three on behalf of the said hospital against Sir Benjamin Samuel Phillips and others, to the costs which the said defendants were ordered by the Master of the Rolls on the fourth day of November one thousand eight hundred and seventy-eight to pay to the said hospital.

Power to hospital to levy half-yearly rates.

7. For the purpose of raising the said annual sum of one thousand eight hundred pounds, the hospital shall from time to time, by virtue of and under the authority of this Act, make and levy in the said parish half-yearly pound rates, to be called Tithe Rates, and the amounts of such rate shall from time to time be such as will provide as nearly as practicable the said annual sum of one thousand eight hundred pounds.

Tithe rates to be governed by deficiency or surplus in rates collected in previous year.

8. In case the hospital shall in any year be unable to collect in respect of the said tithe rates the said sum of one thousand eight hundred pounds, or shall have collected more than the said sum, the excess or deficiency, as the case may be, shall be taken into account in fixing the tithe rate to be levied by them for the next succeeding year.

Powers, &c. of hospital in levying and collecting tithe rate.

9. For the purpose of levying and collecting the said tithe rates, the hospital shall be entitled to proceed in the same manner, and shall have the same powers, remedies, and privileges, as the churchwardens adopt and have in the levying of poor rates.

Appeal against assessment of tithe rate.

10. The said annual tithe rates shall be assessed and collected subject to the same provisions and rules of law as poor rates with respect to the appeal against any assessment made on property liable to poor rates.

Tithe rate to be paid half-yearly.

11. The governors of the hospital may levy and collect the said tithe rates necessary for providing the said annual sum as from the twenty-ninth day of September one thousand eight hundred and seventy-eight, and the whole amounts due in respect of such annual

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sum from such last-mentioned day up to the twenty-fifth day of March one thousand eight hundred and seventy-nine shall be paid within one month after the passing of this Act, and the subsequent annual sums shall be raised by equal half-yearly rates payable on the twenty-ninth day of September and the twenty-fifth day of March in each year, the first of such half-yearly rates to be payable on the twenty-ninth day of September one thousand eight hundred and seventy-nine.

Recovery of tithe rate and arrears thereof.

12. In every case in which any tithepayer shall refuse or neglect to pay or shall be in arrear in the payment of the assessed amount payable by him for twenty-one days after such herein-before appointed days of payment, it shall be lawful for any justice of the peace for the city of London, and he is hereby authorised and required, on application by the governors of the said hospital, to summon such tithepayer to show cause before himself or any other justice of the said city why the payment so in arrear has not been made, and after hearing the matter, if it shall appear that there is any payment so in arrear as aforesaid, it shall be lawful for such justice of the peace, and he is hereby authorised and required, by warrant under his hand and seal, to cause the payment in arrear, together with the costs occasioned by such arrear, to be levied and recovered from such tithepayer by the governors of the said hospital in like manner as moneys assessed for the relief of the poor would be recoverable, and the amount recovered shall be paid to the governors of the said hospital: Provided always, that the special remedies hereby given to the governors of the said hospital shall be in addition to and not in substitution for any other remedy or remedies to which they may be entitled for the purpose of enforcing payment by the tithepayers of the said parish of the said annual tithe rate.

As to lands belonging to the Post Office. 28 & 29 Vict. c. 87.

13. The provisions of this Act shall apply to all lands situate in the said parish purchased and taken by Her Majesty's Postmaster General in pursuance of the Post Office Extension Act, 1865, which were at the time of such purchase subject to tithes or sums of money in lieu of tithes in the said parish: Provided nevertheless, that such lands shall not be assessed to the said annual tithe rates at a higher rateable value than that at which they were assessed to poor rates at the time of the passing of the said Act.

Property belonging to Christ's Hospital to be treated as outside parish.

14. So far as relates to the provisions herein-before contained, all lands, messuages, buildings, area, and property now belonging to Christ's Hospital within the parish of Christ Church Newgate Street, and being within the walls of Christ's Hospital (all which lands, houses, buildings, area, and property are bounded by and included within the line coloured blue upon a plan signed by the

Right Honourable the Earl of Redesdale, Chairman of the Committees of the House of Lords, and which plan has been deposited in the office of the Clerk of the Parliaments), shall be considered and treated as not being within the said parish.

Terms on which Christ's Hospital to be tithe free.

15. On the passing of this Act all tithes and sums of money in lieu of tithes whatsoever arising or growing due in respect of the property of Christ's Hospital above referred to shall, as from the twenty-ninth day of September one thousand eight hundred and seventy-eight, cease and be extinguished, and the hospital shall as from that day receive the annual fixed sum of one hundred pounds, to be charged upon and issuing out of the property of Christ's Hospital above referred to (and notwithstanding any alteration thereof, or the building or erection of any new houses or buildings on the lands or on the sites of the existing buildings, area, or property above referred to), in lieu of and by way of commutation for all such tithes and sums of money. The said annual fixed sum of one hundred pounds shall be payable as from the twenty-ninth day of September one thousand eight hundred and seventy-eight, and the whole amount due in respect thereof up to the twenty-fifth day of March one thousand eight hundred and seventy-nine shall be paid within one month after the passing of this Act, and the subsequent annual sums of one hundred pounds shall be paid by equal half-yearly instalments on the twenty-ninth day of September and the twenty-fifth day of March, and shall be recoverable by distress, entry, or otherwise, as provided by the Act sixth and seventh William the Fourth, chapter seventy-one, intituled "An Act for the commutation of tithes in England and "Wales," and the several subsequent Acts of Parliament amending the same with regard to the rentcharge therein mentioned: Provided always, that the owners for the time being of Christ's Hospital above referred to may at any time, upon payment to Saint Bartholomew's Hospital of the sum of two thousand five hundred pounds, and of all arrears of the apportioned part of the said rentcharge of one hundred pounds accruing due up to the day of such payment, procure the same property to be wholly discharged from the said rentcharge of one hundred pounds, and the same shall thenceforward be discharged therefrom accordingly.

Freeing governors from liability to sustain priests.

16. It shall be lawful for the governors of the hospital, if they shall think fit, out of the said annual sum of one thousand eight hundred pounds to be received by them in accordance with this Act, to pay to the present or any future vicar of the said parish an annual sum not exceeding one hundred and fifty pounds, in addition to the annual stipend of forty pounds now paid to the said vicar by the said governors, and so long as such additional annual sum shall

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be so paid the said governors shall not be required to find and sustain five other priests to celebrate divine service in the church of the said parish, or to pay to them the yearly stipend of eight pounds, as provided by the charter constituting the hospital: Provided nevertheless, that nothing herein contained shall relieve the said governors from any such obligation as they may be subject to of paying the said yearly stipend of eight pounds to each one of the five priests now appointed to celebrate divine service in the said church in pursuance of the said charter so long as he shall hold such office.

Saving right of vicar to vicarial tithes.

17. Nothing herein contained shall in anywise prejudice or affect the right of the vicar for the time being of the said parish to the vicarial tithes to which such vicar is entitled under the Act passed in the twenty-second and twenty-third years of the reign of King Charles the Second, chapter fifteen, intituled "An Act for the "better settlement of the maintenance of the parsons, vicars, and "curates in the parishes of the city of London burnt by the late "dreadful fire therein," and under an Act passed in the forty-fourth year of the reign of King George the Third, chapter eighty-nine, intituled "An Act for the relief of certain incumbents of livings in "the city of London," or apply or be construed as applying to such vicarial tithe.

Arrears due at passing of Act not recoverable.

18. The hospital shall not be entitled to recover any tithes or sums of money in lieu of tithes now in arrear, or that would have been payable up to the twenty-ninth day of September one thousand eight hundred and seventy-eight if this Act had not been passed.

Governors to keep books of all moneys received under Act.

19. The governors of the hospital shall keep one or more books at the hospital, in which shall be made correct entries of all sums received by them in respect of the said annual sum of one thousand eight hundred pounds, and the date on which and the property in respect of which the same were received, and such book or books shall also contain correct entries of all the properties in the said parish on which the tithe shall have been redeemed under the powers contained in the London (City) Tithes Act, 1879, and of the exact amounts by which the said annual sum of one thousand eight hundred pounds has been diminished by redemptions in manner provided by the London (City) Tithes Act, 1879; and such book or books shall at all reasonable times be open to inspection by any tithepayer in the said parish, free of any charge, on his giving to the governors of the hospital twenty-four hours notice in writing of his desire to make such inspection.

42 & 43 Vict. c. clxxvi.

Expenses of Act and Bill

20. The amount of the costs, charges, and expenses of and incidental to the applying for and passing of this Act, and of the

costs, charges, and expenses of and incidental to the applying for a Bill in the last session of Parliament touching the commutation of tithes in respect of the said parish, and of and incidental to the London (City) Tithes Bill now before Parliament, so far as such costs, charges, and expenses are payable by or were incurred for or on behalf of the said parish, shall be ascertained in the event of difference by the taxing master of the House of Commons, and the same (together with the amount of the costs, charges, and expenses attending such ascertainment) shall be and are hereby charged upon the said parish, and shall be paid by the churchwardens out of moneys to be levied in manner herein-after provided.

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of last session to be charged on parish.

21. The churchwardens shall by virtue of and under the authority of this Act, and without any resolution or other authority of or from the ratepayers or parishioners in vestry assembled or otherwise, make and levy in the said parish, upon all and every the persons who by virtue of this Act are liable to contribute towards the said annual sum, one or more equal and sufficient pound rate or rates, and shall thereout pay the amount of all such costs, charges, and expenses as aforesaid, and of the costs of the defendants in the before-mentioned action, and other costs, charges, and expenses relating thereto, and the churchwardens shall have the same special remedy for the recovery of any rate so made, and any arrears thereof, as is by the ninth section of this Act given to the governors of the said hospital for the recovery of arrears of payment in respect of the said annual sum.

Rate for payment of expenses.

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