ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. cclxviii.

An Act for the Commutation of Tithes in certain Parishes in the City of *London*; and for other Purposes. [25th *July* 1864.]

WHEREAS the Incumbents of the Parishes in the City of *London* and the Liberties thereof, which are named in the Schedules to this Act, are entitled to certain Tithes or Sums of Money in lieu of Tithes arising or growing due therein, under the Provisions of an 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: And whereas in some of those Parishes, namely the Parishes mentioned in the First Schedule to this Act, the Parishioners in Vestry assembled, and the Incumbents, with the Approval of the Bishop of the Diocese, and the Consent of the Patrons of the Benefices, have agreed for the Commutation of the Tithes or Sums aforesaid, now variable with the Rental, into annual fixed Tithes or Sums of Money in lieu of Tithes, to be raised and paid by Rates to be assessed in the Parishes: And whereas the Amounts of the annual fixed Tithes agreed on in the said last-mentioned Parishes appear in the First Schedule to this Act: And whereas it is expedient that, with respect to the same Parishes, the

37 H. 8. c. 12.

Commutation aforesaid be made binding and be carried into effect: And whereas it is expedient that, with respect to the Parishes mentioned in the Second Schedule to this Act, and the Parishes of *All-hallows Staining*, *Mark Lane*, and *Christchurch*, *Newgate Street*, Power should be given to the Parishioners in Vestry assembled, with such Consents and Approval as are in this Act expressed, to agree for the Commutation of the Tithes or Sums of Money in lieu of Tithes arising or growing due in the same Parishes respectively, under the said Act and Decree, for fixed annual Tithes or Sums of Money in lieu of Tithes: 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:

Short Title.

1. This Act may be cited as "The *London* (City) Tithes Act, 1864."

Interpretation of Terms.

2. In this Act the Term "Churchwardens" means and includes the Churchwardens of any Parish, the Overseers of the Poor thereof, or other the Persons (if any) for the Time being authorized to make and levy, or cause to be made and levied, the Rates for the Relief of the Poor of the Parish, and the Term "Poor Rates" means the last-mentioned Rates.

Extinguishment of Tithes.

3. On the passing of this Act all Tithes and Payments instead of Tithes arising or growing due to the Incumbents for the Time being of the several Parishes mentioned in the First Schedule to this Act, under the said Act of King *Henry* the Eighth and the Decree made in pursuance thereof, shall, as from the Twenty-fourth Day of *June* last, cease and be extinguished, and the said several Incumbents shall as from that Day receive the respective annual fixed Tithes in the First Schedule specified in lieu of and by way of Commutation for all such Tithes and Payments as aforesaid; and the said Parishes respectively shall pay the same, and such annual fixed Tithes shall be raised as herein-after mentioned, and the Terms and Stipulations in the First Schedule shall be as binding as if the same were expressly enacted in the Body of this Act.

Periodical Revision of Tithes according to Corn Averages.

4. And whereas it is expedient that the annual fixed Tithes payable under this Act should be subject to Revision at the Times and in the Manner next herein-after mentioned; and whereas, for the Purposes of this Act, the average Prices for Twenty-eight Years now last past of an Imperial Bushel of *British* Wheat, Barley, and Oats respectively have been computed at the respective Sums following; that

that is to say, Wheat, Six Shillings and Tenpence Farthing; Barley, Four Shillings and One Penny Farthing; Oats, Two Shillings and Ninepence Halfpenny: Therefore, with respect to each of the Parishes mentioned in the First Schedule to this Act, the following Provisions shall take effect, namely:

1. On the First Avoidance of the Benefice that happens after the Expiration of a Period of Twenty-eight Years from the passing of this Act the said annual fixed Tithes shall be revised:
2. On such Revision the Amount of the said annual fixed Tithes to be paid during the Period that will elapse until the Second Revision under the present Enactment shall be ascertained as follows, namely, the total Amount thereof shall for the Purposes of Computation be deemed to be divided into Three equal Parts, representing the respective Values of Wheat, Barley, and Oats, and those Three equal Parts respectively shall be increased or decreased according as the average Prices of an Imperial Bushel of *British* Wheat, Barley, and Oats respectively for the then immediately preceding Period of Twenty-eight Years are respectively greater or less than the respective average Prices herein-before specified, and proportionately to the Difference between the average Prices at such Two Periods respectively:
3. On every subsequent Avoidance of the Benefice, if a Period of Twenty-eight Years or upwards from the Date of the then last preceding Revision has then elapsed, but not otherwise, the said annual fixed Tithes shall be again revised:
4. On every such Revision as last aforesaid the Amount of the said annual fixed Tithes to be paid during the Period that will elapse until the then next subsequent Revision shall be ascertained as follows, namely, the total Amount thereof shall, for the Purposes of Computation, be deemed to be divided into Three equal Parts, representing the respective Values of Wheat, Barley, and Oats, and those Three equal Parts respectively shall be increased or decreased according as the average Prices of an Imperial Bushel of *British* Wheat, Barley, and Oats respectively for the then immediately preceding Period of Twenty-eight Years are respectively greater or less than the average Prices of such Imperial Bushels respectively were at the then last preceding Revision, and proportionately to the Difference between the average Prices at such Two Periods respectively:
5. For the Purpose of every such Revision as aforesaid the requisite average Prices of an Imperial Bushel of *British* Wheat, Barley, and Oats respectively shall be ascertained by Calculation from the Advertisements inserted in the "*London Gazette*,"

Gazette," in pursuance of Section Fifty-six of the Act of the Session of the Sixth and Seventh Years of King *William* the Fourth, "for the Commutation of Tithes in *England* and *Wales*,"

Churchwardens to levy Pound Rates.

5. In the said several Parishes mentioned in the First Schedule to this Act the Churchwardens shall from Time to Time, 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, and notwithstanding any Resolution or Direction to the contrary, make and levy equal and sufficient Pound Rates to be called Tithe Rates, and shall thereout pay the respective annual fixed Tithes to the Incumbents respectively, and other the Sums requisite to be raised for the Purposes of this Act.

Incidence of Rates.

6. Those Rates shall in each Case be levied on the Persons and in respect of the Property by Law rateable to Poor Rates in the Parish (except as herein-after is mentioned), and also on the Occupiers and in respect of any other Property in the Parish now subject to Tithe, and as to Property rateable to Poor Rates shall be assessed on the net annual Value of that Property as ascertained by the Valuation or Assessment for the Poor Rates, and as to Property subject to Tithe, but not rateable to Poor Rates, according to its net annual Value.

As to Property exempt from Tithes or liable to Modus.

7. Every Occupier of Property in any of the said Parishes which, although subject to the Payment of Poor Rates, is exempt from Tithes, or liable only to a Modus or other prescriptive or customary Payment, shall continue to be exempt or liable only to such Modus or prescriptive or customary Payment in the same Manner as if this Act had not been passed, and such Modus or the Amount of such prescriptive or customary Payment shall be paid to the Churchwardens as Part of the annual fixed Tithes in the Parish.

Powers of Churchwardens.

8. The Churchwardens in levying the Tithe Rates shall proceed in the same Manner and shall have the same Powers, Remedies, and Privileges as if those Rates were Poor Rates.

Powers for appointing Clerks and Collectors.

9. The Churchwardens for the respective Parishes mentioned in the First Schedule to this Act may from Time to Time appoint a Clerk, and also a Collector or Collectors of the Tithe Rates to be made as by this Act provided, taking from him or them such Securities for the due Performance of his or their Duties as they, the Churchwardens, shall think fit; and the Churchwardens shall from Time to Time pay such Salaries and make such reasonable Allowances to such Officer or Officers as the Case may require; and the Churchwardens may from Time to Time remove or displace such Clerk and Collector or Collectors whenever they shall see Occasion, and

and appoint another or others in his or their Stead; and the Churchwardens for such respective Parishes shall from Time to Time, within Ten Days after such Rates shall have been made, deliver a Copy thereof to the Collector or Collectors to be appointed under or by virtue of this Act.

Accounts to be balanced.

10. The Churchwardens for such respective Parishes shall cause their Accounts to be balanced up to the Thirty-first Day of *December* in every Year, and shall produce the same, with a full Statement of all Rates levied and Monies received and expended by them in such Year, at the next *Easter* Vestry, and every such Account shall be entered in the Parish Ledger, and may be inspected at all reasonable Times, without Payment, by every Ratepayer in the Parish, and a Copy of every such Account shall be delivered to every Ratepayer who shall require the same upon Payment of One Shilling for each Copy.

Application of Law for Poor Rates.

11. The Tithe Rates shall be subject to the same Provisions and Rules of Law as Poor Rates with respect to Appeal against any Assessment made on Property not rateable to Poor Rates: Provided, that it shall not be necessary to obtain an Allowance of the Tithe Rates by any Justice or Justices of the Peace.

Disposal of Excess levied.

12. The Excess (if any) levied by the Tithe Rates in any Year beyond the Amount requisite for the Purposes of this Act for that Year shall be dealt with as if the same were Part of the next succeeding Tithe Rate.

Exemption of Tithes from Rates, &c.

13. The annual fixed Tithes payable to any Incumbent under this Act shall be free and clear from all Deductions, and exempt from all Taxes, Rates, and Assessments whatsoever, parliamentary, parochial, or otherwise, except Property and Income Tax: Provided nevertheless, that the Amount of the said annual fixed Tithes payable as aforesaid shall, for the Purpose only of the Computation herein-after mentioned, be included by the Overseer or Overseers, or by the Assessment Committee, in the Valuation List of the Parish in which such Tithes are payable, and shall be added to the annual rateable Value of the Property in such Parish in computing the Amount of Contribution to the Common Fund for the several Parishes in the Union in which such Parish is comprised.

Mode of Payment of annual fixed Tithes.

14. The annual fixed Tithes specified in the First Schedule to this Act shall be paid to the several Incumbents clear of all Deductions on account of any Tax, Rate, or Assessment as aforesaid, by equal quarterly Payments on the Four usual quarterly Days for Payment of Rents in every Year, the first of such Payments to be made on the Twenty-ninth Day of *September* One thousand eight hundred and sixty-four.

Apportionment for outgoing Incumbents.

15. An outgoing Incumbent, or the Representatives of a deceased Incumbent, shall receive from the succeeding Incumbent a proportionate Payment for any incomplete Quarter in which the Avoidance of the Living may occur, to be paid out of the First quarterly Payment falling due after such Avoidance.

Remedy of Incumbent against the Parish.

16. In every Case in which any quarterly Payment of the annual fixed Tithes specified in the First Schedule to this Act shall be in arrear in any of the Parishes named in that Schedule for Twenty-one Days after such quarterly Day of Payment, it shall be lawful for any Justice of the Peace for the City of *London*, on Application under the Hand of the Incumbent of the Parish, to summon the Churchwardens to show Cause before himself or any other Justice of the said City why such quarterly Payment has not been made; and after hearing the Matter it shall be lawful for the Justice, by Warrant under his Hand and Seal, to cause the quarterly Payment in arrear, together with the Costs occasioned by such Arrear, to be levied and recovered from the Churchwardens, or any of them, in like Manner as Monies assessed for the Relief of the Poor may be assessed and recovered, and the Amount recovered shall be paid to the Incumbent: Provided, that until each quarterly Payment of any of the said annual fixed Tithes shall have been actually paid to the Incumbent of the Parish, by and out of Monies raised by means of such Tithe Rates as aforesaid, the Tithepayers therein shall remain liable to pay and to be assessed in such Tithe Rates as aforesaid, in order to the raising of Funds for the Purpose, and that whether or no the Incumbent shall have made Application to a Justice for such Warrant as aforesaid.

Power to Parishes in Second Schedule to agree for Commutation of Tithe.

17. With respect to the several Parishes mentioned in the Second Schedule to this Act, it shall be lawful for the Parishioners of any of the same Parishes assembled in Vestry, of which Vestry and of the special Object thereof Notice shall have been given in the accustomed Manner, to agree with the Incumbent for the Commutation of the Tithes, or Sums of Money instead of Tithes, arising or growing due therein, under the Provisions of the said Act of King *Henry* the Eighth and Decree, into an annual fixed Tithe or Sum to be paid by the Parishes respectively, and to be raised by Tithe Rates to be assessed therein; and if the Bishop of *London* and the Patrons of the Benefice respectively shall approve of any such Agreement, and Notice shall be given of such Agreement and Approval in the "*London Gazette*," such Agreement shall thereupon be binding on the Incumbent and Parishioners of the Parish and on the Patrons of the Benefice, and the Tithes and Sums of Money in lieu of Tithes in the Parish shall cease and be extinguished on and from the Quarter Day preceding the Date of such Advertisement, and the Incumbent shall receive the annual

annual fixed Tithe mentioned in the Agreement in lieu of and in Commutation for Tithes or Sums payable in lieu of Tithes, and the First Payment thereof shall be made on the Quarter Day next succeeding the Advertisement, and the Provisions of this Act shall apply thereto in such and the same Manner as if the Parish had been comprised in the First Schedule to this Act.

As to Parish of Allhallows Staining, Mark Lane.

18. With respect to the Parish of *Allhallows Staining, Mark Lane*, it shall be lawful for the Parishioners of the said Parish assembled in Vestry, of which and of the special Object thereof Notice shall have been given in the accustomed Manner, to agree with the Incumbent for the Commutation of the Tithes, or Sums of Money instead of Tithes, arising or growing due therein under the Provisions of the said Act of King *Henry* the Eighth and Decree, into an annual fixed Tithe or Sum to be paid by the said Parish, and to be raised by Tithe Rates to be assessed therein; and if the Wardens and Commonalty of the Mystery of Grocers of the City of *London* (the Lay Impropriators and Patrons of the Benefice) shall approve of such Agreement, and Notice of such Agreement and Approval shall be given in the "*London Gazette*," such Agreement shall thereupon be binding on the Patrons, Incumbent, and Parishioners of the said Parish, and the Tithes, and Sums of Money in lieu of Tithes, in the said Parish shall cease and be extinguished on and from the quarterly Day of Payment next preceding the Date of such Advertisement, and the said Patrons, or their Nominee, shall receive the annual fixed Tithe mentioned in the Agreement in lieu of and in Commutation for the Tithes, or Sums payable in lieu of Tithes, and the First Payment thereof shall be made on the Quarter Day next succeeding the Advertisement, and the Provisions of this Act shall apply thereto in such and the same Manner as if the said Parish had been comprised in the First Schedule to this Act.

As to Parish of Christchurch, Newgate Street.

19. With respect to the Parish of *Christchurch, Newgate Street*, it shall be lawful for the Parishioners of the said Parish assembled in Vestry, of which and of the special Object thereof Notice shall have been given in the accustomed Manner, to agree with the Lay Impropriators of the Tithes of the said Parish for the Commutation of the said Tithes, or Sums of Money instead of Tithes, arising or growing due therein, under the Provisions of the said Act and Decree, into an annual fixed Tithe or Sum to be paid by the said Parish, and to be raised by Tithe Rates to be assessed therein; and if Notice of such Agreement shall be given in the "*London Gazette*," such Agreement shall thereupon be binding on the said Lay Impropriators and Parishioners of the said Parish, and the Tithes and Sums of Money in lieu of Tithes in the said Parish shall cease and be extinguished on and from the quarterly Day of Payment next preceding the Date of such Advertisement,

Advertisement, and the said Impropriators shall receive the annual fixed Tithes mentioned in the Agreement in lieu of and in Commutation for the Tithes or Sums payable in lieu of Tithes, and the First Payment thereof shall be made on the Quarter Day next succeeding the Advertisement, and the Provisions of this Act shall apply thereto in such and the same Manner as if the said Parish had been comprised in the First Schedule to this Act.

Saving Rights of Incumbents as to Tithes due before passing of Act.

20. Nothing in this Act contained shall prejudice or affect the Right of any Incumbent of any Parish in the First Schedule hereto to any Tithe or Sum in lieu thereof, under the said Act and Decree, which shall have become due before or on the said Twenty-fourth Day of *June* last, or as to the Incumbent of *Allhallows Staining*, *Mark Lane*, and the said Wardens and Commonalty of the Mystery of Grocers, or as to the Lay Impropriators of the Tithes of the Parish of *Christchurch*, *Newgate Street*, and the Parishes in the Second Schedule hereto, before or on the quarterly Day of Payment next preceding the advertising of any such Agreement and Approval as aforesaid.

Payments in respect of Tithes by the London and Blackwall Railway Company to continue.

21. Nothing herein contained shall repeal or alter any of the Acts relating to the *London and Blackwall* Railway Company, or affect their Liability to the Payment for or in respect of Tithes under the Provisions of those Acts; and all Monies from Time to Time payable by that Company for or in respect of Tithes in any or either of the Parishes mentioned in the First Schedule to this Act shall be paid to and received by the Churchwardens or their Collector, and shall be applied in Part Payment of the fixed Tithes or Sums of Money in lieu of Tithes hereby provided to be raised in such Parish or Parishes.

Expenses of Act.

22. The Amount of the Costs, Charges, and Expenses of and incidental to the applying for and passing of this Act shall be ascertained, in the event of Difference, by the Taxing Officer of the House of Commons, and the same (together with the Amount of the Costs, Charges, and Expenses attending such Ascertainment) shall be and is hereby charged on the several Parishes mentioned in the First Schedule to this Act in equal Shares, and shall be paid by the Churchwardens out of the Money levied therein respectively by Tithe Rates made after the passing of this Act, and the Churchwardens shall levy the Money requisite for that Purpose by Tithe Rates accordingly: Provided always, that if in any Parish mentioned in the Second Schedule to this Act, or in the Parishes of *Allhallows Staining*, *Mark Lane*, or *Christchurch*, *Newgate Street*, respectively, an Agreement shall be made and advertised under the Provisions herein-before contained, the Churchwardens of such Parish shall

shall forthwith pay to the Churchwardens of the Parishes mentioned in the First Schedule to this Act, to be divided between them and dealt with as if the same were Tithe Rates, One Eleventh Part of the Costs so to be ascertained out of the Money to be levied by Tithe Rates made after the Advertisement of any such Agreement and Approval as aforesaid, and the Churchwardens of such Parish shall levy the Money required for that Purpose by Tithe Rates accordingly.

The FIRST SCHEDULE.

I.—Saint Andrew, Undershaft.

There shall be paid to the present Rector and to his Successors Rectors for the Time being respectively the fixed Tithe of Two thousand five hundred Pounds a Year.

II.—Saint Katherine, Coleman.

1. There shall be paid to the present Rector and to his Successors Rectors for the Time being respectively the fixed Tithe of One thousand five hundred and fifty Pounds a Year.

2. For the First Period of Ten Years during which the said fixed Tithe is payable the Sum of Eight hundred Pounds a Year, Part thereof, shall be payable by and shall be assessed and levied on the East and West India Dock Company or their Assigns exclusively, in respect of the Property now occupied by the Company in the Parish, and the Residue thereof shall be payable by and assessed and levied on the Persons or Bodies other than that Company for the Time being liable to the Payment of the said Sum of One thousand five hundred and fifty Pounds a Year; but after the Expiration of the said Period of Ten Years the said Company or their Assigns shall be chargeable only with their Proportion of an equal Pound Rate with other Parishioners.

III.—Saint Olave, Hart Street.

There shall be paid to the present Rector and to his Successors Rectors for the Time being respectively the fixed Tithe of Two thousand six hundred Pounds a Year, of which the Sum of Six hundred Pounds a Year is to be applied for Church Endowment when a Scheme shall have been agreed on by the Trustees of the Advowson and the Incumbent, with the Approval of the Bishop, and confirmed by an Order of Her Majesty in Council.

IV.—Allhallows, London Wall.

There shall be paid to the present Rector and to his Successors Rectors for the Time being respectively the fixed Tithe of One thousand seven hundred Pounds a Year.

V.—Allhallows, Barking.

There shall be paid to the present Vicar and to his Successors Vicars for the Time being respectively the fixed Tithe of Two thousand Pounds a Year.

VI.—Saint Ethelburga.

There shall be paid to the present Rector and to his Successors Rectors for the Time being respectively the fixed Tithe of Nine hundred and fifty Pounds a Year.

The SECOND SCHEDULE.

1. Saint Alphage, London Wall.

2. Saint Martin Outwich, Threadneedle Street.

3. Saint Peter-le-Poor, Broad Street.

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