WARRANT OF LIBERATION.

[*Place and Date.*]

The [*Sheriff, Justice of the Peace,* or *Magistrate*], in respect of the Return of a sufficient Poinding and Sale of the Effects of the said *C.D.* [*or* in respect of Payment having been made of the said Penalty and Expenses, *as the Case may be*], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *C.D.*, and decerns.

CAP. XCIII.

An Act to amend and further extend the Acts for the Commutation of Tithes in *England* and *Wales*. [13th *August* 1860.]

'WHEREAS an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled '*An Act for the Commutation of Tithes in* England *and* Wales, and the said Act has been 'amended, and the Provisions thereof have been extended, by Acts passed in the Sessions 'of Parliament held in the First Year, the First and Second Years, the Second and Third 'Years, the Third Year, the Fifth and Sixth Years, the Ninth and Tenth Years, and the 'Tenth and Eleventh Years of the Reign of Her present Majesty: And whereas it is 'expedient that the said Acts should be amended, and that the Provisions thereof should 'be further extended in manner herein-after mentioned:' 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:

6 & 7 W. 4. c. 71.

Corn Rents under Local Acts may be converted into Tithe Rentcharge.

I. Where Corn Rents are payable by virtue of any Local Act of Parliament, in commutation of the whole or Part of the Tithes of any Parish, and such Corn Rents shall be subject to Variation at certain Periods under the Provisions of the same Act, the Commissioners, upon the Application in Writing of the Owners of Lands liable to the Payment of the major Part in Value of such Corn Rents, or of the Persons to whom a major Part in Value of such Rents are payable, at any Time at which the said Corn Rents might be subjected to Variation under such Local Act, or at any other Time, upon the joint Application in Writing of the Owners of Lands liable to the Payment of the major Part in Value of such Corn Rents, and of the Persons to whom a major Part in Value of such Rents are payable, may by an Award under their Hands and Seal convert the same into a Rentcharge, to be thenceforth and for ever thereafter payable, in like Manner and subject to the like Incidents as Rentcharges awarded under the said recited Acts are payable and subject to: Provided always, that nothing in this Act contained shall be construed to render any such Rentcharge liable to Parochial or other Rates or Taxes from which the Corn Rents in respect of which such Rentcharge shall have been awarded were free and exempt.

County or Towns from whose Returns Average to be calculated.

II. Wherever the Local Act provides that the average Prices upon which any Corn Rents shall be varied shall be taken from any County or from Towns from which Corn Returns are made, the Commissioners shall calculate the Rentcharge to be awarded by them in lieu of such Corn Rents upon the Returns for such County or such Towns; and where no Corn Returns are made from the Towns so named, the Commissioners shall select Two Towns in the same or any adjoining County from which there are Returns, and give Notice thereof in such Manner as to them shall seem fit, and shall appoint a Time (being not less than Twenty-one Days from the Date of the Notice) within which Objections to such Selection may be signified in Writing to the Commissioners by any Person interested, and if there be any such Objections the Commissioners shall consider the

the same, and shall either confirm the Selection, or select some other Towns, as they may think fit.

How Average to be calculated.

III. The Commissioners shall calculate the Rentcharge to be awarded in lieu of any such Corn Rents upon the average Prices for the Number of Years next preceding the Date of the Application to them, which shall be provided by such Local Act as the Basis of Variation, having due Regard to the average Prices upon which such Corn Rents were ascertained, and such Calculation, where practicable, shall be made with reference to the particular Grain mentioned in the Local Act under which such Corn Rents are payable, or if there shall be no Returns of such Grain, upon the average Prices of Wheat, Barley, and Oats.

Commissioner to apportion Rentcharge.

IV. The Commissioners shall apportion the Rentcharge to be awarded by them in lieu of Corn Rents upon and among the Lands heretofore subject to such Corn Rents, either by a general Schedule or a Schedule in Detail of the same Lands, to be annexed to and form Part of their Award, and with or without a Map of the same Lands or any Part thereof, but the Commissioners shall not require a Map unless the same shall in their Opinion be rendered necessary for the Identification of any such Land ; and the Commissioners shall deposit a Draft of such Award for Inspection in the same Manner as by the said recited Acts is required in reference to an Instrument of Apportionment, and shall cause Notice of such Deposit to be given in such Manner as to them shall seem fit, and shall by such Notice specify the Time (being not less than Twenty-one Days) within which Objections in Writing to such proposed Award may be signified to the Commissioners; and in case any Notice of Objection shall be given within the Time limited as aforesaid, the Commissioners shall appoint a Time and Place for hearing such Objections, and shall by themselves or by an Assistant Commissioner take such Objections into their Consideration; and if there be no Notice of Objections, or when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections, the Commissioners shall confirm such Award, with or without Amendments, as they shall see fit, and such Award shall thenceforth be binding and conclusive on all Persons whomsoever, subject to the Provision herein-after contained, and shall be conclusive Evidence on every Matter in the said Award set forth and contained.

Power of Appeal to a Court of Law.

V. Any Person dissatisfied with the said Award, and who shall be desirous of appealing against the same, shall have the same Power of Appeal as is given by the said first-recited Act in the Case of a Decision given under the Forty-fifth Section of such Act, notwithstanding that the yearly Payment in dispute shall be less than Twenty Pounds ; and the Court is hereby empowered to amend such Award, or to remit the same to the Commissioners to be amended by them in such Manner as the said Court shall direct, and the Commissioners shall thereupon amend the same, in conformity to such Direction, and the Award so amended shall be binding and conclusive on all Persons whomsoever.

Comptroller of Corn Returns to furnish Information.

VI. The Commissioners shall have Access to the Books of the Comptroller of Corn Returns for the Time being, and shall be furnished by him with such Information as they may require for the Purposes of any Award of Rentcharge in lieu of Corn Rents.

Commissioners to have same Powers as in Tithe Commutations.

As to Expenses of Awards, &c.

VII. In making any such Award, and any Inquiries incident thereto, the Commissioners shall have the same Powers as to the Attendance and Examination of Witnesses, the Production of Documents, and all other Matters, as are given by the said recited Acts in Matters relating to the Commutation of Tithes; and all Expenses of or incident to any such Award or any Part thereof shall be borne and paid by and amongst the Owners of Lands heretofore liable to such Corn Rents, and the Persons to whom the same were payable respectively, in such Proportion and Manner as the Commissioners shall direct, and be recoverable in like Manner as Expenses under the said recited Acts are recoverable.

Copies of Award to be deposited, &c.

VIII. The Commissioners shall cause to be made Two Copies of every such Award of Rentcharge in lieu of Corn Rents, which Copies shall be sealed by them and be deposited in like Manner and subject to all the like Incidents as provided by the said recited Acts in reference to the sealed Copies of an Instrument of Apportionment.

As to Recovery of Rentcharges awarded in lieu of Corn Rents.

IX. The Payment of any Rentcharge awarded in lieu of Corn Rents which shall be in arrear may be enforced by the same Ways and Means as Payment of Rentcharge in arrear may be enforced under the Provisions of the said recited Acts, or may be enforced, at the Option of the Person to whom the same Rentcharge is payable, by the same Ways and Means as are provided by the Local Act for the Recovery of the Corn Rents in lieu of which such Rentcharge shall have been awarded.

Where Consents not given, Draft of proposed altered Apportionment to be deposited for Inspection.

In case of Objection Commissioners to appoint a Time for hearing the same.

X. In any Case of altered Apportionment in which the Consent of the whole of the Landowners interested in such Alteration shall not be signified thereto, the Commissioners shall, in lieu of the Service of Notice required by the said Acts, cause a Draft of the proposed altered Apportionment to be deposited for Inspection, in the same Manner as by the said first-recited Act is required in reference to an Instrument of Apportionment, and shall cause Notice to be given of such Deposit in such Manner as to them shall seem fit, and shall by such Notice specify the Time (being not less than Twenty-one Days) within which Objections in Writing to such proposed altered Apportionment may be signified to the Commissioners; and in case any Notice of Objection shall be given within the Time limited as aforesaid, the Commissioners shall appoint a Time and Place for hearing such Objection, and shall, by themselves or by an Assistant Commissioner, take such Objection into their Consideration; and if there be no Notice of Objection, or when the said Commissioners or Assistant Commissioner shall have heard and determined every such Objection, the Commissioners shall confirm such altered Apportionment, with or without Amendments, as they shall see fit.

Rentcharge may be re-apportioned and redistributed on the same or on other Lands.

XI. With the Consent of the Owner or Owners of any Lands charged with Rentcharge under any Instrument of Apportionment, whether payable to One or more Owners of Rentcharge, and without regard to the Mode in which the same Rentcharge is apportioned by the said Instrument, the Commissioners may by an altered Apportionment reapportion and redistribute the same Rentcharge over and amongst the said Lands or any Part thereof, and to the Exclusion of any of such Lands, but no Rentcharge shall be charged upon any Land to the Exclusion of other Land of the same Owner, unless the Land so charged with Rentcharge is held for an Estate in Fee Simple or Fee Tail in Possession, or unless the same and the Land so excluded are settled to the same Uses.

Where Fences removed Rentcharge may be apportioned on Land Tithe-free jointly with other Land.

XII. Where, through the Removal or Alteration of Fences between Land charged with Rentcharge under any Instrument of Apportionment and Land upon which no Rentcharge is now charged, or which is Tithe-free, it becomes impossible or difficult to distinguish the Limits of the Land so charged with Rentcharge, the Commissioners may, with the Consent of the Owner of the said Lands, include the whole of such Lands in any Instrument of altered Apportionment to be made by the said Commissioners, and may apportion the Rentcharge as well on the said Land not heretofore charged as on the said Land heretofore liable to the Payment thereof, or on any Part thereof, provided that the whole of the Lands on which such Rentcharge is apportioned are held for an Estate in Fee Simple or Fee Tail in Possession, or are settled to the same Uses.

Land not to be charged to a different Owner than before, without Consent.

XIII. No Land shall be charged with Rentcharge payable to a different Owner than the Rentcharge previously charged thereon was payable to, without the Consent in Writing of the Owner of the Rentcharge so proposed to be charged, except in Cases of altered Apportionment after Inclosure.

When Consent of Landowner not required.

XIV. It shall not be necessary to obtain the Consent of any Landowner to an altered Apportionment whose Lands are not charged with Rentcharge by such altered Apportionment.

Power to Commissioners to alter Apportionment where successive Alterations have made it inconvenient or difficult, but

XV. Whenever it shall appear to the Commissioners that any Instrument of Apportionment shall have been altered by successive Instruments of altered Apportionment, so as in the Judgment of the Commissioners to render the Collection of the Rentcharge upon the Lands included in such Apportionment and altered Apportionments unreasonably inconvenient or difficult, the Commissioners may, upon the Application of the Person or Persons entitled to such Rentcharge or any Part thereof, and without Notice to or the Consent of any Owner of such Lands, make a further Instrument of altered Apportionment as regards the

the whole of the said Lands, or such Portions thereof as to them shall seem fit, but without making any Alteration in the Amount charged on the Lands of any particular Owner, and the altered Apportionment so made by the Commissioners shall be taken to be an Amendment of and in substitution for so much of the said original Apportionment and altered Apportionments as relates to the Lands included in the said lastly made altered Apportionment.

not to alter Amount, &c.

XVI. Whenever any new Boundaries of Parishes shall have been or shall be set out upon any Inclosure or otherwise, and it shall appear to the Commissioners that the Apportionment of the Rentcharge in such Parishes is thereby rendered inconvenient, the Commissioners may make and confirm an altered Instrument of Apportionment adapted to the altered Distribution of the Lands in such Parishes or any of them, and to the new Boundaries which shall have been so set out, or otherwise the Commissioners may, by an Order under their Hands and Seal, declare the Lands which shall be affected by such Alteration of Boundaries, either with or without any other Lands comprised in such Inclosure, and whether such Lands are situate in One or more Parishes, to be a separate District for the Purposes herein-after mentioned, and may make and confirm an altered Instrument of Apportionment adapted to the altered Distribution of such Lands, with reference to the Owners both of the Lands and Rentcharge in such District, and the Commissioners may determine that the Amount of Rentcharge payable to each of the Owners of Rentcharge in such District shall be fixed and apportioned upon such particular Lands as to them shall seem convenient, so that no Lands are charged with more than their due Proportion of Rentcharge; and every such Determination shall be binding and conclusive, and such altered Apportionment, when confirmed, shall be annexed to the original Apportionment for that Parish from which the greatest Amount of Rentcharge is payable under the altered Apportionment, and Counterparts thereof shall be annexed to the original Apportionment for each of the other Parishes comprised in such District, and Copies thereof shall be deposited in respect of each several Parish comprised in the District, in conformity with the Provisions of the said recited Acts.

Power to Commissioners to alter Apportionment where Boundaries of Parishes have been altered.

XVII. All the Powers given by the said recited Acts or by this Act in relation to the Alteration of Instruments of Apportionment shall extend to all altered Apportionments and to Awards of Rentcharge in lieu of Corn Rents, and to Awards under Local Acts by which any Rentcharge is awarded in lieu of Tithes, Glebe or Commonable or other Rights or Easements.

Powers for altering Apportionments or Awards.

XVIII. In any Case in which Tithes have been commuted for a Sum or Rate *per* Head to be paid for each Head of Cattle or Stock turned on Land subject to Common Rights or held or enjoyed in common, during the whole of the Year, the Commissioners may, upon the Application in Writing of any Person entitled to receive such Sum or Rate *per* Head, or of any Person who may be liable to pay the same or any Part thereof, by a Supplemental Award and Apportionment, by way of Supplement to the Apportionment under which such Rate *per* Head shall be now payable, convert the same into a gross Rentcharge, to be thereafter payable out of such Land.

Tithes commuted for a Sum or Rate per Head may be converted into a Rentcharge.

XIX. Where a gross Rentcharge has been made payable in respect of the Tithes of any Gated or Stinted Pasture, and such Gates or Stints are rated to the Relief of the Poor, the Commissioners may, by the Instrument of Apportionment to be made of such Rentcharge, or by a Supplemental Award and Apportionment, where an Apportionment shall have been already made, upon the Application in Writing of the Person entitled to such Rentcharge, or of any Owner of a Gate or Stint, apportion such gross Rentcharge *pro rata* upon the Gates or Stints, and after such Apportionment or Supplemental Award and Apportionment the Owner of such Rentcharge shall have the same Powers for the Recovery of any Arrears thereof, by Distress on the Goods and Chattels of the Person rated to the Relief of the Poor in respect of the Gates or Stints the Rentcharge upon which is in arrear, as are given by the said recited Acts for the Recovery of Rentcharge in arrear, and such Powers of Distress may be exercised upon the Goods and Chattels of such Person, whether found upon the said Pasture or elsewhere.

Gross Rentcharge may be apportioned on Gated or Stinted Pastures.

Rentcharge on Commons may be commuted for a Part of the Land, or redeemed.

XX. In every other Case in which a gross Rentcharge is charged upon any Land subject to Common Rights, or held or enjoyed in common during the whole of the Year, the Commissioners shall, upon the Application in Writing of the Person entitled to such Rentcharge, or of any Person liable to pay the same or any Part thereof, convene a Meeting of the Owners of such Land and Persons liable to pay such Rentcharge, of which Twenty-one Days Notice shall be given in such Manner as to the Commissioners shall seem fit; and the Majority in Value of the Persons attending such Meeting may determine whether such Rentcharge shall be commuted for an equivalent Part of the Land on which it is chargeable, or be redeemed for a Sum equal to Twenty-five Times the Amount of such Rentcharge, to be paid by a Time to be limited by the Commissioners, and may further determine, if the Rentcharge is to be redeemed, whether the Redemption Money shall be raised by Rate on the Persons liable to such Rentcharge, or by Sale of a Portion of such Land: Provided always, that if no Determination be come to at such Meeting the Commissioners may proceed to commute the Rentcharge for Land as herein-after provided.

If Rentcharge is commuted for Land, Commissioners to set out Land and to vest same in Owner.

XXI. If the Rentcharge is to be commuted for Land, the Commissioners shall define and set out the Land to be so given, and shall vest the same in the Owner of the Rentcharge by an Award, to be made by them in like Manner as Awards of Exchange of Glebe for other Land are made under the said recited Acts, and subject to all the like Incidents.

Commissioners to set out Land to be sold for Purposes of Redemption.

XXII. If the Rentcharge is to be redeemed for a Sum to be raised by the Sale of a Portion of the Land liable to such Rentcharge, the Commissioners may define and set out such Part of the Land as may be sufficient in Value to meet the Redemption Money and the Expenses of Sale, and may sell and dispose of the same by Public Auction or Private Contract, as they may think expedient.

Conveyance of Land sold to be executed by Commissioners.

XXIII. Upon every such Sale the Commissioners shall sign and deliver to each Purchaser a Receipt for his Purchase Money, which shall be a sufficient Discharge for the same, and upon Receipt of the whole Purchase Money for any of the Lands which shall be sold as aforesaid the Commissioners shall convey such Lands and the Fee Simple and Inheritance thereof in Possession by Conveyance under their Hands and Seal to such Uses and in such Manner as such Purchasers shall direct, and after such Conveyance the Premises conveyed shall be Freehold of Inheritance, and shall be held to the Uses and in Manner expressed in such Conveyance; and any such Conveyance may be to the Effect set forth in the Schedule to this Act, and shall be Evidence of the Regularity of the Sale in pursuance of which such Conveyance shall be made.

Where Rate per Head is in arrear the same may be recovered by Distress.

XXIV. Wherever a Sum or Rate *per* Head shall be in arrear, the Arrears shall be recoverable by Distress and Impounding of any Cattle, Stock, Goods, or Chattels belonging to the Person in respect of whose Cattle or Stock such Sum or Rate *per* Head is in arrear, wherever the same may be found.

Upon Inclosure, Rate per Head may be converted into Rentcharge.

XXV. Where any Lands in respect to the Cattle or Stock upon which any Sum or Rate *per* Head shall be payable shall be inclosed, divided, allotted, or exchanged, under the Powers of any General or Local Act of Inclosure or otherwise, the Commissioners may, by the altered Apportionment which may be made by them, adapted to the altered Distribution of the said Lands, charge a Rentcharge equivalent to the Amount of the Sum or Rate *per* Head which shall have been previously payable, upon the Lands which shall have been allotted under the said Inclosure in lieu of the Rights in respect of which the said Sum or Rate *per* Head was made payable, which Rentcharge shall be thereafter payable out of the same Lands, in such Manner and Proportion as the said altered Apportionment shall direct.

Power to Commissioners to order Maps to be detached from Instruments of Apportionments.

XXVI. Where by reason of the Size of the Map annexed to any Instrument of Apportionment or other Circumstances, the Commissioners shall be of opinion that it is expedient that such Map should be detached and held separate from the said Instrument, the Commissioners may by an Order under their Hands direct that the said Map shall be so detached, and they may make the like Order upon the Application of the Incumbent and Churchwardens of any Parish, or either of them, or the Registrar of any Diocese, in reference to the sealed Copy

Copy of any Instrument of Apportionment belonging to any such Parish, or held in the Custody of such Registrar, and thereupon every Map so detached shall have the same Force and Effect and be referred to as if the same were annexed to the said Apportionment, or the sealed Copies thereof.

Provision for Restoration of damaged Instrument of Apportionment.

XXVII. In any Case in which an Instrument of Apportionment or any Part thereof shall have been damaged or defaced, the Commissioners may by an Order under their Hands require the sealed Copy thereof which shall be deposited in the Parish or Registry of the Diocese to be delivered up to them, for a Time to be limited by such Order, for the Purpose of enabling them to restore such Portions of the said Instrument as shall have been so damaged or defaced, or of making an entire Copy of the said Instrument, which Instrument so restored, or entire Copy so made by them, being certified under their Hands and Seal, shall be of the same Force and have the same Effect as the said confirmed Instrument of Apportionment.

Justices may order an Instrument of Apportionment to be restored to proper Custody.

XXVIII. Whenever any Person, other than the Persons legally entitled to the Possession of the same, shall have Possession of the sealed Copy of any confirmed Instrument of Apportionment, it shall be lawful for any Two Justices of the Peace for the County or other Jurisdiction within which the Lands mentioned in the said Apportionment are situate, upon the Application of any Person interested in the Lands or Rentcharge, and upon Fourteen Days Notice in Writing of such Application to the Person or Persons in whose Custody such Copy shall be at the Time of such Application, to hear and determine such Application; and upon hearing such Application the said Justices may order such Copy to be removed from the Custody of the Person holding the same, and to be deposited in such other Custody as the said Justices, having reference to the Security and due Preservation of such Copy, and to the Convenience of the Parties interested therein, may think fit, and may impose a Fine, not exceeding Twenty Shillings, for each Day that any such Copy shall be retained, contrary to the Terms of such Order, upon the Person so retaining it, and may make such further Order concerning the Notice to be given of such Removal and Deposit, and concerning the Costs of such Application and the said Fine, or of any Opposition thereto, as they may think reasonable.

Expenses of recovering Rentcharge.

XXIX. If a Rentcharge shall at any Time be in arrear and unpaid, and in order to enforce Payment thereof it shall become necessary for the Person entitled to the same to give Notice of his Intention to distrain upon the Lands liable to the Payment thereof for the Arrears of the said Rentcharge, according to the Provisions of the said recited Acts, the Owner of the Rentcharge shall in all Cases be entitled to Two Shillings and Sixpence for and in respect of each Notice which shall have been so issued, and such Sum shall be deemed and taken to be Part of the Rentcharge which is in arrear and unpaid, and shall be recoverable accordingly, in like Manner as the said Arrears of Rentcharge are recoverable.

Notice of Intention to distrain may be sent by Post.

XXX. Notice of Intention to distrain may be given in the Manner provided by the said recited Acts, or by sending it by the Post in a registered Letter to the Office or usual Place of Abode of the Person to whom the same is addressed.

Commissioners may order a Rentcharge not exceeding 15*l.* to be redeemed before Apportionment.

XXXI. Where, under any Agreement or Award which has been or hereafter shall be confirmed by the Commissioners, the Amount of the Rentcharge agreed or awarded to be paid instead of the Tithes of any Parish, and which shall not have been apportioned, shall not exceed the Sum of Fifteen Pounds, the Commissioners may, if they shall see fit (and without the Consents of the Owner or Owners of the Lands chargeable with the said Rentcharge, or of the Person or Persons for the Time being entitled to the Receipt thereof,) by an Order under their Hands and Seal, direct that such Rentcharge shall be redeemed by the Payment by the Owners of the Lands chargeable therewith, within such Time as the Commissioners shall by such Order direct and appoint, of a Sum equal to Twenty-five Times the Amount of such Rentcharge.

Where Land divided, Commissioners may order Rent-

XXXII. Whenever Lands charged with Rentcharge under any Instrument of Apportionment or altered Apportionment shall be divided for building or other Purposes into numerous Plots, and it shall appear to the Commissioners that no further Apportionment of the

charge to be redeemed after Apportionment.

the said Rentcharge can conveniently be made, the Commissioners may, if they shall see fit, upon the Application of any one Owner of the said Lands, and without the Consent of any other Owner, or of the Person for the Time being entitled to the Receipt of the said Rentcharge, and without Limitation as to the Amount thereof, by an Order under their Hands and Seal direct that such Rentcharge shall be redeemed by the Payment by the Owners of the Lands chargeable therewith, within such Time as the Commissioners shall by such Order direct and appoint, of a Sum equal to Twenty-five Times the Amount of such Rentcharge.

Provision in Cases where Rentcharge has been charged on Lands which in consequence of Error in Boundary are not within the Parish where aggregate Charge is awarded.

XXXIII. Whenever it shall be shown to the Satisfaction of the Commissioners that by reason of Error as to Boundary or otherwise any Rentcharge or Portion of Rentcharge shall have been charged by any confirmed Instrument of Apportionment on Lands not within the Parish in respect of the Tithes of which the aggregate Rentcharge, the Apportionment of which shall have been so confirmed, was agreed or awarded to be paid, the Commissioners may, if they shall see fit, upon the Application of the Owner or Owners of the said Lands, and without the Consent of any Owner of Land in the said Parish, or of the Person for the Time being entitled to the Receipt of the said Rentcharge, by an Order under their Hands and Seal, direct that such Rentcharge or Portion of Rentcharge so charged on Lands not within the Parish shall be redeemed by the Payment by the Owners of Lands charged with the Residue of the said Rentcharge by the said Apportionment, or any of them, within such Time as the said Commissioners shall by such Order direct and appoint, of a Sum equal to Twenty-five Times the Amount of such Rentcharge; and if there shall be any Question touching the Situation or Boundary of the Lands which shall be alleged to have been erroneously included in the said Apportionment, the Commissioners shall have the same Powers for hearing and determining the same as are given by the said first-recited Act for hearing and determining any Difference whereby the making of an Award of Rentcharge in lieu of Tithes is hindered.

Rentcharge where Land made chargeable for more than One Parish.

XXXIV. Where any Land has been made chargeable with Rentcharges in lieu of Tithes for more than One Parish, the Commissioners, on being satisfied thereof, may determine in respect of which Parish the Rentcharge ought to have been charged, and may, by Order, direct such Rentcharge to be paid in respect of such Parish only.

Commissioners shall give Notice of their Intention to order compulsory Redemption.

XXXV. Before the Commissioners shall order the compulsory Redemption of any Rentcharge, they shall cause Notice to be given of their Intention in such Manner as to them shall seem fit, and shall by such Notice specify the Time (being not less than Twenty-one Days) within which Objections in Writing to such proposed Order may be signified to them; and in case any Notice of Objections shall be given within the Time limited as aforesaid, the Commissioners shall, by themselves or an Assistant Commissioner, take such Objections into their Consideration.

If Person refuse to receive Redemption Money, to be dealt with as if under Disability.

XXXVI. If the Person absolutely entitled to the Redemption Money refuses to receive the same, or if the Rentcharge be subject to Incumbrances, and the Commissioners shall consider that the Incumbrancers should be protected, such Redemption Money shall be dealt with as is provided in Cases where the Owner of the Rentcharge is only entitled thereto for a limited Estate.

Trustees may be appointed to receive Sums not exceeding 200*l.* payable to Corporation.

XXXVII. Where the Money to be paid for the Redemption of any Rentcharge does not exceed Two hundred Pounds, and the Person for the Time being entitled to such Rentcharge shall be a Corporation not authorized to make an absolute Sale of such Rentcharge otherwise than under the Provisions of the said recited Acts, the Redemption Money may be paid into the Hands of Trustees to be nominated by the Commissioners, by Order under their Hands and Seal, and the Money when so paid shall be applied by the Trustees, with the Consent of the Commissioners, to the Purposes to which Money to be paid for the Redemption of any Rentcharge into the Bank of *England* in the Name of the Accountant General is by the said recited Acts directed to be applied, and upon every Vacancy in the Office of such Trustees some other Person shall be appointed by the said Commissioners in like Manner.

XXXVIII. The

XXXVIII. The Provisions of the said recited Acts respecting the Redemption of Rentcharge (except as otherwise by this Act is provided) shall be applicable to all Cases of Redemption of Rentcharge effected under this Act. Provisions of recited Acts applicable to Redemptions under this Act.

XXXIX. For the Purposes of making any altered Apportionment, supplemental Award and Apportionment, or Award of Rentcharge in lieu of Corn Rents, or for the Purpose of collecting any Redemption Money which may have been fixed as herein-before provided, and not paid by the Time in that Behalf limited, and of assessing the same Redemption Money, and all Expenses of or incidental to any such altered Apportionment, supplemental Award and Apportionment, or Award, or of any such Redemption (including, if the Commissioners shall see fit, the Expense of the Assistant Commissioner's Attendance at any Meetings which may be necessary in the Matter of any such altered Apportionment, supplemental Award and Apportionment, or Award, or of any such Redemption), between the Owners of the Lands liable to the Rentcharge to be re-apportioned or redeemed, or to the Rentcharge awarded in lieu of Corn Rents, or Persons to whom the said Corn Rents were payable, the Commissioners or an Assistant Commissioner may employ such Land Surveyors and Tithe Valuers or other Persons as to them shall seem fit, and all the Powers and Provisions of the said recited Acts concerning the Valuers appointed for the Purposes of an original Apportionment of Rentcharge, and concerning the Assessment and Recovery of the Expenses of an original Award of Rentcharge or Apportionment, so far as in the Discretion of the Commissioners shall seem fit, shall be and the same are hereby made applicable to the Land Surveyors, Tithe Valuers, or other Persons so employed, and to the Assessment, Collection, and Recovery of any such Redemption Money, and of all Expenses incidental to any such altered Apportionment, supplemental Award and Apportionment, or Award, or to any such Redemption; but the Commissioners shall, before they proceed to collect any such Redemption Money or Expenses, cause a Schedule showing the total Amount thereof, and the Share thereof to be borne by each Person interested, to be deposited for Inspection, in the same Manner as by the said recited Acts is required in reference to an Instrument of Apportionment, and shall cause Notice to be given of such Deposit in such Manner as to them shall seem fit, and shall by such Notice specify the Time (being not less than Twenty-one Days) within which Objections in Writing to such proposed Apportionment of the Redemption Money and Expenses may be signified to the Commissioners; and in case any Notice of Objections shall be given within the Time limited as aforesaid, the Commissioners shall, by themselves or by an Assistant Commissioner, take such Objections into their Consideration; and if there be no such Objections, or when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections, the Commissioners shall proceed to collect the said Redemption Money and Expenses as herein-before provided. Expenses and Redemption Money, how to be raised.

XL. Whenever Land or Money Payments, or both, have been given to the Titheowners of any Parish, and are now holden by them, instead of Tithes or Glebe or Commonable or other Rights or Easements, and it shall appear that such Land or Money Payments, or both, shall have been so given by virtue of any Act of Parliament the Provisions of which have not been fully carried out, or by virtue of any Arrangement which is not of legal Validity, the Commissioners may, if it shall appear just and expedient, having regard to all the Circumstances of or incident to the Case, by an Award confirm the Titheowner in possession of the said Land or Money, or both, and may confirm and render valid any such Arrangement, and may also award a Rentcharge, subject to the Provisions of the said recited Acts, when and in such Cases as to them shall seem fit; and, subject to such Confirmation and Award, the Commissioners may extinguish the Right of the Titheowners to the Perception of the said Tithes, or his Title to the said Glebe Rights or Easements, or to the Receipt of any Rentcharge instead thereof, other than the Rentcharge, if any, awarded over and above the Lands or Money, or both, so confirmed to them. Informal Arrangements may be confirmed.

XLI. So much of the said recited Acts as provides that the Land given to any Spiritual Person in exchange for Glebe of any Benefice shall be free from Incumbrances, and shall not be of Copyhold or Customary Tenure, subject to arbitrary Fine or the Render of Heriots, shall be repealed, and all Conditions, Charges, Incumbrances, and every other Incident Copyhold and other Lands may be exchanged for Glebe.

Incident affecting the Land so given shall upon such an Exchange be transferred to the said Glebe taken in exchange for the same Land; and the Glebe Land taken in exchange for any Copyhold or Customary Land shall be held of the Lord of the same Manor, under the same Rent, Custom, and Services as the said Copyhold or Customary Land previously was or ought to have been held, and without any new Admittance in respect thereof, but the Consent of the Lord of the same Manor shall be necessary to any Exchange in which any Land of Copyhold or Customary Tenure shall be included.

Formation of District within which extraordinary Charge in respect of Hop Grounds and Market Gardens shall be payable.

XLII. Whenever the Commissioners are requested in the Manner provided by the said recited Acts to charge an additional Rentcharge by way of extraordinary Charge upon any Hop Grounds or Market Gardens newly cultivated as such beyond the Limits of any District for which an extraordinary Charge for Hop Grounds or Market Gardens respectively shall have been already distinguished, the Commissioners may declare the Lands in the Parish in which such newly cultivated Hop Grounds or Market Gardens are situate a District within which the extraordinary Charge to be then fixed by them shall be thereafter payable.

Power to enter on Land.

XLIII. For the Purpose of ascertaining the Extent of the Land cultivated as Hop Grounds or Market Gardens, the Person to whom any extraordinary Charge upon such Land is or would be payable, his Agents or Servants, at all reasonable Times, may enter upon the said Land, and make an Admeasurement and Plan of the same, without being subject to any Action or Molestation for so doing.

Recited Acts and this to be as One.

XLIV. This Act shall be taken and construed as Part of the said first-recited Act, as amended and extended by the several Acts passed for the Amendment thereof, and by this Act.

The SCHEDULE to which this Act refers.

FORM OF CONVEYANCE BY COMMISSIONERS.

In the Matter of .

WE, the Tithe Commissioners for England and Wales, by virtue of an Act of Parliament passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], and in consideration of the Sum of paid into our Hands by , being the Purchase Money of the Hereditaments hereinafter described, do by these Presents convey unto his Heirs and Assigns, all that [*here describe the Premises*], with the Appurtenances, to hold the same unto the said his Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*].

In witness whereof we have hereunto set our Hands and affixed our Seal, this Day of .

CAP. XCIV.

An Act to amend the Laws relating to the Militia. [13th *August* 1860.]

'WHEREAS it is expedient to amend the Laws relating to the Militia as herein-after provided:' Be it therefore 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:

Power to unite Portions of Militias of Two

I. It shall be lawful for Her Majesty, by Order signified by One of the Principal Secretaries of State, and in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors