



CHAPTER iii.

An Act for amending the Law relating to the Vicar's Rate in Halifax in Yorkshire. A.D. 1877.
[24th April 1877.]

WHEREAS by an Act passed in the year one thousand eight hundred and twenty-nine, being an Act of the tenth year of the reign of His late Majesty King George the Fourth, chapter fourteen (local), intituled "An Act for extinguishing tithes and payments in lieu of tithes, mortuaries, and Easter offerings, and other vicarial dues and payments within the parish of Halifax in the diocese and county of York, and for making compensation to the vicar in lieu thereof, and enabling him to grant certain leases belonging to the vicarage," (in this Act referred to as the Halifax Act, 1829,) it was provided (section 1) that the respective churchwardens of the twenty-one townships situate in the parish of Halifax and specified in the schedule hereto should pay to the Vicar for the time being of Halifax the stipend in the said Act mentioned, free from all rates, taxes, assessments, charges, and deductions whatsoever, except an annual sum of four pounds thirteen shillings payable by the vicar of the said parish to the Queen's most Excellent Majesty as rector of the said parish, or to her lessees; and (section 8) that such stipend should, as respects the eighteen townships first mentioned in the said schedule, be deemed to be in lieu of all tithes, mortuaries, Easter offerings, and dues arising or payable to the said vicar and his successors for or in respect of hereditaments within the said eighteen townships, or the inhabitants of the same townships respectively, and as respects the three townships last mentioned in the said schedule, and which were at the date of the said Act admitted not to be subject to tithe, should be in lieu of all mortuaries, Easter offerings, and dues arising or payable to the said vicar and his successors within the said three townships:

And whereas it was by the said Act (sections 2 and 10) provided that the said stipend should be contributed by each of the twenty-

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one townships mentioned in the said schedule in the proportions set forth in the fourth column of the said schedule, but that the said contribution should, as respects each of the said eighteen townships, except Hipperholme-cum-Brighouse and Rastrick, be divided in manner appearing in the second and third columns of the said schedule, that is to say, that one portion of the said contribution should be raised and charged upon all inhabited houses in the said townships, with the orchards and gardens (if any) locally attached thereto and occupied therewith, rateably and in proportion to their value, and that the remainder of the said contribution should be raised and charged on corn mills, arable, meadow, and pasture lands, and orchards and gardens not locally attached to and occupied with any inhabited houses in the said townships, according to the value thereof respectively, with a proviso that no inhabited house in any of the said townships should in any case be charged at a less annual sum than sixpence :

And whereas it was by the said Act (section 37) also provided that the annual sums payable under the same within each of the said eighteen townships in respect of corn mills, arable, meadow, and pasture lands, orchards and gardens not locally attached to and occupied with inhabited houses, might be redeemed at a gross sum not being less than twenty-eight years purchase of such annual sums :

And whereas the said contribution mentioned in sections 2 and 10 of the said Act was in fact payable, as to the first portion thereof, in lieu of mortuaries, Easter offerings, and dues, and as to the remainder thereof, in lieu of tithe or payment in lieu of tithe :

And whereas since the passing of the Halifax Act, 1829, and under the terms thereof, the whole sum apportioned as the contribution payable by the township of Sowerby, one of the eighteen townships in the said schedule mentioned, toward the stipend of the Vicar of Halifax has been redeemed :

And whereas at the date of the passing of the Halifax Act, 1829, the contributions payable by each of the said townships of Hipperholme-cum-Brighouse and Rastrick were charged to each township as an entire sum, but such contribution has since the date of the passing of the said Act been divided into two portions in manner appearing in the schedule hereto, the one portion being charged upon all inhabited houses in each township, with the orchards and gardens (if any) locally attached thereto and occupied therewith, and the other portion being charged on corn mills, arable, meadow, and pasture lands in each township, and orchards and gardens not locally attached thereto and occupied therewith :

And whereas, after deducting the contribution payable by the township of Sowerby, the aggregate amount raisable from the

remaining twenty townships, in respect of mortuaries, Easter offerings, and dues, is the sum of nine hundred and twenty-seven pounds eight shillings and fourpence, and the aggregate amount raisable from the seventeen townships subject to tithe, after deducting Sowerby as aforesaid, in respect of vicarial tithes, is the sum of three hundred and seventy pounds twelve shillings and ninepence :

And whereas the churchwardens of the said twenty townships are required by the Halifax Act, 1829, to raise, in the proportions aforesaid, the said sums of nine hundred and twenty-seven pounds eight shillings and fourpence and three hundred and seventy pounds twelve shillings and ninepence, making in the whole the sum of twelve hundred and ninety-eight pounds one shilling and one penny, by an assessment of a rate (called the Vicar's Rate) on all occupiers of property chargeable by virtue of the Halifax Act, 1829, with the payment of any part of the proportions of the said stipend mentioned in the said schedule, and such further sum of money as may be necessary for the payment of all arrears and deficiencies, and all costs, charges, allowances, and expenses incident to and attendant upon the collecting the said rate :

And whereas many inconveniences and much delay and expense have arisen from the fact of the stipend of the Vicar of Halifax being raisable by means of a rate, and it is expedient that facilities should be given for commuting on favourable terms, by payment of a principal sum of money, so much of the annual sums raisable in the said twenty townships as represent mortuaries, Easter offerings, and dues, and that provision should be made for converting the annual sums payable in respect of corn mills, arable, meadow, and pasture lands, and orchards and gardens not locally attached to and occupied with inhabited houses into a rentcharge, and that the number of years purchase prescribed by the Halifax Act, 1829, for the redemption of the said annual sums should be reduced from twenty-eight years to twenty-six years :

And whereas by reason of the increase of population and of dwelling-houses in the parish of Halifax the glebe lands belonging to the vicarage of Halifax have increased and are increasing very greatly in value :

And whereas in the year eighteen hundred and ninety-two, and again in the year nineteen hundred and two, considerable additions will accrue to the income of the said vicar by reason of the falling in of certain leases of portions of the glebe belonging to the said vicarage :

And whereas it is expedient that all increments arising to the income of the said vicar, after securing to him the payment of an annual sum equal to that which he is by law entitled to receive at

A.D. 1877. the date of the passing of this Act, should be applied for promoting the efficiency of the Established Church in the parish of Halifax :

And whereas Her most Gracious Majesty the Queen, as patron of the said vicarage, and the Reverend Francis Pigou, the present vicar, have consented to the provisions herein-after in this Act contained, and are desirous that the same should become law :

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 :

Short title. 1. This Act may be cited for all purposes as the Vicar's Rate in Halifax Act, 1877.

Definition of terms. 2. In this Act the following expression, unless there is something in the context inconsistent therewith, shall have the meaning hereby assigned to it :

The expression "mortuaries, Easter and other dues," includes mortuaries, Easter dues, oblations, and other dues and offerings of every description whatsoever, except the fees or payments generally denominated surplice fees, and usually accustomed to be paid or made in respect of marriages, christenings, churchings, and burials.

Receipt by Ecclesiastical Commissioners of commutation money for dues. 3. The Ecclesiastical Commissioners for England (in this Act referred to as "the Commissioners") shall receive from any person or persons willing to pay the same, in one sum, the amount of eleven thousand two hundred pounds by way of commutation money for the said sum of nine hundred and twenty-seven pounds eight shillings and fourpence payable in lieu of mortuaries, Easter and other dues, and charged as aforesaid on inhabited houses, with orchards and gardens (if any) locally attached thereto and occupied therewith, and situate in the twenty townships (excluding Sowerby) specified in the schedule hereto.

Determination of rate payable in respect of dues. 4. Whenever the Commissioners certify to one of Her Majesty's Principal Secretaries of State that the said sum of eleven thousand two hundred pounds has been paid to them as aforesaid, the said Secretary of State shall give notice thereof in the parish of Halifax in such manner as he thinks fit, and on and after the date of such notice the right of the churchwardens of the said twenty townships mentioned in the schedule hereto to assess, raise, or charge in all or any of the said twenty townships all or any part of the said sum of nine hundred and twenty-seven pounds eight shillings and fourpence, or any contribution thereto, shall be deemed to have ceased and to cease on and after the first day of May then next preceding, and all the said townships, and the inhabited houses situate in the said

townships, with the orchards and gardens (if any) locally attached thereto and occupied therewith, shall be deemed to have been free and to be free, on and after such first day of May as aforesaid, from such charge of nine hundred and twenty-seven pounds eight shillings and fourpence, and from every part thereof and from all contribution thereto.

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5. On and after the receipt of such sum of eleven thousand two hundred pounds as aforesaid, the Commissioners shall pay annually to the Vicar for the time being of Halifax the sums following; that is to say, until and inclusive of the first day of May one thousand eight hundred and ninety-two, the sum of six hundred and fifty pounds, and after such first day of May one thousand eight hundred and ninety-two, until and inclusive of the first day of May one thousand nine hundred and two, the sum of three hundred pounds, the first of such payments to be made on the first day of May next succeeding the receipt by the Commissioners of such sum as aforesaid, and subsequent payments to be made on the first day of May in every succeeding year, free from all deductions whatsoever, except income tax, and the sum so payable to be deemed to accrue due from day to day, although paid annually on such days as aforesaid.

Payment by Ecclesiastical Commissioners to vicar instead of dues.

6. As soon as may be after the first day of May one thousand nine hundred and two, the Commissioners shall make up an account with annual rests, debiting themselves with the said sum of eleven thousand two hundred pounds, with compound interest thereon at the rate of three pounds six shillings and eightpence per cent., and crediting themselves with the annual sums paid by them to the Vicar of Halifax in pursuance of this Act, and after deducting the sums so credited from the sums so debited shall apply the balance in promoting the efficiency of the Established Church in the parish of Halifax, in such manner as may be approved by the Bishop of Ripon and the Vicar of Halifax for the time being, with the sanction of Her Majesty, her heirs and successors, as patrons of the living of Halifax.

Trusts of commutation money subject to payments to the vicar.

7. On the receipt by the Commissioners of the said sum of eleven thousand two hundred pounds, the several sums specified in the assessment made for the year beginning on Easterday in the year one thousand eight hundred and seventy-three, and ending on Easterday in the year one thousand eight hundred and seventy-four, as the amount to be paid in lieu of tithe, or payment in lieu of tithe in respect of the corn mills, arable, meadow, and pasture lands, and orchards and gardens not locally attached to and occupied with inhabited houses in each of the townships mentioned

Conversion of land rate into tithe rentcharge.

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in the third column of the schedule hereto, shall on and after the first day of May next succeeding the receipt of the said sum be deemed to have been and to be a rentcharge payable in respect of the tithes of the said townships, and shall be variable with the price of corn in like manner and subject to the like incidents as rentcharges agreed or awarded to be paid under the provisions of the Tithe Commutation Acts, but free, nevertheless, from all rates, taxes, assessments, charges, and deductions from which the said stipend was heretofore free and exempt; and the several sums mentioned in such assessment as the amount to be paid in respect of each separate property chargeable with the same shall be deemed to have been and to be the apportionment of the said rentcharge in each of the said townships; and each sum so apportioned shall be deemed to be a sum in the nature of a rentcharge issuing out of the lands charged therewith, with the same incidents, except as aforesaid, and subject to the same remedies for the recovery thereof, as if it were a rentcharge awarded and apportioned in lieu of tithes by virtue of the said Tithe Commutation Acts, and shall be payable on the first day of May in every year, but shall be deemed to accrue due from day to day; and a copy of the said assessment, on parchment, and verified by the signatures of two or more of the churchwardens of any of the said seventeen townships shall be thereupon deposited with the Tithe Commissioners, and shall form the record of the said apportionment. Every sum deemed to be a rentcharge issuing out of any of the said lands in pursuance of the said apportionment shall, in addition to any other remedies for the recovery of such rentcharge, be a debt due from the occupier of the property upon which the same is charged, and may be recoverable from him accordingly as a debt, but such occupier shall, in the event of his paying any sum in respect of such rentcharge, be entitled to deduct from his rent the amount so paid.

Provision for redemption of tithe rentcharge.

8. Any owner of property subject under this Act to tithe rentcharge may apply to the Tithe Commissioners to order such rentcharge to be redeemed for a sum equal to twenty-six times the amount of the said rentcharge, and upon payment to the Tithe Commissioners of the consideration money, and of the expenses incident to the redemption, the said Tithe Commissioners shall certify that such rentcharge has been redeemed, and the same from and after the date of such certificate shall cease and be extinguished; and a copy of every such certificate shall be made and sealed with the seal of the Tithe Commissioners, and shall be delivered to the owner of the property included therein.

Provision for redemption by townships

9. At any time before the expiration of six months from the receipt by the Commissioners of the said sum of eleven thousand

two hundred pounds, the owners of two thirds in value of the property in the whole of the said seventeen townships subject under this Act to tithe rentcharge, or the owners in each township of two thirds in value of the property in such township subject to such rentcharge, may redeem the same upon the terms following; that is to say, in the case of the redemption of the aggregate rentcharge payable within the said seventeen townships, by the payment to the Tithe Commissioners of a sum equal to twenty-six times the amount of the said aggregate rentcharge, and in the case of the redemption of the aggregate rentcharge payable in any one of the said townships, by payment of a sum equal to twenty-six times the amount of the said rentcharge; and upon payment to the Tithe Commissioners of the consideration money, and of the expenses incident to the redemption, they shall grant to the owners by whom the same has been paid a certificate of such payment; and from the date of such certificate all the rentcharges accruing within the whole of the said seventeen townships, or within any one or more of the said townships, as the case may require, as to such of the rentcharges as shall be named in the schedule of such certificate as paid for by the owners, shall cease and be extinguished, and as to all the residue of such rentcharges, the same shall vest in and become the property in fee simple of the parties named in such certificate as transferees; and the rentcharges so transferred and remaining unextinguished may be recovered at the suit of the transferees, their heirs and assigns, as the owners of the said unextinguished rentcharges, in manner provided by the Tithe Commutation Acts, and shall be received and held by them in trust for the several persons who have advanced the money for the redemption of such unextinguished rentcharges in the proportions in which they have advanced the same; and any owner of property chargeable with any such unextinguished rentcharges may redeem the same at any time thereafter by payment to such transferees, their heirs or assigns, of twenty-six times the amount of such rentcharge, and of any expenses incident to such redemption incurred by the said transferees, and upon payment thereof such owner shall be entitled to receive from the transferees a certificate of such payment, and thereupon the rentcharge so redeemed shall cease and be extinguished.

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of aggregate
rentcharge.

10. All moneys paid to the Tithe Commissioners for the redemption of rentcharge under this Act shall be dealt with by them in the manner provided by the said Tithe Commutation Acts.

Application
of moneys
paid for re-
demption of
rentcharge.

11. The Ecclesiastical Leasing Acts shall apply to the Vicar of Halifax, and the powers of such Acts may be exercised by him in manner therein provided, notwithstanding any provisions for the like or a similar purpose contained in the Halifax Act, 1829, and it shall

Leasing
power of
glebe lands
of vicarage
of Halifax.

A.D. 1877. be lawful for the vicar to avail himself of the provisions of the Ecclesiastical Leasing Acts, or of the Halifax Act, 1829, in relation to any property belonging to the vicarage of Halifax, as he in his discretion may think most expedient.

Expenses of
Vicar of
Halifax.

12. All costs, charges, and expenses that have been incurred by the present Vicar of Halifax in or incidental to the differences that have arisen with respect to the vicar's rate in Halifax, or in or incidental to obtaining this Act, or which may hereafter be incurred by him or his successors in carrying this Act into effect, shall be deemed to be expenses incurred by him in the commutation of tithes in his parish within the meaning of the seventy-eighth section of the Tithe Commutation Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter seventy-one, and may be defrayed accordingly, and the land rate of three hundred and seventy pounds twelve shillings and ninepence payable to him in pursuance of this Act, or any part thereof, may be assigned as a security for repayment of such expenses in manner provided by the said last-mentioned section.

Saving of
certain sums
due under
Halifax Act,
1829.

13. This Act shall not prejudice the recovery of so much of the vicar's rate as is charged on inhabited houses, with the orchards and gardens (if any) locally attached thereto or occupied therewith, and may have become due before the first day of May immediately preceding the receipt by the Commissioners of the sum of eleven thousand two hundred pounds as aforesaid; and for the purposes of this Act such sums whenever payable shall be deemed to have accrued due from day to day, and to be apportionable accordingly, and any assessment made for the year immediately preceding shall be deemed to have been duly made again for the year ending with such last-mentioned day of May; and all moneys due in respect of such assessment shall be recoverable and recovered accordingly in manner provided by the Halifax Act, 1829.

SCHEDULE referred to in the foregoing Act.

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Showing the aggregate amounts required by the Halifax Act, 1829, to be raised in the several townships mentioned in the first column of the schedule towards the annual stipend of the Vicar of Halifax; also in the case of the first eighteen townships, the proportions to be raised on inhabited houses, with the orchards and gardens (if any) locally attached thereto and occupied therewith, as distinguished from the proportions to be raised on corn mills, arable, meadow, and pasture land, and orchards and gardens not locally attached to and occupied with inhabited houses.

	Column 1. Names of contributory Townships.	Column 2. Proportions of Annual Stipend of the Vicar of Halifax to be raised on inhabited Houses, with Orchards and Gardens (if any) locally attached thereto and occupied therewith.	Column 3. Proportions of Annual Stipend of the Vicar of Halifax to be raised on Corn Mills, Arable, Meadow, and Pasture Land, and Orchards and Gardens not locally attached to and occupied with inhabited Houses.	Column 4. Aggregate Amounts to be raised and paid in the several Townships mentioned in the first Column towards the Annual Stipend of the Vicar of Halifax.
		£ s. d.	£ s. d.	£ s. d.
1	Eringden - -	17 13 2	17 8 4	35 1 6
2	Fixby - -	5 16 10	2 18 5	8 15 3
3	Halifax - -	200 0 0	43 13 6	243 13 6
4	Heptonstall - -	51 18 11	28 1 11	80 0 10
5	Hipperholme-cum-Brighouse (a).	55 0 0	23 0 0	78 0 0
6	Langfield - -	24 3 2	14 15 6	38 18 8
7	Midgley - -	26 2 0	13 1 0	39 3 0
8	Norland - -	16 15 10	8 7 11	25 3 9
9	Northowram - -	100 14 4	50 7 2	151 1 6
10	Rastrick (a) - -	36 6 6	9 4 0	45 10 6
11	Rishworth - -	18 3 8	9 1 10	27 5 6
12	Shelf - -	25 8 10	12 14 4	38 3 2
13	Skircoat - -	43 12 2	21 16 0	65 8 2
14	Southowram - -	55 15 6	27 17 8	83 13 2
15	Sowerby - -	74 9 8	37 4 9	111 14 5
16	Soyland - -	40 15 4	20 7 8	61 3 0
17	Wadsworth - -	55 1 9	37 18 3	93 0 0
18	Warley - -	59 18 7	29 19 3	89 17 10
19	Barkisland - -	15 17 3	—	15 17 3
20	Ovenden - -	57 12 0	—	57 12 0
21	Stainland - -	20 12 6	—	20 12 6
		1,001 18 0	407 17 6	1,409 15 6
	Deduct Sowerby } redcemed - }	74 9 8	37 4 9	111 14 5
		927 8 4	370 12 9	1,298 1 1

(a) The contributions of these townships were charged as entire sums under the Halifax Act, 1829, but have since been divided in manner appearing in the schedule.

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