

[44 & 45 VICT.] *London (City) Tithes (St. Botolph [Ch. cxcvii.] Without Aldgate) Act, 1881.*



CHAPTER cxcvii.

An Act to commute the tithes in the Parish of St. Botolph Without Aldgate in the City of London and for other purposes. A.D. 1881.
[11th August 1881.]

WHEREAS by the London (City) Tithes Act 1879 in this Act referred to as "the Act of 1879" provision was made for the commutation of tithes and payments instead of tithes arising or growing due in certain parishes in the City of London and for the redemption of rentcharges charged upon lands under the said Act: 42 & 43 Vict.
c. clxxvi.

And whereas by the Act of 1879 (section 16) it was enacted that nothing therein contained should apply to or in any wise affect the parish of St. Botolph Without Aldgate or any rights of Edward Jeffries Esdaile or his successors in title to tithes or payments instead of tithes arising or growing due within the said parish:

And whereas there are disputes as to the payments to be made in respect of tithes in the said parish of St. Botolph Without Aldgate and it is expedient for the settlement of the same and it will be beneficial to the inhabitants of the said parish and the owner of the tithes of the said parish that all such disputes should be settled and that there should be paid to such owner a fixed annual sum in lieu and in full satisfaction of all tithes or payments in lieu of tithes within the said parish in manner herein-after mentioned:

And whereas the objects aforesaid cannot be attained 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 London (City) Tithes (St. Botolph Without Aldgate) Act 1881 and shall apply only to so much of the said parish as is situate within the City of London and the liberties thereof. 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 and 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 "tithe owner" means the person or persons for the time being who but for this Act would have been entitled to the tithes or sums of money in lieu of tithes arising or growing due in the said parish 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.

Tithe owner to accept annual sum in lieu of tithes.

3. All tithes and sums of money in lieu of tithes whatsoever arising or growing due in the said parish except upon the properties referred to in section 14 of this Act shall as from the twenty-ninth day of September one thousand eight hundred and eighty-one cease and be extinguished and the tithe owner shall as from that day accept and receive in lieu and satisfaction of the tithes and sums of money in lieu of tithes so ceasing and extinguished and to which he would have been entitled if this Act had not been passed the annual sum of six thousand five hundred pounds which shall be levied and collected by the churchwardens 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 (except the said properties in the said 14th section referred to) and shall be assessed on the annual rateable value of those houses as ascertained by the valuation or assessment for the poor rates for the time being in force and the said sum of six thousand five hundred pounds shall be paid by the churchwardens to the tithe owner in each and every year after the said twenty-ninth day of September one thousand eight hundred and eighty-one by two half-yearly payments and the first of such half-yearly payments shall be made on the twenty-fifth day of March one thousand eight hundred and eighty-two.

As to Basis upon which value of rateable property is to be determined.

32 & 33 Vict. c. 67.

Determination of claim to exemption modus &c.

4. The amounts payable by each tithe-payer in respect of the said annual sum of six thousand five 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.

5. If any owner or occupier of property in the said parish claims that it is exempt from tithe or entitled to the benefit of any modus composition real prescriptive or customary payment as defined by the

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Act of 1879 the question shall on the application of such owner or occupier be determined by the Tithe Commissioners who after hearing such owner or occupier and the churchwardens shall transmit their finding to the churchwardens who shall include such property in the tithe rate or exempt it wholly or partly from the tithe rate as the case may be so that in each case such property shall have any such benefit to which it may be entitled and for the purposes of this Act the Tithe Commissioners shall have all the powers given to them by the Act of 1879 and by the Tithe Acts therein referred to. A.D. 1881.

6. For the purpose of raising the said annual sum of six thousand five hundred pounds the churchwardens 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 six thousand five hundred pounds together with the cost of making and collecting the same. Power to churchwardens to levy rates.

7. In case the churchwardens shall in any year be unable to collect in respect of the said tithe rates the said sum of six thousand five hundred pounds or shall have collected more than the said sum the deficiency or excess 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. In fixing tithe rate deficiency or excess in previous year to be taken into account.

8. For the purpose of levying and collecting the said tithe rates the churchwardens 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 making collecting and levying of poor rates. Churchwardens to levy tithe rates as poor rates.

9. 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 and the first of such half-yearly rates shall be made and payable as from the twenty-ninth day of September one thousand eight hundred and eighty-one. Appeal against tithe rate assessment.

10. For the purpose of providing for the redemption of the said tithes as commuted by this Act be it enacted that any owner or occupier of any house assessed to the tithe rate shall be at liberty to redeem the tithe rate payable in respect of the said house as if the same were rentcharge under the Tithe Acts referred to in the Act of 1879 and the consideration to be paid for the same shall be such sum as will after payment of the costs of investment produce an annual amount if invested in the 3 per Cent. Consolidated Bank Redemption of tithes.

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A.D. 1881. Annuities equal as near as may be to the last annual amount assessed upon such house for the tithe rate and the consideration shall be paid to the persons and applied in the manner prescribed by the Tithe Acts referred to in the Act of 1879 with respect to the payment and application of the consideration for rentcharges.

Tithe Commissioners to fix amount of redemption in cases of dispute.

11. The Tithe Commissioners shall in case of dispute fix the amount of such redemption and when such investment shall have been made whether by agreement or as fixed by them they shall transmit a certificate thereof in triplicate one copy to the owner or occupier of such house who shall have paid the redemption one copy to the tithe owner and one to the churchwardens and the house in respect of which such redemption has been made shall for ever after be free from such tithe rate save the current rate and any arrears of the rate.

Diminution in annual payment on redemption of tithe rate.

12. Whenever any tithe rate has been redeemed then and in every such case the fixed annual payment of six thousand five hundred pounds for the purpose of making up or raising which such tithe rate was payable shall from and after the redemption of such tithe rate be diminished by an annual sum to be prescribed by order of the Tithe Commissioners and which shall be equal to the sum in respect of which the amount of the consideration paid for such redemption as aforesaid was calculated and thereafter the amount of the said fixed annual payment so diminished as aforesaid shall until further diminished in manner aforesaid be deemed to be and shall be the fixed annual payment payable to the tithe owner and shall from time to time be raised collected and paid in respect of the like property and by the like persons subject to the like conditions and exemptions in like manner and with the like remedies as though the amount so diminished had been the amount of the said fixed annual payment of six thousand five hundred pounds before any diminution in the same and as though the property in respect of which the tithe rate in respect of the redemption of which such diminution was made had not been liable thereto.

Churchwardens to keep account of all moneys received under this Act.

13. The churchwardens shall keep one or more books in which shall be made correct entries of all sums received by them in respect of the said annual sum of six thousand five 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 herein contained and of the exact amounts by which the said annual sum of six thousand five hundred pounds has been diminished by redemptions and such book or books shall at all reasonable times be open to inspection by

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the tithe owner or by any tithe payer in the said parish free of any charge on his giving to the churchwardens twenty-four hours notice in writing of his desire to make such inspection. A.D. 1881.

14. Nothing in this Act shall subject the railway stations and works of the Metropolitan Railway Company in the parish of St. Botolph Without Aldgate or the several properties set forth in the schedule hereto situate in the same parish or any railways hereafter to be constructed in under or through the said properties under the powers of the Metropolitan and Metropolitan District Railways (City Lines and Extensions) Act 1879 to be assessed to the payment of any tithe rate or assessments whatsoever under this Act. Protection of Metropolitan Railway Company. 42 & 43 Vict. c. cci.

15. The costs charges and expenses of and preliminary and incidental to the preparation and obtaining and passing of this Act shall be paid by the mayor and commonalty and citizens of the City of London out of their corporate funds. Expenses of Act.

SCHEDULE referred to in the foregoing Act of the several properties numbered upon the deposited plans and described in the deposited books of reference referred to in the Metropolitan and Metropolitan District Railways (City Lines and Extensions) Act 1879.

PARISH OF ST. BOTOLPH WITHOUT ALDGATE.

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