



Tithe Act 1846

1846 CHAPTER 73

An Act further to amend the Acts for the Commutation of Tithes in *England* and *Wales*.
[26th August 1846]

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 Second and Third Years, the Third Year, and the Fifth and Sixth Years of the Reign of Her present Majesty: And whereas an Act was passed in the Session of Parliament held in the First and Second Years of Her present Majesty, intituled *An Act to facilitate the Merger of Tithes in Land* : And whereas it is expedient that the said Acts should be amended as 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,

Power to Landowners to redeem a Rent-charge not apportioned where the Amount does not exceed Fifteen Pounds.

That where, under any Agreement or Award which has been or hereafter shall be confirmed by the Commissioners, the Amount of the Rent-charge agreed or awarded to be paid instead of the Tithes of any Parish shall not exceed the Sum of Fifteen Pounds, and shall not have been apportioned, or the Apportionment of such Rent-charge shall not have been confirmed by the Commissioners, it shall be lawful for the Owners of the Land chargeable therewith, or any of them, with the Consent of the Person or Persons for the Time being entitled to the Receipt thereof, or, in the Case of an Infant, Feme Covert, or Lunatic, with the Consent of the Guardian, Husband, or Committee of the Estate of the Person so under Disability, to redeem such Rent-charge on Payment, in manner herein-after mentioned, (within such Time as the Commissioners shall in each Case limit in this Behalf,) of a Sum of Money not less than Twenty-four Times the Amount of such Rent-charge.

II Upon Payment of the Consideration Money, Commissioners to certify that the Parish is discharged of Tithes.

And be it enacted, That in every Case in which any such Rent-charge, not exceeding Fifteen Pounds as aforesaid, has been or shall be awarded to be paid, the Commissioners shall give Notice, in such Manner as they shall think fit, of the Time within which it shall be lawful for the Owners of the Land charged therewith, or any of them, to redeem such Rent-charge; and when it shall appear to the Commissioners that the Consideration Money for the Redemption of such Rent-charge as aforesaid shall have been paid, according to the Provisions of this Act, within the Time limited by them in this Behalf, or within any enlarged Time which the Commissioners may by any Order under their Hands and Seal allow for that Purpose, no Apportionment of the Rent-charge shall be made, but the Commissioners shall, by a Certificate under their Hands and Seal, certify that such Rent-charge has been redeemed, and that the Parish is discharged of such Rent-charge, and of the Tithes in lieu of which such Rent-charge was agreed or awarded to be paid, as from such Time as the Commissioners shall think reasonable and declare, and such Parish shall be thenceforth discharged according to the Terms of such Certificate.

III Power to redeem Rent-charge erroneously apportioned on Lands not chargeable therewith.

And be it enacted, That in every Case in which, by any Instrument of Apportionment confirmed under the Provisions of the said Acts, any Rent-charge or Portion of Rent-charge has been or shall have been (by reason of Error as to Boundary or otherwise) charged on Lands not within the Parish in respect of the Tithes of which the aggregate Rent-charge the Apportionment of which shall have been so confirmed was agreed or awarded to be paid, such Rent-charge or Portion of Rent-charge so charged on Lands not within the Parish shall be redeemable on Payment by the Owners of the Lands charged with the Residue of such aggregate Rent-charge, or any of them, of a Sum of Money equal to Twenty-four Times the Amount of the Rent-charge or Portion of Rent-charge hereby made redeemable, and it shall be lawful for the Commissioners before they shall proceed to direct a new Apportionment to give Notice that the Rent-charge or Portion of Rent-charge so erroneously apportioned on Lands not within the Parish may be redeemed, under the Provisions of this Act, within a Time in such Notice to be limited in this Behalf.

IV After Redemption of the Rent-charge erroneously apportioned, the Apportionment of the Remainder to be valid.

And be it enacted, That when it shall appear to the Commissioners that the Consideration Money for the Redemption of the Rent-charge or Portion of Rent-charge so charged by such Instrument of Apportionment on Lands not within the Parish shall have been paid, according to the Provisions of this Act, within the Time which shall have been limited by the Commissioners in this Behalf, or within any enlarged Time which the Commissioners may by Order under their Hands and Seal allow for that Purpose, and that the Arrears thereof (if any) have been paid, the Commissioners shall under their Hands and Seal certify that such Rent-charge or Portion of Rent-charge has been redeemed, and thenceforth, except as respects the Lands so erroneously charged, and the Rent-charge or Portion of Rent-charge apportioned thereon, the Apportionment and Charges made by such Instrument of Apportionment shall be valid and effectual in such and the same Manner as if the aggregate Rent-charge had originally consisted only of the Sum of the Portions charged on the Lands within the

Parish, and had been apportioned on such Lands, and no others, in the Portions in the Instrument of Apportionment expressed.

V Separate Rent-charges, not exceeding Twenty Shillings in Amount, may be redeemed after Apportionment. Extraordinary Charge not to be affected.

And be it enacted, That in every Case in which, under any confirmed Instrument of Apportionment or any altered Apportionment under the Powers of the said Acts, the whole Amount of the Rent-charge or separate Portion of Rent-charge with which the Lands of any Owner shall be charged in respect either of all Tithes or of any Kind of Tithes payable to separate Tithe-owners shall be a Sum not exceeding Twenty Shillings, it shall be lawful for such Owner at his Option, and with the Consent of the Person or Persons for the Time being entitled to the Receipt thereof, or, in the Case of an Infant, Feme Covert, or Lunatic, with the Consent of the Guardian, Husband, or Committee of the Estate of the Person so under Disability, at any Time to redeem such Rent-charge or separate Portion of Rent-charge on Payment, according to the Provisions of this Act, of such a Sum of Money as shall be not less than Twenty-four Times the Amount of the Rent-charge or Portion of Rent-charge ; and after Payment of such Consideration Money according to the Provisions of this Act the Commissioners shall certify that such Rent-charge or Portion of Rent-charge has been redeemed, and the same, from and after the Payment of the half-yearly Portion of such Rent-charge or Portion of Rent-charge which shall next accrue due subsequently to the Time of the Payment of such Consideration Money, shall cease and be extinguished: Provided always, that no such Redemption as last aforesaid shall extinguish or affect any extraordinary Rent-charge which would, become payable in respect of such Land upon any Change of the Cultivation thereof.

VI Commissioners to certify the Amount of Consideration Money for Redemption.

And be it enacted, That in every Case in which a Rent-charge is redeemable under the Provisions of this Act, the Commissioners shall, upon the Request of the Owners of Land chargeable with such Rent-charge or any of them, certify under the Hands and Seal of the Commissioners the Sum of Money in consideration of which such Rent-charge may be redeemed; and when it shall appear to the Commissioners that Payment or Tender of such Consideration Money has been duly made, it shall be lawful for the Commissioners to certify that such Rent-charge has been redeemed under the Provisions of this Act, and such Certificate shall be final and conclusive : Provided that if any Consideration Money shall be paid for the Redemption of a Rent-charge to a Person not entitled under the Provisions of this Act to receive the same, the Land which was charged with such Rent-charge before the Redemption thereof shall be charged in equity with the Payment of such Consideration Money to the Person rightfully entitled thereto as if the same were Purchase Money for such Land remaining unpaid ; but the same Remedies may be had against the Person who shall have wrongfully received such Money as Purchasers are entitled to by the Rules of Law and Equity.

VII Consideration Money for Redemption, how payable.

And be it enacted, That where the Person entitled to a Rent charge redeemable under the Provisions of this Act shall be absolutely entitled thereto in Fee Simple in possession, or shall be enabled to dispose of the Fee Simple in possession independently of the Provisions of this Act, and shall not be a Spiritual Person entitled in respect of his Benefice or Cure, or a Corporation prevented from aliening such

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Rent-charge otherwise than under the Provisions of this Act, a Payment or Tender to the Person so entitled, or to the proper Officer of the Corporation so entitled, of the Sum of Money certified by the Commissioners as aforesaid, shall be deemed a due Payment of the Consideration Money; and in every other Case the Payment of the Sum of Money so certified according to the Provisions hereinafter contained shall be deemed a due Payment of the Consideration Money.

VIII Consideration for Redemption of Rent-charges payable to Spiritual Owners to be paid to Governors of Queen Anne's Bounty, to be applied in augmentation of Benefices.

And be it enacted, That the Consideration Money for the Redemption under this Act of any Rent-charge agreed or awarded to be paid or payable under any Apportionment to any Spiritual Person in respect of his Benefice or Cure shall be paid to the "Governors of Queen Anne's Bounty for the Augmentation of the Maintenance of the poor Clergy," and such Consideration Money shall be applied and disposed of by the said Governors as Money in their Hands appropriated for the Augmentation of such Benefice or Cure should by Law and under the Rules of the said Governors be applied and disposed of; and the Receipt of the Treasurer of the said Governors shall be a sufficient Discharge for such Consideration Money, and the Person paying the same to such Treasurer shall not be concerned to see to the Application or Disposal thereof.

IX Consideration Money in case of Owners under Disability, how payable.

And be it enacted, That in all other Cases in which the Person for the Time being entitled to any Rent-charge or apportioned Rent-charge subject to be redeemed under the Provisions of this Act shall be only entitled thereto for a limited Estate or Interest therein, or shall be under any Disability, or shall be a Corporation not authorized to make an absolute Sale of such Rent-charge otherwise than under the Provisions of this Act, the Consideration Money to be paid for the Redemption thereof shall be applied in manner hereafter provided; (that is to say,) shall, at the Option of the Person for the Time being entitled as aforesaid, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Tithe Commissioners, pursuant to the Method prescribed by any Act for the Time being in force for regulating Monies paid into the said Court, and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,) in the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Rent-charge in respect of which such Money shall have been paid, or the Tithes for which the same shall have been substituted, or affecting other Hereditaments settled therewith, to the same or the like Uses, Trusts, or Purposes; or in the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, Purposes, and in the same Manner, as the Rent-charge for Redemption of which such Money shall have been paid stood settled; or in Payment to any Party becoming absolutely entitled to such Money; and such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Receipt of the Rent-charge in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities, and the Dividends thereof paid to the Party who would for the Time being have been entitled to the Rent-charge in case the same had not been redeemed, or otherwise such

Consideration Money may be paid, at the like Option of the Person for the Time being so entitled, to the Trustees acting under the Will, Conveyance, or Settlement under which such Person having such limited Interest shall be entitled to or interested in such Rent-charge, or if there are no such Trustees, then into the Hands of Trustees to be nominated under the Hands and Seal of the said Commissioners ; and the Money, when so paid to such Trustees, shall be applied by the said Trustees, with the Consent of the said Commissioners, in the Manner herein-before directed concerning any Money to be paid for Redemption into the Bank of *England* in the Name and with the Privity of the said Accountant General; and upon every Vacancy in the Office of such Trustee some other fit Person shall be appointed by the said Commissioners in like Manner,

X As to Consideration Money under 20l.

Provided also, and be it enacted, That when any Consideration Money so to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds for the Redemption of all the Rent-charge which shall be redeemable under this Act, and shall not be payable to the Governors of Queen *Anne's* Bounty as aforesaid, the same shall be paid, if the said Commissioners shall so direct, to the Person for the Time being entitled to the Rent-charge, for his own Use and Benefit, or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of the Person for the Time being entitled, then such Money shall be paid, for the Use of the Person so entitled, to the Husband, Guardian, Committee, or Trustee of such Person; and in case any Dispute shall arise as to the proper Application, Appropriation, or Investment of any Money according to the Intention of this Act, it shall be lawful for the said Commissioners to decide such Question, and their Decision shall be final and conclusive thereon.

XI Power to Persons entitled for limited Interests to charge Expences of Redemption.

And be it enacted, That every Owner of an Estate in Land less than an immediate Estate in Fee Simple or Fee Tail, or which may be settled upon any Uses or Trusts, may, with the Consent of the Commissioners, or in such Manner as they shall direct, charge so much of the Consideration Money and other Monies payable in respect of the Redemption of a Rent-charge, or any Part thereof, with Interest after the yearly Rate of Four Pounds by the Hundred upon the Lands of such Owner which would have been subject to such Rent-charge, or to an apportioned Part thereof, but so, nevertheless, that the Charge upon such Land shall be lessened in every Year after the Redemption of such Rent-charge by One Twentieth Part at least of the whole original Charge thereon.

XII Commissioners Certificates of Redemption to show Amount of Consideration for the same.

And be it enacted, That every Certificate of the Commissioners of the Redemption of a Rent-charge under the Provisions of this Act shall be under the Hands and Seal of the Commissioners, and shall show the Amount of the Consideration Money for the Redemption thereof, and to whom or in what Manner the same shall have been paid; and Copies of every such Certificate shall be made, and sealed with the Seal of the Commissioners, and shall be deposited in the like Custody and in like Manner as by the said first-recited Act is provided concerning every confirmed Instrument of Apportionment ; and Copies of and Extracts from any Copy of such Certificate shall be furnished in like Manner as Copies of any Copy of a confirmed Instrument

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of Apportionment; and every Recital or Statement in any such Certificate, or in any sealed Copy thereof, shall be Evidence of" the Matters therein recited.

XIII Alteration of Apportionment may be made after Inclosure, &c. Such Alteration, when confirmed, to be valid.

And be it enacted, That where Lands now charged or hereafter to be charged with Rent-charges or Portions of Rent-charges under confirmed Instruments of Apportionment have been or shall be (after the Confirmation of such Apportionment) inclosed or divided, allotted or exchanged, by Agreement or Award made under the Powers of any general or local Act of Inclosure (or otherwise), in such Manner that the Apportionment shall appear to the Commissioners to be inconvenient with reference to the altered Distribution of the Land among the several Owners thereof, it shall be lawful for the Commissioners, upon the Application of the Owners of such Lands, or the Majority in Number and Value of such Owners, or upon the Application of the Person or Persons entitled to such Rent-charges or Portions of Rent-charges, or any of them, to make or confirm an altered Instrument of Apportionment adapted to the altered Distribution of the Lands, in order that the Rent-charges or Portions of Rent-charges originally charged on the several Portions of Land which shall have been taken or allotted away from the former Owners on such Inclosure, Division, Allotment, or Exchange shall be charged on the Lands which shall have been allotted or received in the way of Substitution or Compensation for the Lands so taken or allotted away from the former Owners thereof, or as near thereto as Circumstances will admit; and every such altered Apportionment, when confirmed under the Hands and Seal of the Commissioners, shall be valid as from the Date of such Confirmation, and shall be taken to be an Amendment of the original Apportionment;

XIV Expences of Alteration of Apportionment shall be borne by Owners of Lands to which it shall relate.

And be it enacted, That all the Expences of the altered Apportionment last aforesaid shall be borne by the Owners of the Lands to which such altered Apportionment shall relate, and shall be recovered in the same Manner as Expences chargeable on the same Owners in or about the making of an original Apportionment of the Sum of the Rent-charges charged on the same Lands respectively would have been recoverable; and all the Provisions of the said Acts in relation to such of the Expences of or incident to making an Apportionment of a Rent-charge as are payable by the Owners of the Land included therein shall extend and be applicable to the Expences of such altered Apportionment.

XV Supplemental Apportionment of a Rent-charge as made payable to one Owner in respect of Tithes belonging to several Owners or held in separate Rights.

And be it enacted, That where by any Agreement or Award made under the Provisions of the said Acts a Rent-charge has been or shall have been agreed or awarded to be paid to any Person in lieu of any Tithes, and after the Apportionment of such Rent-charge shall have been made and confirmed under the Provisions of the said Acts it shall appear that some Tithes included in the aggregate Tithes in lieu of which such Rent-charge shall have been so agreed or awarded to be paid, or some Portion or undivided Share of some Tithes so included, were or was at the Time of such Agreement or Award the Property of some Person other than the Person to whom the same Rent-charge was so agreed or awarded to be paid, or that the whole of the Tithes included in the

aggregate in respect of which such Rent-charge was agreed or awarded to be paid were not held by the Person to whom such Rent-charge was so agreed or awarded to be paid in the same Right and for the same Estate, or were not subject after the Determination of the Estate of such Person to the same Limitations or Estates legal and equitable, it shall be lawful for the Commissioners in any of the Cases aforesaid, in pursuance of or in accordance with the Decree or Direction of a Court of Equity of competent Jurisdiction, or on the Request in Writing of the Parties who for the Time being in case there had been no Commutation would have been the Owners of air the Tithes included in such aggregate, to make or confirm a supplemental Award or Apportionment of such Rent-charge in such Manner that, without altering the aggregate Amount of Rent-charge to which any Owner of Land may be subject, separate Rent-charges or separate Portions of Rent-charge may be made payable to the Parties who would have been Owners of the Tithes in case they had not been extinguished in lieu of the several Tithes or Portions of Tithe included in such aggregate which would belong to different Persons, or be held in different Rights, or be subject to different Limitations or Estates ; and by such supplemental Award and Apportionment the Commissioners, if they shall so think fit, may apportion or award to be paid to one of the respective Owners, or to the Owner in lieu of one of his respective Rights, the whole of any Rent-charges payable under the original Instrument of Apportionment out of specific Lands, instead of dividing each Rent-charge made payable in lieu of the aggregate of the Tithes of each Parcel of Land between or among the Owners of the separate Tithes arising out of such Parcel; and such supplemental Award and Apportionment, when confirmed by the Commissioners under their Hands and Seal, shall take effect from the half-yearly Day of Payment which shall happen next after the Confirmation thereof.

XVI Commissioners empowered to declare that Lands to which Doubts have arisen, shall be considered a separate District for Commutation, and the Residue of the Parish to remain subject to the original Award.

And be it enacted, That where by any confirmed Agreement or Award a Rent-charge shall have been agreed or awarded to be paid instead of the Tithes of any Parish, or of any of such Tithes, and before the Apportionment of such Rent-charge shall have been confirmed it shall appear to the Commissioners that by reason of any Question or Doubt which after the Confirmation of such Agreement or Award shall be raised or shall exist in respect of any actual or supposed Exemption from Tithes, Modus, Composition real, or prescriptive or customary Payment, applicable only to a Part of the Lands in such Parish, or by reason of any other Question or Doubt whatsoever applicable only to a Part of the Lands in such Parish, or by reason of any Question or Doubt touching the Boundaries of such Parish, it cannot be immediately ascertained whether the Agreement or Award might require any and what Rectification in respect of the Matters to which such Question or Doubt shall relate, it shall be lawful for the Commissioners by a separate Award by way of Supplement to the Agreement or Award to declare that the Lands to which such Doubt or Question shall be applicable shall be considered a separate District for the Commutation of the Tithes thereof, and that the Residue of the Parish, or the Parish exclusively of the Lands to which the Question or Doubt touching Boundaries may be applicable, shall remain subject to the Agreement or original Award, with such Variation as in the Award by way of Supplement shall be directed; and the Commissioners, in case they shall find that in estimating or fixing the Amount of the Rent-charge so agreed or awarded to be paid any Sum was included or added in respect of the Lands which they shall have directed to be considered a separate District, shall declare what Sum was so added, and shall direct the Residue of the Rent-charge, after deducting such Sum, to be apportioned on the Lands composing the Residue of the Parish, or on the Parish exclusively of the Lands which they shall

have formed into a separate District; but if they shall find that by reason of Exemption or supposed Exemption or otherwise no Sum was so included or added in respect of the Lands which they shall have formed into a separate District, they shall direct the whole of such Rent-charge to be apportioned on the Lands comprising the Residue of the Parish, or on the Parish exclusively of the Lands which they shall have formed into a separate District; and all Awards by way of Supplement under this Section shall be subject to the Provisions of the said Act of the Session of Parliament holden in the Second and Third Years of the Reign of Her Majesty, concerning the separate Awards by way of Supplement to a parochial Agreement or Award.

XVII Place of Deposit of Copy of confirmed Apportionment may be altered by Quarter Sessions.

And be it enacted, That where the Place of Deposit of the Copy of a confirmed Instrument of Apportionment which by the said Act of the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth is directed to be deposited with the Incumbent and Church or Chapel Wardens for the Time being, or such other fit Person as the Commissioners shall approve, shall be alleged to be inconvenient to the Majority of the Persons interested therein, or otherwise inconvenient or unsafe, it shall be lawful for any Person interested in the Lands or Rent-charge to which such Apportionment shall relate to apply to the Court of General Quarter Sessions of the Peace for the County, Riding, Division, or Place in which such Place of Deposit shall be situate for an Order for the Deposit of such Copy in some more convenient or secure Custody or Place, and Fourteen Days Notice in Writing of every such Application shall be given to the Persons in whose Custody such Copy shall at the Time of such Application be deposited; and it shall be lawful for the Court at the Quarter Session for which such Notice shall be given to hear and determine such Application in a summary Way, or they may, if they think fit, adjourn it to the following Session ; and upon the hearing of such Application the Court may, if they think fit, order such Copy to be removed from the Custody of the Persons with whom the same shall have been deposited, and to be deposited with such other Persons or in such other Custody as the Court 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 make such Order concerning the Notice to be given of such Removal and Deposit, and concerning the Costs of such Application, or of any Opposition thereto, as they may think reasonable.

XVIII Tithes or Rent charge in lieu thereof may be merged after Agreement or Award, but before Apportionment.

And be it enacted, That where by any Agreement or Award already made or hereafter to be made a Rent-charge shall have been agreed or awarded to be paid instead of the Tithes of any Parish, or instead of any of such Tithes, and shall not have been apportioned, it shall be lawful for the Person who under the Provisions of the said recited Acts would have been enabled in case such Agreement or Award had not been made to merge the Tithes in lieu of which such Rent-charge shall have been agreed or awarded to be paid, or such of the same Tithes as were payable out of Part of the said Lands, by any Deed or Declaration, to be made in such Form as the Commissioners shall approve, and to be confirmed under their Hands and Seal, to declare that the Tithes which he would have been so entitled to merge shall, so far as respects all the Lands, or, if he shall think fit, so far as respects only any specified Part of the Lands out of which the same were payable, and the Rent-charge or Portion of Rent-charge which

shall have been awarded or ought to be apportioned in lieu thereof on such Lands, or specified Parts of such Lands, as the Case may be, shall be merged, and such Merger shall take effect accordingly; and in case such Merger shall extend to all the Lands which would have been chargeable with such Rent-charge, no Apportionment of such Rent-charge shall be made under the Provisions of the said recited Acts; but in case such Merger shall extend to Part only of the Lands which would have been chargeable with such Rent-charge, then such Portion of the Rent-charge shall be apportioned among the other Lands which would have been chargeable with such Rent-charge as such other Lands would have been subject to in case such Merger had not taken place; and the Owner of the Land to which such Merger shall extend shall pay such Portion of the Expences of or incident to the Apportionment as the Commissioners or any Assistant Commissioner may under the special Circumstances order to be paid by such Owner, instead of the rateable Proportions to which he would have been liable in case the whole of such Rent-charge had been apportioned.

XIX Powers relating to the Merger, &c. of any Tithes may be executed by a Person entitled in Equity.

And be it enacted, That all Powers relating to the Merger and Extinguishment of any Tithes, or Rent-charge instead thereof, may be executed by a Person entitled in Equity to such Tithes or Rent-charge in all respects and with the same Consequence as he could have done if he had been legally entitled thereunto ; and every Instrument already executed and purporting to be made in pursuance of the Powers of the said Acts or any of them by any Person so entitled in Equity shall in every respect be as effectual and have the same Consequence as if he had been legally entitled to the said Tithes or Rent-charge at the Time of the Execution of such Instrument, subject nevertheless in every Case to any Charge, Incumbrance, or Liability which lawfully or equitably existed on such Tithes or Rent-charge to the Extent of the Value of such Tithes or Rent-charge; and any such Charge, Incumbrance, or Liability shall have such Priority, and the Lands and the Owners thereof for the Time being shall be liable in the same Manner in respect of such Rent-charge, Incumbrance, or Liability, or of any Penalty or Damages for Nonpayment or Nonperformance thereof respectively, as by the said Act of the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty is provided in the Case of such Merger or Extinguishment as therein mentioned ; and every Instrument purporting to merge any Tithes or Rent-charge, and made with the Consent of the said Commissioners before the passing of this Act, shall be hereby absolutely confirmed and made valid both at Law and in Equity in all respects, subject nevertheless to any Charge, Incumbrance, or Liability in all respects as is lastly herein-before provided.

XX 1 & 2 Vict. c.64 to be construed as Part of the Tithe Commutation Acts.

And be it enacted, That the said Act of the Session of Parliament holden in the First and Second Years of the Reign of Her Majesty shall be construed with and as Part of the first-recited Act as amended by the several Acts passed for the Amendment thereof and by this Act.

XXI Decisions concerning Boundary not appealed against to be valid notwithstanding Informality.

And be it enacted, That in every Case in which the Judgment or Determination of the Commissioners or of any Assistant Commissioner already given respecting the

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Boundary of any Parish, Township, District, or Lands shall not have been removed into the Court of Queen's Bench by Certiorari within the Time limited in that Behalf, such Judgment or Determination shall be valid and conclusive notwithstanding any Want of Form in such Judgment or Determination, or in the Award in which the same may be set forth, and although it may not appear on the Face of such Award, Judgment, or Determination, or otherwise, that the Commissioners or Assistant Commissioner had Jurisdiction in relation to such Boundary.

XXII Glebe Lands may be exchanged although no Commutation be pending.

And be it enacted, That the Provisions of the said Act of the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her Majesty for the Exchange of Glebe Lands for other Lands shall authorize and be deemed to have authorized the Exchange of Glebe Lands for other Lands, although at the Time of such Exchange, or of the Applications in relation thereto, no Proceedings for or concerning the Commutation of Tithes in the Parish in which such Glebe Lands may be situate shall have been pending, and whether the Commutation of Tithes in such Parish shall or shall not have been completed.

XXIII Act to be construed as Part of 6 & 7 W.4 c.71, &c.

And be it enacted, That this Act shall be construed with and as Part of the first-recited Act as amended by the several Acts passed for the Amendment thereof and by this Act.

XXIV Act may be amended, &c.

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.