



# Tithe Act 1846

1846 CHAPTER 73

**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.