



# Tithe Act 1846

## 1846 CHAPTER 73

### **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 all 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

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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.