



The Old Tithe Barn, Castle Eaton

Tithe Dispute Collins v Archer

Judgment – Collins v Archer
Rolls' Court – Tuesday Feb 23

His Honour also gave judgment in this case, in which a Mr Goddard, the Rector of the parish of Castle Eaton, in the year 1811, charged the rectory for a valuable consideration with an annuity of £550, and he also demised the rectory for the better security of this annuity for the term of 99 years.

In the year 1814 he also made a demise of the Defendant Archer, of the glebe lands which were the property of Archer, and in his occupation. The present bill was filed for the satisfaction of the arrears of the annuity out of those tithes, which were, as the Plaintiff contended, due from the defendant in respect of his lands. The Defendant, in his answer, insisted that he was a purchaser for valuable consideration, without notice of the prior charge created by Mr Goddard.

His Honour was clearly of opinion that such a plea from a person standing in the situation in which Archer did, was of no avail, and the Court was fully borne out in that opinion by the case of Wilson and Lamb. That being the opinion of the Court, the only question was, from what precise period the account should be taken of the tithes due from Archer to the Plaintiff. In a case of this nature a Court of Equity and a Court of Law had concurrent jurisdiction, and inasmuch as in a Court of Law the Plaintiff would certainly recover the arrears of those tithes for the period of six years back, so his Honour thought in Equity he was entitled to recover them from the same period, and ordered the account to be taken from that period.

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