c. 7. It is provided by the Act of 1836 that, if the rent-charge be in arrear for twenty-one days, the person entitled to it may, after ten days’ notice in writing, distrain upon the lands liable to the payment of it. If it be in arrear for forty days, and there be no sufficient distress on the premises, a writ of habere facias posses­sionem may issue, directing the sheriff to summon a jury to assess arrears. Not more than two years’ arrears can be recovered by either means. It appears from these sections of the Act that the charge binds the land alone, and that there is no personal liability of either landlord or tenant. Though the charge is on the land, it is not on the inheritance, and it has been recently decided that arrears are not recoverable by sale of the lands out of which the rent-charge issues. The assessment of the rent-charge on wastes, common or Lammas lands, coppice wood, turnips, cattle agisted, &c., and the commutation of corn rents created by local Acts, are the subject of special provisions. The Act of 1836 and later Acts pro­vided for the division of the charge upon hop grounds, orchards, fruit plantations, and market gardens into the ordinary and extra­ordinary charge, the latter to be a rate per acre in addition to the ordinary charge. The extraordinary tithe applies only while the land is cultivated as a hop ground, &c., and in case of new cultiva­tion comes into operation gradually, the full rate not being levied at once. The incidence of the extraordinary tithe having been found an impediment to agriculture, especially in Kent, the Extraordinary Tithe Commutation Act, 1886 (49 and 50 Vict c. 54), was passed as a remedy. It provides that no extraordinary tithe is to be charged upon any land newly cultivated after the passing of the Act. With regard to land subject at the passing of the Act to extraordinary tithe, the Act enables the land commissioners to certify the capital value of the extraordinary tithe on each farm or parcel of land, the land to be charged in lieu of the tithe with the payment of an annual rent-charge equal to 4 per cent. on the capital value. The owner or any other person interested in the land may redeem the charge at its capital value. Tithe rent-charge is subject by the Act of 1836 to all parliamentary, parochial, and county rates, and is an hereditament within the Poor Bate Act of the same year (6 and 7 Will. IV. c. 96). The latter Act further enacts that in estimating the net annual value of rateable hereditaments, the rent is to be estimated free, inter alia, of tithe commutation rent-charge, if any.@@1

Scotland. —The terms “ tithes ” and “ teinds ” are both in use, but the latter is the more common. Teinds are either drawn in kind, valued, or redeemed. Originally they were all drawn in kind, as in England, but their commutation or redemption was the subject of many Acts of the Scottish parliament, especially those passed in 1633, the practical effect of which has been to make a fixed burden on the land take the place of a fluctuating payment, and to sub­stitute a payment of one-fifth of the rent for one-tenth of the pro­duce. In the first instance all teinds went to the church ; but, when at the Reformation the crown became proprietor of the church lands, grants were made by it to the lords of erection or titulars of the tithes, laymen holding of the crown. The Act 1587, c. 29, annexed the church lands to the crown, with certain exceptions in favour of lay holders and others. All bishops’ teinds and those formerly part of the revenue of the chapel royal are now crown property. The Church Patronage Act of 1874 does not affect the right to teinds of a patron or titular. Teinds in lay hands are sub­ject to the burden of providing a suitable provision for the minister, the stipend being fixed by the Court of Teinds. All lands are sub­ject to teinds except those which before the Reformation were feued cum decimis inclusis et nunquam antea separatis, so that the grantee held lands and teinds together. In order to prove such an exemp­tion, the person claiming under a decimæ inclusæ title must show that the lands and teinds belonged to a monastery, that the lands were never teindable, that they were novalia, or reclaimed by the monks themselves, that the title bears that the lands are held cum decimis inclusis, &c., and that it is previous to 1587. The judges of the Court of Session sit as commissioners of teinds,—a jurisdic­tion specially preserved by art xix. of the Act of Union,—and exercise wider powers than any existing body in England, as they possess at once the jurisdiction of a court of justice and of the English land commissioners. The constitution and procedure of the Court of Teinds is regulated by 48 Geo. III. c. 138 and sub­sequent Acts.@@2

Ireland.—Many Acts of the Irish parliament deal with tithes, both generally and locally, the earliest being 33 Hen. VIII. c. 12, based upon the English Act, 28 Hen. VIII. c. 20. After the “tithe war ” at the beginning of the 19th century, a tithe composi­tion payable by the occupier was fixed by 4 Geo. IV. c. 99. In 1838 an annual rent-charge equal in amount to three-fourths of the tithe

composition was substituted for the latter by 1 and 2 Vict. c. 109. The rent-charge is recoverable by distress where the person liable is the occupier, in other cases by action in the High Court of Justice, or by civil bill in claims under £20. The Irish Church Act, 1869 (32 and 33 Vict. c. 42), vests all tithe rent-charge then belonging to clergy of the Irish Church in the commissioners of church tem­poralities in Ireland. By that Act and the amending Act, 35 and 36 Vict. c. 90, the commissioners are enabled to purchase the surrender or assignment of any subsisting lease of tithe rent-charge made by an ecclesiastical person or corporation, and to sell any rent-charge vested in them to the owner of the land charged therewith for a sum equal to twenty-two and a half years’ pur­chase. (J. W+.)

TITHONUS, a character of Greek mythology, a son or, according to others, a brother of Laomedon, king of Troy. He was beloved by Eos (the Morning), who carried him away and dwelt with him at the limit of the world, by the Ocean stream. Eos begged of Zeus that her lover might live for ever, and her request was granted ; but she forgot to ask immortal youth for him, so he shrivelled up into a hideous old man, whom Eos kept shut up in a chamber. At last Tithonus prayed to be rid of the burden of old age and was turned into a grasshopper. Eos had two sons by him—Memnon, king of Æthiopia, and Emathion. Memnon was killed before Troy by Achilles; but the legend is later than the *Iliad,* which does not mention it. As to Eos her­self, her name is etymologically identical with the Sanskrit *ush* and the Latin *aurora,* both meaning “ morning.” Ac­cording to Hesiod, Eos was a daughter of Hyperion and Thea, and sister of the Sun and Moon. Homer represents her arising every morning from the couch of Tithonus to carry light to gods and men, drawn in a chariot up the sky by her swift steeds Lampus and Phaethon. Her com­mon epithet in Homer is “ rosy-fingered,” the meaning of which is disputed. Besides Tithonus she loved Orion, till Artemis shot him with an arrow in Ortygia. She also loved and carried off the youthful hunter Cephalus ; he was already married to Procris, to whom, in spite of his infidelity, he was afterwards reconciled. A peculiar form of the Cephalus legend is given by Apollodorus (iii. 14, 3): Cephalus, a son of Hermes and Herse, was carried off by Eos, and from their union in Syria sprang Phaethon. By Astræus, Eos became the mother of the Morning Star and all the starry host.

With regard to representations in art, the combat between Achilles and Memnon was figured on the chest of Cypselus (Pausanias, v. 19, 1), and it appears on early Greek vases of Melos, Corinth, and Chalcis. There was a group of Eos carrying off Cephalus on the roof of the Stoa Basileios at Athens, and the same scene was repre­sented on the throne at Amyclæ (Paus., i. 3, 1; iii. 18, 12). It also appears on vases, and formed an acroterion group on the temple at Delos. Eos in her chariot is represented on vases.

See Roscher, *Ausführliches Lexikon der griech. u. röm. Mythologie,* p. 1262 *sq.*

TITIAN (1477-1576). Tiziano Vecellio, or Vecelli, one of the greatest painters of the world, and in especial the typical representative of the Venetian school, was com­monly called during his lifetime “ Da Cadore,” from the place of his birth, and has also been designated “Il Divino.” The country of Cadore, in the Friuli, barren and poor, is watered by the Piave torrent poured forth from the Carnic Alps, and is at no great distance from Tyrol. Titian, therefore, was not in any sense a Venetian of the lagoons and Adriatic, but was native to a country, and a range of association, perception, and observation, of a directly different kind. Venice conquered Friuli at a date not very remote from the birth of Titian ; and Cadore, having to choose between Venetian and imperial allegiance, declared for the former. Approaching the castle of Cadore from the village Sotto Castello, one passes on the right a cottage of humble pretensions, inscribed as Titian’s birth­place ; the precise locality is named Arsenale. The near mountain—all this range of hills being of dolomite for­mation—is called Marmarolo. At the neighbouring village of Valle was fought in Titian’s lifetime the battle of

@@@1 See, in addition to the authorities already cited, Montesquieu, Esprit des Lois, bk. xxxi. c. 12; Prideaux, On Tithes ; Eagle, On Tithes ; Shelford, On the Tithe Commutation Acts ; Phillimore, Ec­clesiastical Law, vol. ii., 1483 ; Stephen, Comm., vol. ii. bk. iv. pt. ii. ch. iii.

@@@2 See Selden, History of Tithes, c. vii. s. 9 ; G. J. Bell, Principles, §§ 837, 1147 ; W. Bell, Law Dict. and Digest, “ Teinds.”