CHAPTER 34.

An Act to amend the Acts relating to the Ecclesiastical Commissioners, and enable them to carry into effect a certain proposal for the re-arrangement of the Dioceses of London, Winchester, and Rochester, and the erection of a new Bishopric of Saint Albans. [29th June 1875.]

WHEREAS, having regard to the great increase of population in the counties adjoining the metropolis both north and south of the Thames, and in particular in the county of Surrey, it is expedient to provide increased episcopal supervision in such counties, and with a view thereto an arrangement is proposed whereby a new bishopric, to be called the Bishopric of Saint Albans, will be formed to the north of the Thames, to consist of the counties of Hertford and Essex (which will be taken away from the diocese of Rochester), and more complete episcopal supervision will be secured to South London and the district situate to the south of the Thames, including a large part of the county of Surrey, by adding to the diocese of Rochester, in exchange for the counties to the north of the Thames so taken away as aforesaid, the several parishes in this Act hereafter specified, of which the greater portion form at the present time part of the diocese of Winchester:

And whereas the Bishop of Winchester, with a view to further such arrangement as aforesaid, and in particular to provide more complete episcopal supervision as aforesaid in South London and the district situated to the south of the Thames, has assented to the sale of the episcopal residence in London attached to the bishopric of Winchester, and to the application of the proceeds of such sale as a basis for an endowment of the bishopric of Saint Albans, and it is intended to make such further provision for the endowment of the said bishopric as is herein-after mentioned:

Be it therefore 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, as follows:

Short title of Act.

1. This Act may be cited for all purposes as the Bishopric of Saint Albans Act, 1875.

Bishopric of Saint Albans.

London house of Bishop of Winchester to be sold, and proceeds carried to Bishopric Endowment Fund.

2. The Ecclesiastical Commissioners for England (in this Act referred to as "the Commissioners") shall, as soon as may be after the passing of this Act, sell the episcopal residence attached to the bishopric of Winchester, and situate in the liberties of the city of Westminster, and shall carry over the proceeds of such sale, after deducting the expenses thereof, to a fund to be called the Saint Albans Bishopric Endowment Fund.

Public contributions to be carried to Bishopric Endowment Fund.

3. The Commissioners shall receive all contributions which may be made by the public for the purposes of the endowment of the bishopric of Saint Albans, and carry the amount of such contributions to the said Saint Albans Bishopric Endowment Fund.

Bishopric to be established on sufficient endowment being provided.

4. Whenever the Commissioners certify to Her Majesty under their seal that the Saint Albans Bishopric Endowment Fund amounts to a sum which (exclusive of the value of any episcopal residence which may have been provided, or any sum appropriated for the purpose of providing such episcopal residence,) produces a net income of not less than two thousand pounds a year, Her Majesty, by Order in Council, may found a new bishopric of Saint Albans, with a diocese consisting of the counties of Hertford and Essex, and of that part of the county of Kent which lies north of the River Thames, or of such parts thereof as to Her Majesty may seem meet, and may assign to such bishopric as a cathedral church the abbey church of Saint Albans, in the county of Hertford, but subject to the rights of the incumbent of such church, and may declare the time at which such Order founding such new bishopric is to come into operation.

Her Majesty, by the same or any other Order in Council, may constitute the Bishop of Saint Albans a body corporate, and may invest such bishop with all such rights, privileges, and jurisdictions as are now possessed by any other bishop in England, or such of them as

to Her Majesty may seem meet, and may subject such bishop to the metropolitan jurisdiction of the Archbishop of Canterbury.

New constitution of diocese of Rochester, and alteration of dioceses of London and Winchester.

5. Her Majesty may by the Order in Council founding the bishopric of Saint Albans, or by any other Order in Council, to take effect at or after the time at which such first-mentioned Order comes into operation, transfer to the residue of the diocese of Rochester remaining after such constitution as aforesaid of the bishopric of Saint Albans out of the counties of Hertford and Essex, all such parishes situate wholly or partly in the parliamentary divisions of East Surrey and Mid Surrey as now form part of the diocese of Winchester, also all such parishes situate in the county of Surrey as now form part of the diocese of London.

Her Majesty may in any such Order in Council as is mentioned in this section make such modifications in the provisions herein contained respecting the transfer of parishes as to Her Majesty may seem meet.

Additional endowment of bishopric of Saint Albans.

6. Subject to the rights of the persons who are at the time of the passing of this Act Bishops of Winchester and Rochester, there shall be transferred to the Saint Albans Bishopric Endowment Fund such portion of the endowment or income of the bishopric of Winchester as will yield a net annual sum of five hundred pounds, and such portion of the endowment or income of the bishopric of Rochester as will yield a net annual sum of five hundred pounds.

The number bishops sitting in Parliament not to be increased.

7. The number of Lords Spiritual sitting and voting as Lords of Parliament shall not be increased by the foundation of the bishopric of Saint Albans, and whenever there is a vacancy among such Lords Spiritual by the avoidance of any of the sees of Canterbury, York, London, Durham, or Winchester, such vacancy shall be supplied by the issue of a writ of summons to the bishop acceding to the see so avoided, and if such vacancy is caused by the avoidance of any see other than the five sees aforesaid, such vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England who having been longest appointed bishop of a see in England has not previously become entitled to such writ.

Provided, that where a bishop is translated from one see to another, and was at the date of his translation actually sitting as a Lord of Parliament, he shall not thereupon lose his right to receive a writ of summons to Parliament.

Supplemental Provisions.

Appointment of Bishop of Saint Albans

8. So long as there is not a Dean and Chapter of Saint Albans Her Majesty may appoint the Bishop of Saint Albans by letters patent, and such letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect as letters patent of Her Majesty nominating a bishop in the case of a bishopric where a dean and chapter have not proceeded to elect a bishop in accordance with the license and letters missive of Her Majesty.

From and after the foundation of such dean and chapter a vacancy in the bishopric of Saint Albans shall be filled in the same manner as a vacancy in any other bishopric in England.

Courts, officers, archdeaconries, and other incidental arrangements constituting the bishopric of Saint Albans to be provided by a scheme of the Ecclesiastical Commissioners,

9. Whenever such certificate as is in this Act mentioned has been given by the Commissioners with respect to the net income produced by the Saint Albans Bishopric Endowment Fund, the Commissioners shall lay before Her Majesty a scheme—

(1.) For assigning to the Bishop of Saint Albans all or any such courts, officers, and jurisdiction belonging to any bishop in England, and not otherwise assigned by this Act, or any Order in Council made thereunder, as it may be thought expedient to assign, and for making provision for dispensing with the confirmation or other agency of a dean and chapter in relation to any matters in which such confirmation or agency would otherwise be required, and for the custody of the spiritualities by the Archbishop of Canterbury during a vacancy in the see; and

approved by Order in Council.

(2.) For making such arrangements as may be thought expedient, by the creation of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes affected by the foundation of the bishopric of Saint Albans, and by the alteration of the boundaries of the bishoprics of London, Winchester, and Rochester, with power on the next avoidance of the archdeaconry of Rochester and Saint Albans, and before such avoidance with the consent of the person who is now Archdeacon of Rochester and Saint Albans, to divide the archdeaconry of Rochester and Saint Albans; provided, that from and after such division the canonry in the cathedral church of Rochester now annexed to the archdeaconry of Rochester and Saint Albans shall be permanently annexed to the archdeaconry of Rochester; and

(3.) For giving the bishop of each of the dioceses of London, Winchester, Rochester, and Saint Albans the patronage of every ecclesiastical dignity and benefice situate in his diocese the patronage of which ecclesiastical dignity or benefice is, at the date of the scheme being made, vested in the bishop of the diocese in which such dignity or benefice is then situate; and

(4.) For transferring the portions of the endowments or income of the bishoprics of Winchester and Rochester directed by this Act to be transferred to the Saint Albans Bishopric Endowment Fund; and

(5.) For enabling any existing archdeacon to reside in any place in which he is residing at the time of the passing of this Act, and for making such arrangements as to the officers of the said bishoprics as may seem to the Commissioners requisite to preclude any existing officer from being prejudiced by this Act or any Order in Council made thereunder; and

(6.) For founding honorary canonries in the cathedral church of Saint Albans, with power to dispense with the consent of any dean and chapter so long as there is no such dean and chapter in existence at Saint Albans, and to provide that honorary canons in the cathedral church of Rochester who, upon the foundation of the bishopric of Saint Albans, may be holding benefices in the diocese of Saint Albans shall become honorary canons in the cathedral church of Saint Albans instead of being honorary canons in the cathedral church of Rochester; and

(7.) For providing for the transfer as soon as may be practicable to the registrar or other officer of the diocese of Saint Albans, from the registrars or officers of the dioceses of London, Winchester, and Rochester who may be respectively in possession of the same, of all terriers, tithe apportionments, maps, plans, and other documents relating to the several parishes which shall be situate in the diocese of Saint Albans; and

(8.) For making such other provisions and arrangements, whether similar or not to the foregoing, as may be necessary for carrying into complete effect this Act or any Order in Council made thereunder.

Any scheme made in pursuance of this Act shall be of no effect until it has been approved by Order of Her Majesty in Council, but when so approved shall be published in the London Gazette.

A copy of any scheme made in pursuance of this section, and approved by Order of Her Majesty in Council, shall be laid before both Houses of Parliament as soon as conveniently may be after such Order is made, if Parliament be then sitting, or if Parliament be not then sitting, within one week after the next meeting of Parliament.

Validity of Order in Council

10. Any Order made by Her Majesty in Council in pursuance of the provisions contained in this Act, shall be of the same effect as if such Order were enacted in this Act.

Sale by Commissioners of Danbury.

11. At any time after the passing of this Act, the Commissioners may, with the consent of the Bishop of Rochester, sell the episcopal residence attached to the bishopric of Rochester, and situate in the parishes of Danbury and Sandon, in the county of Essex, and after the person who is Bishop of Rochester at the time of the passing of this Act ceases to be entitled to reside therein, may sell the same without such consent; the Commissioners shall in the first place out of the proceeds of such last-mentioned sale, after deducting the expenses thereof, provide, in the county of Surrey, a suitable episcopal

residence for the Bishop of Rochester, and shall carry the surplus to the Saint Albans Bishopric Endowment Fund, with a view to providing within the diocese of Saint Albans a suitable episcopal residence for the Bishop of Saint Albans.

The expression "episcopal residence situate in the parishes of Danbury and Sandon" shall include any gardens, pleasure grounds, farms, and lands usually held or occupied with the said residence.

Effect of conveyance of episcopal residences by Commissioners

12. The Commissioners may sell any episcopal residence or land by this Act authorised to be sold by them, with or without special conditions of title, or otherwise, as they may think fit, and they shall have power by any conveyance or instrument under their seal to vest in the purchaser all the estate and interest therein of the bishop of the bishopric to which it was attached and his successors, and any other estate and interest therein (if any) belonging to or held in trust for such bishopric.

Trusts of Bishopric Endowment Fund.

13. The Saint Albans Bishopric Endowment Fund shall be held by the Commissioners upon trust to provide a net annual income not exceeding four thousand five hundred pounds a year, and a residence, for the Bishop of Saint Albans, and subject as aforesaid upon trust for the foundation of a dean and chapter for the bishopric of Saint Albans, in such manner as may be from time to time provided by Order of Her Majesty in Council.

All annual income arising from the Saint Albans Bishopric Endowment Fund shall, until the bishopric of Saint Albans is founded, as provided by this Act, be invested and accumulated as part of the fund; but the Commissioners shall have full power to sell (discharged from all trusts), invest, manage, lease, and otherwise deal with the fund and the property in which it may for the time being be invested in such manner as they may deem most expedient for the purposes of their trust. The Commissioners may invest the whole or any part of the Saint Albans Bishopric Endowment Fund in the purchase of land, and may hold such land without any license in mortmain, and may from time to time, with the consent of the Bishop of Saint Albans for the time being, assign to such bishop and his successors, as an endowment for the see, the lands so purchased, if convenient to be held by such see: Provided that there shall not be assigned as an endowment to the said bishopric, exclusive of an episcopal residence, a greater extent of land than will, after deducting the costs of management, produce as nearly as may be a net annual income of four thousand five hundred pounds.

The endowment of the bishopric of Saint Albans under this Act shall be deemed to be for all purposes subject to the same laws as the temporalities and endowment of any other bishopric in England.

Temporary Provisions.

Provision as to existing Bishop of Rochester.

14. If the person who at the passing of this Act is the Bishop of Rochester is translated to the bishopric of Saint Albans, he shall be entitled, so long as he continues Bishop of Saint Albans, to a writ of summons to sit in Parliament, and to the same rank and precedence in Parliament and elsewhere as if he had continued to be Bishop of Rochester; and he shall be entitled, so long as he continues Bishop of Saint Albans, to reside at the episcopal residence of Danbury (until sold with his consent), and to receive out of the revenue of the bishopric of Rochester such annual sum as will, together with the revenue of the bishopric of Saint Albans, make up his net annual income to the same amount as that which he received as Bishop of Rochester; and if he resigns the bishopric of Saint Albans, in pursuance of the Bishops Resignation Act, 1869, and thus becomes entitled under that Act to a retiring allowance of two thousand pounds, and at the date of such resignation was receiving any annual sum out of the revenues of the bishopric of Rochester, such retiring allowance shall be paid partly out of the revenue of the bishopric of Rochester and partly out of the revenue of the bishopric of Saint Albans, and the amount of the portion so to be paid out of the revenue of the bishopric of Rochester shall bear the same proportion to the amount payable out of the revenue of the bishopric of Saint Albans as the annual income which he was receiving at the time of his resignation out of the revenue of the bishopric of Rochester bore to the annual income which he was receiving out of the revenue of the bishopric of Saint Albans.

32 & 33 Vict. c. 111.

Provided that if during the payment of any such retiring allowance as aforesaid to any bishop an augmentation is made in the revenue of the bishopric of Saint Albans, a proportionate increase shall be made in the quota payable towards such allowance out of the revenue of the bishopric of Saint Albans, and a corresponding reduction shall be made in the quota payable out of the revenue of the bishopric of Rochester.

Provided, that if at any time after the passing of this Act the annual income of one of the said bishoprics of Saint Albans and Rochester is for the time being less than the income of the other of the said bishoprics, and less than four thousand five hundred pounds, then (subject and without prejudice to such provisions of this Act as are limited to take effect in the event of the translation to the bishopric of Saint Albans of the person who at the time of the passing of this Act is the Bishop of Rochester) the person for the time being holding such one of the said bishoprics as has the less income shall, in the event of his becoming entitled to a retiring allowance under the Bishops Resignation Act, 1869, be only entitled to be paid one third part of the income enjoyed by him before his retirement, and shall not be entitled to receive the annual sum of two thousand pounds in place of such third part.

Saving Clauses, and Repeal.

Saving as to service as incumbent or curate in transferred parishes.

15. The service of any person, either before or partly before and partly after the foundation of the bishopric of Saint Albans, as incumbent or curate in any parish which, in pursuance of this Act, is constituted part of a different diocese from that of which it forms part at the passing of this Act, shall, for the purpose of qualifying such incumbent or curate to be presented or nominated to any benefice in the patronage of the chapter of any cathedral or collegiate church, be deemed to be service in the diocese in which such parish is situate at the time of the passing of this Act, or in the diocese in which such parish is situate at the date of the presentation or nomination.

Common fund of Commissioners not applicable to endowment.

16. Nothing in this Act shall authorise the Commissioners to apply any portion of their common fund towards the endowment of the bishopric of Saint Albans, or of the dean and chapter of such bishopric, save in so far as relates to the net annual sums of five hundred pounds and five hundred pounds by this Act made payable out of the endowment or income of the bishoprics of Winchester and Rochester.

Repeal of certain Acts and parts of Acts.

17. There shall be repealed, from and after the date of the passing of this Act, any enactment of any Act of Parliament inconsistent therewith, and from and after the date at which any Order of Her Majesty in Council made in pursuance of or for the purposes of this Act comes into operation, any enactment of any Act of Parliament inconsistent with such Order in Council.

CHAPTER 35.

An Act for the further Amendment of the Laws relating to Turnpike Roads in South Wales. [29th June 1875.]

7 & 8 Vict c. 91.

WHEREAS by an Act passed in the session of the seventh and eighth years of Her present Majesty, chapter ninety-one, and intituled "An Act to consolidate and "amend the Laws relating to Turnpike Trusts in South Wales," the Public Works Loan Commissioners were empowered to make loans to be severally secured by way of annuity on the respective county roads funds to be formed and county road rates to be levied under the said Act in the six counties following; that is to say, the counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan; and the said Commissioners, in pursuance of such power, have made loans on the security of the said several funds and rates:

And whereas by section ninety-five of the said Act it is enacted that whenever it appears to the county roads board for any of the said counties at their annual general