permanent civil service of the State in unhealthy places, and it is expedient to make further provision for the like purpose:

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; viz.,

Unhealthy Places.

Determination of places to be deemed unhealthy.

1. The Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) may from time to time by order declare that any country or place therein named shall be deemed, and the same shall thereupon be deemed, for the purposes of the Superannuation Act, 1859, and this Act, to be an unhealthy place.

The Treasury may from time to time by order revoke or vary an order previously made under this section, but the amount of superannuation, compensation, gratuity, or other allowance to be granted to any person serving, before the date of the order of revocation or alteration in the unhealthy place affected thereby, shall be the same as if it had not been made.

Special rate of pension to person who has served in unhealthy place.

2. For the purpose of reckoning the amount of any superannuation, compensation, gratuity, or other allowance to be granted under the Superannuation Act, 1859, to a person who has served in an established capacity in the permanent civil service of the State, two years service in an unhealthy place shall be reckoned as service for three years, and service in an unhealthy place for any greater or less period than two years shall be reckoned in the like proportion.

Provided that nothing in this section—

(1.) Shall alter so much of section two of the Superannuation Act, 1859, as requires a service of ten years before an annual superannuation allowance can be granted; or

(2.) Shall, without the consent of the Treasury, apply to a person who was residing in an unhealthy place when he entered the permanent civil service of the State.

Supplemental.

Orders to be laid before Parliament.

3. Every order under this Act shall be laid before both Houses of Parliament in accordance with section thirteen of the Superannuation Act, 1859.

Commencement of Act.

4. This Act shall apply to persons who have retired from the public service since the seventeenth day of February one thousand eight hundred and seventy-five.

Construction and short title.

5. This Act may be cited as the Superannuation Act, 1876, and shall be construed as one with the Superannuation Act, 1859, and that Act and this Act may be cited together as the Superannuation Acts, 1859 and 1876.

Repeal.

Repeal of 38 Vict. c. 4.

6. The Superannuation Act, 1875, is hereby repealed: Provided that—

(1.) This repeal shall not affect anything duly done or suffered under the Act hereby repealed; and

(2.) Any order or warrant made in pursuance of the said Act shall have effect as if it were an order made in pursuance of this Act.

CHAPTER 54.

An Act to provide for the Foundation of a new Bishopric out of a part of the diocese of Exeter. [11th August 1876.]

WHEREAS it is expedient to provide increased episcopal supervision for the Archdeaconry of Cornwall in the diocese of Exeter, and with a view thereto an arrangement is proposed whereby a bishopric to be called the Bishopric of Truro will be formed, to consist of the Archdeaconry of Cornwall:

And whereas the Bishop of Exeter, with a view to further such arrangement, has assented to the transfer of such portion of the endowment of his bishopric as will yield a net annual sum of eight hundred pounds:

And whereas it is expedient to provide for the carrying of the above-mentioned arrangement into effect:

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.

1. This Act may be cited as the Bishopric of Truro Act, 1876.

Bishopric of Truro.

Public contributions for TruroBishopric endowment fund.

2. The Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) shall receive all contributions which may be made by the public for the purposes of the endowment of the Bishopric of Truro, and carry the amount of such contributions to a fund to be called the Truro Bishopric endowment fund.

Transfer of endowment from Bishopric of Exeter to Bishopric of Truro.

3. Subject to the rights of the person who is at the passing of this Act Bishop of Exeter, there shall be transferred to the Truro Bishopric endowment fund, upon the foundation of the Bishopric of Truro in pursuance of this Act, such portion of the endowment or income of the Bishopric of Exeter as will, irrespective of tenths and first fruits, yield a net annual sum of eight hundred pounds.

Establishment of Bishopric of Truro on provision of sufficient endowment.

4. Whenever the Ecclesiastical Commissioners certify to Her Majesty under their common seal either—

(1.) That the net income of the Truro Bishopric endowment fund is not less than three thousand pounds a year; or

(2.) That the net income of the Truro Bishopric endowment fund is not less than two thousand five hundred pounds a year, and that contributions to that fund sufficient to raise the net income within five years from the date of the certificate up to three thousand pounds a year have been guaranteed to the satisfaction of the Commissioners;

Her Majesty by Order in Council may found a new Bishopric of Truro, with a diocese consisting of the Archdeaconry of Cornwall or of such part thereof as to Her Majesty may seem meet, and may assign to such bishopric as a cathedral church the parish church of St. Mary, in Truro, in the county of Cornwall, but subject to the rights of the patron and incumbent of such church, and may declare the time at which such Order founding the bishopric is to come into operation.

Her Majesty by the same or any other Order in Council may constitute the Bishop of Truro a body corporate, and may invest the 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.

The net income of the Truro Bishopric endowment fund for the purposes of this section shall be estimated 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, but inclusive of any sum which will be derived from the Bishopric of Exeter immediately upon the foundation of the Bishopric of Truro, and in such estimate no deduction shall be made from the last-mentioned sum on account of any payment for tenths or first fruits.

The number of bishops sitting in Parliament not to be increased.

5. The number of Lords Spiritual sitting and voting as Lords of Parliament shall not be increased by the foundation of the Bishopric of Truro, 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 one of 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 Truro.

6. So long as there is not a dean and chapter of Truro, Her Majesty may appoint the Bishop of Truro 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 Truro shall be filled in the same manner as a vacancy in any other bishopric in England.

Scheme of Ecclesiastical Commissioners approved by Order in Council as to courts, officers, archdeaconries, and other incidental arrangements for constituting the Bishopric of Truro.

7. Whenever such certificate as is in this Act mentioned has been given by the Ecclesiastical Commissioners with respect to the net income produced by the Truro Bishopric endowment fund, the Ecclesiastical Commissioners shall lay before Her Majesty a scheme for all or any of the following matters; namely,—

(1.) For assigning to the Bishop of Truro 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 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 during a vacancy in the see by the Archbishop of Canterbury; and

(2.) For making such arrangements as may be thought expedient, by the creation and endowment of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes affected by the foundation of the bishopric; and for transferring the archidiaconal dignity of Cornwall from the cathedral church of Exeter to the cathedral church of Truro; and

(3.) For giving the Bishop of Truro the patronage of every ecclesiastical dignity and benefice situate in his diocese the patronage of which is, at the date of the scheme, vested in the Bishop of Exeter; and

(4.) For transferring the portion of the endowment or income of the Bishopric of Exeter directed by this Act to be transferred to the Truro Bishopric endowment fund, subject to the payment by the Bishop of Truro of a corresponding portion of the tenths and first fruits now payable by the Bishop of Exeter; and

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

(6.) For founding honorary canonries in the cathedral church of Truro, 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 Truro; and to provide that any non-residentiary canons in the cathedral church of Exeter, who upon the foundation of the Bishopric of Truro may be holding benefices in the diocese of Truro, and consent to the transfer, shall be transferred to and become honorary canons in the cathedral church of Truro instead of being non-residentiary canons in the cathedral church of Exeter; and

(7.) For providing for the transfer, as soon as may be practicable, to the registrar or other officer of the diocese of Truro from the registrar or officer of the diocese of Exeter who may be in possession of the same, of all terriers, tithe apportionments, maps, plans, and other documents relating to the several parishes situate in the diocese of Truro; 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.

Trusts of Truro Bishopric endowment fund.

8. The Truro Bishopric endowment fund shall be held by the Ecclesiastical Commissioners upon trust to provide a net annual income not exceeding four thousand two hundred pounds a year and a residence for the Bishop of Truro, and subject as aforesaid upon trust for the foundation of a dean and chapter for the bishopric, in such manner as may be from time to time provided by Order in Council.

All annual income arising from the Truro Bishopric endowment fund shall, until the bishopric is founded, as provided by this Act, be invested and accumulated as part of the fund; but the Ecclesiastical 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 far the time being be invested in such manner as they may deem most expedient for the purposes of their trust.

The Ecclesiastical Commissioners may invest the whole or any part of such endowment fund in the purchase of land, and may hold such land without any license in mortmain, and may from time to time, but after the appointment of a Bishop of Truro with the consent of the bishop for the time being, assign to such bishop and his successors, as an endowment for the bishopric, the lands so purchased, if convenient to be held by such bishopric: 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 two hundred pounds.

The endowment of a bishopric 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.

Validity and publication of Orders in Council.

9. An Order in Council made in pursuance of the provisions contained in this Act shall have effect as if it were enacted in this Act.

An Order in Council made in pursuance of the provisions contained in this Act shall be published in the London Gazette and laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the next meeting of Parliament.

A scheme made in pursuance of the provisions contained in this Act shall be of no effect until it has been approved by Order in Council.

Saving Clauses.

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

10. The service of any person, either before or partly before and partly after the foundation of the Bishopric of Truro in pursuance of this Act, 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.

11. Nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their common fund towards the endowment of the Bishopric of Truro, or of the dean and chapter of such bishopric, save in so far as relates to any sum made payable by this Act out of the endowment or income of the Bishopric of Exeter.