SCHEDULES.

FIRST SCHEDULE.

Sections 1, 3.

Enactments referred to.

Session and Chapter.	Title.	Short Title.
6 & 7 Vict. c. 34. -	An Act for the better Apprehension of certain Offenders.	Fugitive Offenders Act, 1843.
12 & 13 Vict. c. 96. -	An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty.	Admiralty Offences Colonial Act, 1849.
14 & 15 Vict. c. 99. Sections seven and eleven.	An Act to amend the law of evidence - -	Evidence Act, 1851.
17 & 18 Vict. c. 104. Part X.	The Merchant Shipping Act, 1854.	
19 & 20 Vict. c. 113. -	An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before Foreign Tribunals.	Foreign Tribunals Evidence Act, 1856.
22 Vict. c. 20. - -	An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions, in places out of the jurisdiction of such Tribunals.	Evidence by Commission Act, 1859.
22 & 23 Vict. c. 63. -	An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions, when pleaded in the Courts of another Part thereof.	British Law Ascertainment Act, 1859.
23 & 24 Vict. c. 122. -	An Act to enable the Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight.	Admiralty Offences Colonial Act, 1860.
24 & 25 Vict. c. 11. -	An Act to afford facilities for the better ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.	Foreign Law Ascertainment Act, 1861.
30 & 31 Vict. c. 124. Section eleven.	The Merchant Shipping Act, 1867.	
37 & 38 Vict. c. 94. Section fifty-one.	The Conveyancing (Scotland) Act, 1874.	

SECOND SCHEDULE.

Section 2.

Enactments repealed.

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 80. -	An Act for the better government of Her Majesty's subjects resorting to China.	The whole Act.
6 & 7 Vict. c. 94. -	The Foreign Jurisdiction Act, 1843.	Section seven.

CHAPTER 68.

An Act to provide for the foundation of four new Bishoprics in England.

[16th August 1878.]

WHEREAS it is expedient to provide increased episcopal supervision in certain parts of England, in accordance with the proposals mentioned in the schedule to this Act:

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:

1. This Act may be cited as the Bishoprics Act, 1878. Short title.

Public contributions to 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 any new bishopric mentioned in the schedule to this Act, and carry the amount of such contributions to a fund to be called the endowment fund of the bishopric for which such contribution is made. Such contributions may include any gift or bequest of real and personal property not exceeding the limits prescribed by this Act for the endowment fund of each bishopric; and the powers of donors to bestow and of the Ecclesiastical Commissioners to receive such gifts shall be the same as those enacted in the Act of second and third years of the reign of Queen Anne, chapter eleven, and of the Act of the forty-third year of the reign of King George the Third, chapter one hundred and seven, enabling donors to vest gifts in the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy for the benefit of ministers officiating in churches and chapels.

Contribution to endowment fund from existing bishopric.

3. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment of any new bishopric mentioned in the schedule to this Act such portion of the endowment or income of the existing bishopric mentioned in the schedule to this Act in connexion with that new bishopric (which existing bishopric is in this Act referred to as a contributory bishopric) as is in the said schedule in that behalf mentioned.

Establishment of bishopric on provision of sufficient endowment.

4. Whenever the Ecclesiastical Commissioners certify to Her Majesty under their common seal, with respect to the endowment fund of any new bishopric mentioned in the schedule to this Act, either—

(1.) That the annual value of such endowment fund, together with the annual sum which will ultimately be derived in pursusnce of this Act from a contributory bishopric (when calculated in manner in this Act mentioned), is not less than three thousand five hundred pounds a year, or

(2.) That the annual value of such endowment fund, together with the annual sum which will ultimately be derived in pursuance of this Act from a contributory bishopric (when calculated in manner in this Act mentioned), is not less than three thousand pounds a year, and that contributions to that fund sufficient to raise the same, within five years from the date of the certificate, up to three thousand five hundred pounds a year have been guaranteed to the satisfaction of the Commissioners,

Her Majesty, by Order in Council, may found that new bishopric, with a diocese and cathedral church, in accordance with the schedule to this Act, 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 such bishopric a body corporate, and 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 in that behalf mentioned in the schedule to this Act.

In calculating the annual value of the endowment fund of a new bishopric for the purposes of this section there shall be included—

(1.) If a fitting episcopal residence has been provided by or to the satisfaction of the Ecclesiastical Commissioners, the annual value of such episcopal residence, which shall be reckoned at five hundred pounds; and

(2.) The net annual income of the part of the endowment fund actually invested, and such sum as the Commissioners think will be the net annual income of the part of the endowment fund not actually invested at the date of the certificate; and

(3.) Where any contribution to the endowment fund consists of an annual sum payable during life or other limited period the whole of that sum, if in the opinion of the Commissioners the like annual sum will, at the termination of such life or other period, become payable as part of the endowment fund.

The annual sum which will be ultimately derived in pursuance of this Act from a contributory bishopric shall be reckoned, for the purposes of this section, at the net annual

sum directed by the schedule to this Act to be yielded by the transferred portion of the endowment or income of the contributory bishopric, if no deduction were made for first-fruits and tenths, and shall be calculated whether the transfer is or not actually made, and whether the annual sum is or not for the time being actually payable to the new bishopric.

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 a new bishopric in pursuance of this Act; 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 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 new bishopric.

6. So long as there is not a dean and chapter of any new bishopric founded in pursuance of this Act, Her Majesty may appoint the bishop of that bishopric by letters patent, and those 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 that bishopric shall be filled in the same manner as a vacancy in any other bishopric in England founded in the reign of any of Her Majesty's predecessors.

Scheme of Ecclesiastical Commissioners approved by Order in Council as to courts, offices of archdeaconries, and other incidental arrangements for constituting new bishopric.

7. Whenever such certificate as is in this Act mentioned has been given by the Ecclesiastical Commissioners with respect to the endowment fund of any new bishopric, the Ecclesiastical Commissioners shall lay before Her Majesty in Council for confirmation a scheme for all or any of the following matters in relation to that bishopric; namely,

(1.) For assigning to the bishop of that bishopric all or any such courts, officers, and jurisdiction belonging to any bishop in England 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 to whose metropolitan jurisdiction the bishop is subject; 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 any archidiaconal dignity from an existing cathedral church to the cathedral church of the new bishopric; and

(3.) For transferring (subject to any right enjoyed by any person at the passing of this Act) to the bishop of the new bishopric the patronage of all or some of the ecclesiastical dignities and benefices situate in his diocese, the patronage of which is immediately before the foundation of the new bishopric vested in the bishop of the diocese in which the same are then situate; and

(4.) For transferring the portion of the endowment or income of a contributory bishopric directed by this Act to be transferred to the endowment fund of the new bishopric, subject to the payment of a proportionate part of the tenths and first-fruits payable by the bishop of the contributory bishopric; and

(5.) For enabling any archdeacon whose archdeaconry is affected by the foundation of the new bishopric 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 or scheme made thereunder; and

(6.) For founding honorary canonries in the cathedral church of the new bishopric, with power to dispense with the consent of any dean and chapter so long as there is no such dean and chapter in existence for that bishopric, and to provide for the transfer to the cathedral church of the new bishopric of such non-residentiary or honorary canons in the cathedral church of any contributory bishopric as on the foundation of the new bishopric hold benefices in the diocese of the new bishopric and consent to the transfer; and

(7.) For providing for the transfer, so soon so practicable, to the registrar or other officer of the diocese of the new bishopric, from the bishop's registrar or diocesan officer in possession of the same, of all terriers tithe apportionments maps plans and other documents relating to the several ecclesiastical parishes situate in the diocese of the new bishopric; 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 the foundation of the new bishopric and the scheme relating thereto.

Trusts of bishopric endowment fund.

8. The endowment fund of a new bishopric under this Act shall be held by the Ecclesiastical Commissioners upon the trusts following, that is to say, upon trust to provide a net annual income not exceeding four thousand two hundred pounds a year, and a fitting residence, for the bishop of the bishopric, and subject as aforesaid upon trust to make good to the contributory bishopric the portion of the endowment or income of that bishopric directed by this Act [to be transferred to the new bishopric, 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 endowment fund of a new bishopric shall, until the bishopric is founded as provided by this Act, be invested and accumulated as part of the endowment 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 on 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 Ecclesiastical Commissioners may invest the whole or any part of the endowment fund of a new bishopric 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 with the consent of the bishop for the time being of the bishopric, 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.

Confirmation of scheme and validity and publication of Orders in Council.

9. It shall be lawful for Her Majesty by Order in Council to confirm a scheme laid before Her Majesty in pursuance of this Act, and a scheme made in pursuance of this Act shall be of no effect until it has been so confirmed.

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

An Order in Council made in pursuance of this Act shall be published in the London Gazette, and shall as soon as practicable after the making thereof be laid before both Houses of Parliament.

Miscellaneous, and Saving Clauses.

Amendment of 38 & 39 Vict. c. 34.

10. Notwithstanding anything contained in section nine, sub-section two, of the Bishopric of Saint Albans Act, 1875, it shall be lawful for the person who at the passing of this Act is Archdeacon of Rochester and Saint Albans, if and when the Archdeaconry of Rochester shall have been severed from the Archdeaconry of Saint Albans under the provisions of the Bishopric of Saint Albans Act, 1875, to resign the archidiaconal jurisdiction conferred upon him as Archdeacon of the Archdeaconry of Saint Albans by the London Diocese Act, 1863, without thereby vacating the canonry in the cathedral church of Rochester annexed to the Archdeaconry of Saint Albans, and to continue to hold such canonry so long as he continues to be Archdeacon of Saint Albans.

38 & 39 Vict. c. 34.

26 & 27 Vict. c. 30.

The Ecclesiastical Commissioners for England may pay out of their common fund any annual sum not exceeding two hundred pounds to the person who may upon such resignation be appointed Archdeacon of Rochester until the next avoidance of the canonry now held by the Archdeacon of Rochester and Saint Albans.

"Parish" in the Bishopric of Saint Albans Act, 1875, shall be taken to have the same meaning with "ecclesiastical parish" in this Act.

38 & 39 Vict. c. 34.

Power to rearrange boundaries of the dioceses of Manchester and Liverpool.

11. In the event of the foundation of a new bishopric of Liverpool the Ecclesiastical Commissioners may at any time and from time to time lay before Her Majesty in Council for confirmation a scheme for re-arranging the boundary between the dioceses of the bishoprics of Liverpool and Manchester by transferring to the diocese of Liverpool any ecclesiastical parish or parishes situate at the date of the scheme in the diocese of Manchester, and by transferring to the diocese of Manchester any ecclesiastical parish or parishes situate at the date of the scheme in the diocese of Liverpool, or by either of such transfers:

Provided that the assent of each bishop whose diocese is affected by the transfer shall, unless the see happens to be vacant, be given to the scheme before it is laid before Her Majesty in Council.

A scheme under this section may contain such provisions in relation to archdeaconries and archdeacons, to patronage, to the transfer of non-residentiary or honorary canons, to the transfer of terriers tithe apportionments maps plans and other documents, and to other provisions and arrangements in like manner so nearly as circumstances admit as if it were a scheme in pursuance of this Act in relation to a new bishopric.

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

12. The service of any person, either before or partly before and partly after the foundation of a new bishopric in pursuance of this Act, or before or partly before and partly after any transfer is made in pursuance of this Act of an ecclesiastical parish from one diocese to another diocese, as incumbent or curate in any ecclesiastical parish which, in pursuance of this Act, is constituted part of a different diocese from that of which it formed part prior to such foundation or transfer, 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 foundation or transfer, 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.

13. Nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their common fund towards the endowment of a new bishopric in pursuance of this Act, or of the dean and chapter of such bishopric, save in so far as relates to any sum made payable out of the endowment or income of any contributory bishopric transferred in pursuance of the express provisions of this Act.

Definition of "ecclesiastical parish."

14. "Ecclesiastical parish" in this Act means a parish, new parish, ecclesiastical district, or place, within the limits of which any parson has the exclusive cure of souls.

SCHEDULE.

Proposals for New Bishoprics.

I.—*Bishopric of Liverpool.*

1. The bishop to be Bishop of Liverpool.
2. The diocese to consist of the West Derby hundred of the county of Lancaster, with the exception of so much of the said hundred as is now in the diocese of Manchester, and to include the whole of the ancient parish of Wigan.
3. Such church at Liverpool as may be determined by the Order of Her Majesty in Council, subject to the rights of the patron and incumbent of such church, to be the cathedral church.
4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Liverpool such portion of the endowment or income of the bishopric of Chester as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the Bishop of Liverpool of a proportionate part of the first-fruits and tenths payable by the Bishop of Chester.
5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

II.—*Bishopric of Newcastle.*

1. The bishop to be Bishop of Newcastle.
2. The diocese to consist of the county of Northumberland, and the counties of the towns of Newcastle-upon-Tyne and Berwick-upon-Tweed, and to include such detached parts of any other county as are under any Act of Parliament deemed to form part of the county of Northumberland, or have been or can be transferred to the county of Northumberland by the justices in general or quarter sessions assembled, and to include also the ancient common law parish of Alston with its chapelries in the county of Cumberland.
3. The parish church of Saint Nicholas at Newcastle-upon-Tyne, subject to the rights of the patron and incumbent of such church, to be the cathedral church.
4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Newcastle such portion of the endowment or income of the bishopric of Durham as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of one thousand pounds, but such transfer shall be subject to the payment by the Bishop of Newcastle of a proportionate part of the first-fruits and tenths payable by the Bishop of Durham.
5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

III.—*Bishopric of Southwell.*

1. The bishop to be Bishop of Southwell.
2. The diocese to consist of the counties of Derby and Nottingham.
3. The parish and collegiate church of Southwell, subject to the rights of the patron and incumbent of such church, to be the cathedral church.
4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Southwell such portion of the endowment or income of the bishopric of Lincoln as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of five hundred pounds, but such transfer shall be subject to the payment by the Bishop of Southwell of a proportionate part of the first-fruits and tenths payable by the Bishop of Lincoln.

Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Southwell such portion of the endowment or income of the bishopric of Lichfield as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the Bishop of Southwell of a proportionate part of the first-fruits and tenths payable by the Bishop of Lichfield.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of Canterbury.

IV.—*Bishopric of Wakefield.*

1. The bishop to be Bishop of Wakefield.
2. The diocese to consist of that part of the diocese of the bishopric of Ripon which lies southward of the northern boundaries of the ancient common law parishes of Halifax, Birstal, Batley, West Ardsley, East Ardsley, and Wakefield, or of so much of that part as may be determined by the

Order of Her Majesty in Council, and for the purpose of re-arranging the boundary between such diocese and the diocese of the archbishopric of York, the Order of Her Majesty in Council (on the recommendation of the Ecclesiastical Commissioners, made, unless the see happens to be vacant, with the assent of the archbishop) may include in the diocese of the new bishopric any ecclesiastical parish or parishes situate in the diocese of York, and may transfer to the diocese of York any ecclesiastical parish or parishes situate in the above-mentioned part of the diocese of the bishopric of Ripon.

3. Such church at Wakefield as may be determined by the Order of Her Majesty in Council, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Wakefield such portion of the endowment or income of the bishopric of Ripon as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the bishop of the new bishopric of a proportionate part of the first-fruits and tenths payable by the Bishop of Ripon.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

CHAPTER 69.

An Act to amend the Law regulating the Office of Clerk of Petty Sessions, and the Law relating to Fines, in Ireland; and for other purposes.

[16th August 1878.]

BE it 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. 21 & 22 Vict. c. 100.

1. This Act may be cited for all purposes as the Petty Sessions Clerks and Fines (Ireland) Act, 1878; and the Petty Sessions Clerk (Ireland) Act, 1858, in this Act referred to as "the principal Act," and this Act may be cited together for all purposes as the Petty Sessions Clerks (Ireland) Acts, 1858 and 1878.

Petty Sessions Clerks.

Scale of salaries.

2. From and after the passing of this Act so much of the principal Act as provides that the salary to be paid to any petty sessions clerk shall not exceed the amount specified in Schedule A. of the said Act in respect of the class in which such clerk is included, shall be and is hereby repealed; and it shall be lawful for the Lord Lieutenant to fix, and from time to time to vary, a scale of salaries to be paid to the several petty sessions clerks in lieu of the scale set forth in the said schedule.

Suspension from office.

3. In case any charge of neglect, incompetence, or misconduct is made against any petty sessions clerk in Ireland, it shall be lawful for the Lord Lieutenant, if he shall think fit, to make an order suspending such petty sessions clerk from his office; or for the justices of any district, if they shall think fit, for which such petty sessions clerk acts to make an order in petty sessions suspending such clerk from his office in such district. Every such order shall continue in force until such charge shall be disposed of. Whenever any such clerk has been so suspended from his office the justices at petty sessions may appoint some other person to act as clerk at such petty sessions for the time being. When the justices at petty sessions appoint any person to act as clerk for the time being under the authority of the eighth section of the principal Act, or under the authority of this section, the person so appointed shall, if required by the justices or by the registrar, before entering upon his duties as such clerk, enter into security for the due discharge of his duties in the manner prescribed by the eleventh section of the principal Act.

Time of payment of salaries.

4. From and after the passing of this Act so much of the principal Act as prescribes that every salary and annual sum payable to any clerk of petty sessions shall be ordered to be paid by two half-yearly payments in each year shall be and is hereby repealed; and it