

ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

CAP. XL.

An Act to secure Spiritual Persons in the Possession of Benefices in certain Cases. [14th *June* 1819.]

WHEREAS certain Spiritual Persons having been possessed of Two Benefices, which they were lawfully entitled to hold together by virtue of a Dispensation granted by the Lord Archbishop of *Canterbury*, and confirmed under the Great Seal, have afterwards, without having resigned or otherwise vacated One of the Benefices so held by them, obtained a new Dispensation to hold another Benefice with One of those Benefices of which they were before possessed, and have thereupon been put into the Possession of such other Benefice, by Nomination, Licence, Institution, Collation and Induction, as the Nature of the said Benefice might require: And whereas Doubts have arisen whether, for Want of the previous Resignation or other Vacation by such Spiritual Persons of such One of the Benefices before possessed by them by Dispensation, as was not intended to be held with the last taken Benefice, the subsequent Dispensation was valid in Law, and whether not only the Benefice intended to be made void, but also the other Benefice so previously possessed by such Spiritual Persons, and intended to be held by them with the other Benefice by virtue of such subsequent Dispensation, have not been rendered void: And whereas it would be most injurious to the Spiritual Persons who now hold Benefices which may have been so

inadvertently rendered void, and to the Patrons of the said Benefices, by means of Lapse to the Bishop, or the Archbishop, or the Crown, if Advantage of such Avoidance should be taken; wherefore, and for the Relief of such Spiritual Persons and Patrons, be it enacted by the King'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, That in every Case which has occurred before the passing of this Act, where a Spiritual Person has obtained a Dispensation to hold a Benefice to which he had been nominated, presented, or was to be licensed or collated, with a Benefice which he had held with another Benefice by virtue of a former Dispensation, without having in due Time before resigned or otherwise vacated the other Benefice included in the former Dispensation, and wherefor Want of such previous Resignation or Vacation, the Benefice held by such Spiritual Person by the former Dispensation, and intended to be secured to him by the subsequent Dispensation, may have been rendered void, it shall not be lawful for the King's most Excellent Majesty, or any other Patron or Patrons, or for His said Majesty, or any Archbishop or Bishop having the Right of Nomination, Presentation, Licence, or Collation, by reason of Lapse or otherwise, to any Benefice which may have been so rendered void, to nominate, present, license, or collate to any such Benefice by reason of the same having been rendered void in the Manner before mentioned.

Securing Benefices in certain Cases where Dispensation is granted for holding another Benefice therewith.

II. And be it further enacted, That every Spiritual Person now holding a Benefice, which may have been rendered void at any Time before the passing of this Act, in the Manner before mentioned, shall and may, notwithstanding such Avoidance thereof, continue henceforth to hold and enjoy the same, and the Fruits, Advantages, Emoluments, and Profits thereof, and shall be and be taken to be, to all Intents and Purposes in the Law whatsoever, the lawful Incumbent thereof, in the same Manner as if the Resignation or other Vacation of the other Benefice held therewith by virtue of the former Dispensation had been duly made prior to the subsequent Dispensation, and such subsequent Dispensation had been good and valid in Law; and that every Spiritual Person now holding a Benefice, which may have been so rendered void, shall, notwithstanding such Avoidance, be taken to have been the lawful Incumbent thereof since such Avoidance happened, to all Intents and Purposes in the Law whatsoever; and that all Acts and Deeds whatsoever, which have been done, performed, and executed by the Spiritual Person or Persons now holding or who shall have held any such Benefice since the Avoidance thereof, in the Manner before mentioned, shall be as valid and effectual, to all Intents and Purposes in the Law whatsoever, as if such Avoidance had not taken place; any Law, Statute, Canon, Usage, or Custom to the contrary in any wise notwithstanding; it being the true Intent and Meaning of this Act, to place the aforesaid Spiritual Persons, whose Benefices have or may have become void in the Manner before mentioned, precisely in the same Situation, to all Intents and Purposes in the Law whatsoever, as if no such Avoidance had taken place.

Incumbents of such Benefices to enjoy the Emoluments.

III. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to prevent the Patron or Patrons of any Benefice, which may have been rendered void in the Manner before mentioned, from nominating, presenting, licensing, or collating to such Benefice, on the Death, Resignation, or Cession, or other lawful Cause of Avoidance of or by the Spiritual Person now holding any such Benefice, in the same Manner as if this Act had not passed; save and except as to the Avoidance made before the passing of this Act, in the Manner and under the Circumstances particularly mentioned and set forth herein.

Patrons not prevented from nominating to such Benefices on Death or Resignation of Incumbent.

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