

The Cestui Que Vie Act of 1666

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Whereas diverse Lords of Mannours and others have used to grant Estates by Copy of Court Roll for one two or more life or lives according to the Custome of their severall Mannours and have alsoe granted Estates by, Lease for one or more life or lives, or else for yeares determinable upon one or more life or lives And it hath often happened that such person or persons for whose life or lives such Estates have beene granted have gone beyond the Seas or soe absented themselves for many yeares that the Lessors and Reversioners cannot finde out whether such person or persons be alive or dead by reason whereof such Lessors and Reversioners have beene held out of possession of their Tenements for many yeares after all the lives upon which such Estates depend are dead in regard, that the Lessors and Reversioners when they have brought Actions for the recovery of their Tenements have beene putt upon it to prove the death of their Tennants when it is almost impossible for them to discover the same, For remedy of which mischeife soe frequently happening to such Lessors or Reversioners Bee it enacted by the Kings most Excellent Majestie by and with the advice and consent of the Lords Spirituall and Temporall and the Commons in this present Parlyament assembled and by the Authoritie of the same That if such person or persons for whose life or lives such Estates have beene or shall be granted as aforesaid shall remaine beyond the Seas or elsewhere absent themselves in this Realme by the space of scaven yeares together and noe sufficient and evident prooffe be made of the lives of such person or persons respectively in any Action commenced for recovery of such Tenements by the Lessors or Reversioners in every such case the person or persons upon whose life or lives such Estate depended shall be accounted as naturally dead, And in every Action brought for the recovery of the said Tenements by the Lessors or Reversioners their Heires or Assignes, the Judges before whom such Action shall be brought shall direct the Jury to give their Verdict as if the person soe remaining beyond the Seas or otherwise absenting himselfe were dead.

II. Challenge to Jurors for Leases for Lives.

And bee it further enacted That in any such Action wherein the life or death of any such person or persons shall come in question betweene the Lessor or Reversioner and the Tennant in possession it shall and may be lawfull to the Lessor or Reversioner to take exception to any of the Jurors returned for the tryall of that cause that the greatest part of the reall Estate of any such Jurors is held by Lease or Copy for lives who upon prooffe thereof shall be sett aside as in case of other legall challenges.

III. Proviso for the Duke of York as to Lands of attainted Persons granted to him.

Provided alwayes and bee it enacted by the Authoritie aforesaid That noe thing in this Act contained shall extend to any Lands held by the life or lives of any person or persons attainted of Treason for the horrid murder of his late Majestie of blessed memory who now conceale or hide themselves which Lands are or have beene vested in His Majestic and are now granted to his Royall Highnesse the Duke of Yorke but that the course of Evidence heretofore used in such cases shall be had and used Any thing to the contrary in this Act notwithstanding.

IV. If the supposed dead Man prove to be alive, then the Title is revested.

Action for mean Profits with Interest.

Provided alwayes and bee it enacted That if any person or persons shall be evicted out of any Lands or Tenements by vertue of this Act, and afterwards if such person or persons upon whose life or lives such Estate or Estates depend shall returne againe from beyond the Seas, or shall on prooffe in any Action to be brought for recovery of the same be made appeare to be liveing; or to have beene liveing at the time of the Eviction That then and from thenceforth the Tennant or Lessee who was outed of the same his or their Executors Administrators or Assignes shall or may reenter repoesse have hold and enjoy the said Lands or Tenements in his or their former Estate for and dureing the Life or Lives or soe long terme as the said person or persons upon whose Life or Lives the said Estate or Estates depend shall be liveing, and alsoe shall upon Action or Actions to be brought by him or them against the Lessors Reversioners or Tennants in possession or other persons respectively which since the time of the said Eviction received the Proffitts of the said Lands or Tenements recover for damages the full Proffitts of the said Lands or Tenements respectively with lawfull Interest for and from the time that he or they were outed of the said Lands or Tenements, and kepte or held out of the same by the said Lessors Reversioners Tennants or other persons who after the said Eviction received the Proffitts of the said Lands or Tenements or any of them respectively as well in the case when the said person or persons upon whose Life or Lives such Estate or Estates did depend are or shall be dead at the time of bringing of the said Action or Actions as if the said person or persons were then liveing.