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Cestui Que Vie Act 1666

Acts of the English Parliament 1666 c. 11 (Regnal. 18_and_19_Cha_2) Whole Act

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01/02/1991

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Cestui Que Vie Act 1666

1666 CHAPTER 11 18 and 19 Cha 2

An Act for Redresse of Inconveniencies by want of Proove of the Deceases of Persons beyond the Seas or absenting themselves, upon whose Lives Estates doe depend.

X1 Recital that Cestui que vies have gone beyond Sea, and that Reversioners cannot find out whether they are alive or dead.

Whereas diverse Lords of Mannours and others have 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 been put upon it to prove the death of their Tenants when it is almost impossible for them to discover the same, For remedy of which mischief so frequently happening to such Lessors or Reversioners.

Editorial Information

X1 Abbreviations or contractions in the original form of this Act have been expanded into modern lettering in the text set out above and below.

Modifications etc. (not altering text)

C1 Short title "The Cestui que Vie Act 1666" given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)

C2 Preamble omitted in part under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

C3 Certain words of enactment repealed by [Statute Law Revision Act 1888 \(c. 3\)](#) and remainder omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), [s. 3](#)

[I.] **Cestui que vie remaining beyond Sea for Seven Years together and no Proof of their Lives, Judge in Action to direct a Verdict as though Cestui que vie were dead.**

If such person or persons for whose life or lives such Estates have been or shall be granted as aforesaid shall remain beyond the Seas or elsewhere absent themselves in this Realm by the space of seven years together and no sufficient and evident proof 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 so remaining beyond the Seas or otherwise absenting himself were dead.

II F1

Textual Amendments

F1 S. II repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

III F2

Textual Amendments

F2 S. III repealed by [Statute Law Revision Act 1863 \(c. 125\)](#)

IV **If the supposed dead Man prove to be alive, then the Title is revested. Action for mean Profits with Interest.**

[X2 Provided always That if any person or **[X3** person or] persons shall be evicted out of any Lands or Tenements by virtue 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 proofe in any Action to be brought for recovery of the same **[X3** to] 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 repossesse 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.]

Editorial Information

X2 annexed to the Original Act in a separate Schedule

X3 Variant reading of the text noted in *The Statutes of the Realm* as follows: O. omits [O. refers to a collection in the library of Trinity College, Cambridge]

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