



The Cestui Que Vie Act 1707

1707 CHAPTER 72 6 Ann

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An Act for the more effectual Discovery of the Death of Persons pretended to be alive to the Prejudice of those who claim Estates after their Deaths.

Reasons for passing this Act. Reversions, &c. expectant upon Determination of Life Estate, upon Affidavit of Belief of Death of Infant or other Tenant for Life as herein mentioned, and that such Death is concealed by Guardian, &c. may yearly move for and obtain an Order in Chancery for the Production of such Tenant for Life; and upon Refusal, &c. to produce such Tenant for Life, taken to be dead

Whereas divers Persons as Guardians and Trustees for Infants and Husbands in Right of their Wives and other Persons having Estates or Interests determinable upon a Life or Lives have continued to receive the Rents and Profits of such Lands after the Determination of their said particular Estates or Interests And whereas the Proof of the Death of the Persons on whose Lives such particular Estates or Interests depended is very difficult and several Persons have been and may be thereby defrauded For Remedy whereof and for preventing such fraudulent Practices any person or Persons who hath or shall have any Claim or Demand in or to any Remainder Reversion or Expectancy in or to any Estate after the Death of any Person within Age Married Woman or any other Person whatsoever upon Affidavit made in the High Court of Chancery by the Persons so claiming such Estate of his or her Title and that he or she hath cause to believe that such Minor Married Woman or other Person is dead and that his or her Death is concealed by such Guardian Trustee Husband or any other Person shall and may Once a Year if the Person agrieved shall think fit move the Lord Chancellor Keeper or Commissioners for the Custody of the Great Seal of Great Britain for the Time being to order [^{x2}and they are hereby authorized and required to order] such Guardian Trustee Husband or other Person concealing or suspected to conceal such Person at such Time and Place as the said Court shall direct on Personal or other due Service of such Order to produce and shew to such Person and Persons (not exceeding Two) as shall in such Order be named by the Party or Parties prosecuting such Order such Minor Married Woman or other Persons aforesaid And if such Guardian Trustee Husband or such other Person as aforesaid shall refuse or neglect to produce or shew such Infant Married Woman or such other Person on whose Life any such Estate doth depend according to the Directions of the said Order that then the Court of Chancery is hereby authorized and required to order such Guardian Trustee Husband or other Person to produce such Minor Married Woman or other Person concealed in the said Court of Chancery or otherwise before Commissioners to

Changes to legislation: There are currently no known outstanding effects for the
The Cestui Que Vie Act 1707, Introductory Text. (See end of Document for details)

be appointed by the said Court at such Time and Place as the Court shall direct Two of which Commissioners shall be nominated by the Party or Parties prosecuting such Order at his her or their Costs and Charges [^{X3}And in case such Guardian Trustee Husband or other Person] shall refuse or neglect to produce such Infant Married Woman or other Person so concealed in the Court of Chancery or before such Commissioners whereof Return shall be made by such Commissioners and that Return filed in the Petty Bag Office in either or any of the said Cases the said Minor Married Woman or such other Person so concealed shall be taken to be dead and it shall be lawful for any Person claiming any Right Title or Interest in Remainder or Reversion or otherwise after the Death of such Infant married Woman or such other Persons so concealed as aforesaid to enter upon such Lands Tenements and Hereditaments as if such Infant Married Woman or other Person so concealed were actually dead

Editorial Information

- X1** This Act is Chapter XVIII. 6 Ann in the Common printed Editions
- X2** interlined on the Roll.
- X3** interlined on the Roll.

Modifications etc. (not altering text)

- C1** Short title “The Cestui que Vie Act 1707” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2** Jurisdiction of High Court of Chancery now exercisable by High Court of Justice: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 18](#)
- C3** Certain words of enactment repealed by [Statute Law Revision Act 1888 \(c. 2\)](#) and remainder omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C4** By Constitutional Reform Act 2005 (c. 4), Sch. 4 para. 6 it is provided (3.4.2006) that any reference to the Lord Chancellor and keeper or commissioners for the custody of the great seal of Great Britain for the time being in section 1 of the Cestui que Vie Act 1707 is to be construed as a reference to a judge of the Chancery Division of the High Court

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