Life Estates Act (Ireland) 1695

Chapter 8

An Act for Redress of Inconveniencies for want of Proof of the Deceases of Persons beyond the Seas, or absenting themselves, upon whose Lives Estates do depend.[1]

Mischief to lessors and revertioners, by being put to prove the death of persons for whose lives estates held.

WHEREAS divers lords of manors and others have used to grant estates by lease for one or more life or lives, or else for years 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 been granted, have gone beyond the seas and absented themselves for many years, that the lessors and revertioners cannot find out whether such person or persons be alive or dead, by reason whereof such lessors and revertioners have been held out of possession of their tenements for many years after all the lives upon which such estates depend are dead, in regard that the lessors and the revertioners, 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:

Persons for whose lives estates granted, absent or beyond seas for seven years, and no proof of their lives in action by lessor or revertioner, shall be accounted as dead.

[I.] For remedy of which mischief so frequently happening to such lessors or revertioners, 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 the recovery of such tenements by the lessors or revertioners, their heirs or assigns; 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.

Jurors upon such trial, the greatest

II. Further in any such action wherein the life or death of any such person or persons shall come in question between the lessor or rever-

part of whose estate held by leases for lives, may be challenged.

tioner and the tenant in possession, it shall and may be lawful for the lessor or revertioner to take exception to any of the jurors returned for the trial of that cause, that the greatest part of the real estate of any such juror is held by lease for life or lives, who upon proof thereof shall be set aside, as in case of other legal challenges.

If said persons return after, or proved to have been living at time of, eviction; lessee may re-enter and recover damages the full profits received, with interest, as well where said persons are dead at time of bringing the action, as if living.

III. PROVIDED always, That if any 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 return again from beyond the seas, or shall on proof, in any action to be brought for the recovery of the same, be made appear to be living, or to have been living at the time of the eviction, that then and from thenceforth, the tenant or lessee, who was outed of the same, his or their executors, administrators, or assigns, shall or may re-enter, re-possess, have, hold, and enjoy the said lands or tenements, as in his or their former estate, for and during the life or lives, or so long term as the said person or persons upon whose life or lives the said estate or estates depend, shall be living; and shall also upon action or actions to be brought by him or them against the lessors, revertioners, or tenants in possession, or other persons respectively, which since the time of the said eviction received the profits of the said lands or tenements, recover for damages the full profits of the said lands or tenements respectively, with lawful interest, for and from the time that he or they were outed of the said lands or tenements, and kept and held out of the same by the said lessors, revertioners, tenants, or other persons, who after the said eviction received the profits of the said lands or tenements, or any of them respectively, as well in the case where 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 the said action or actions as if the said person or persons were then living.

Reference

1. Short title "The Life Estates Act (Ireland) 1695", 1951 c.1 (NI)