

## The Cestui Que Vie Act 1666

The Act passed into law in 1666 and was repealed in part:

- the Statute Law Revision Act 1888 amended Section 4
- the Statute Law Revision Act 1948 amended the preamble and repealed Section 2
- the Statute Law Revision Act 1963 repealed Section 3.

The earlier Cestui Que Vie Act of 1540 was repealed by the Administration of Estates Act 1925, s 56, Sch 2, Pt1, the Statute Law Revision Act 1948 and the Statute Law Repeals Act 1929.

The later Cestui Que Vie Act of 1707 amended by the Statute Law Revision Act 1888 but still stands.

## Provisions of the Act

According to this [response to a Freedom of Information Request](#):

The Act provides for the recovery of a lease where the life tenant has disappeared for seven or more years and there is no proof that the person is still alive. In this situation, the Act gives the court the power to declare the life tenant dead. There are very few references to the Act in the textbooks I have checked, suggesting it is little used. The following extract was taken from Halsbury's Statute Volume 20 (2009 reissue):

In the normal form of a strict settlement (which by virtue of the Trusts of Land and Appointment of Trustees Act 1996, s 2, cannot in general be created on or after 1<sup>st</sup> January 1997) a limitation to a life tenant invariably precedes one to a tenant in tail in order to restrict the tenant in tail's power to bar the entail. Save where there is a trust for sale, the land will fall within the Settled Land Act 1925 (see s1 of that act) and, if the life tenant is of full age, he will be the statutory tenant for life under s 19 of that Act, in whom the fee simple should be vested in trust for himself and remaindermen. The Cestui Que Vie Acts of 1666 and 1707 help to ascertain whether a life tenant is still alive.

According to an [article on quora.com](#):

The Cestui Que Vie Act 1666 (18 & 19 Car 2 c.11) ("CQV Act") was enacted in Britain during the reign of King Charles II in the aftermath of the Black Plague (1665) and the Great Fires of London (1666). The Act is still in force in the UK and was most recently amended in 2010.

The original enactment was written in Latin and French and came in a preamble and four parts (I–IV). Parts I and IV of the Act are still law in the UK. Parts II and III were repealed by Statute Law Revision Act 1888 (c.3) and section 3 of the Statute Law Revision Act 1948 (c.62).

## Spurious Claims About the Act

It is claimed by some that the Cestui Que Vie Act 1666 has the ongoing effect of declaring everyone of the age of seven years and over as 'lost at sea, presumed dead', and the consequential establishment of a *Cestui Que trust* administered by the Crown. It is further asserted that there is a connection between this trust and the 'straw man' legal fiction supposedly established by the act of registering a birth.

Having studied the text of the Act in some detail it seems to me that it relates solely to a particular type of tenancy involving two parties – we'll refer to them the *lessor* (the party granting the lease, aka the *reversioner*) and the *lessee* (the party to whom the lease is granted, aka the *cestui que*). The lessor owns land or property and grants to the lessee tenancy rights to this land or property for some period of time, which could either be a fixed term of years or the lessee's natural lifetime. Once the term elapses or the lessee dies, the tenement reverts to the lessor – this is *reversion*, and is the reason why it is said that the lessor or reversioner has *reversionary rights*. The circumstances addressed by the Act are when the lessee absents themselves ("goes beyond the sea") from the tenement for many years and the lessor launches a legal action to regain possession of their land. The act aims to solve the problem that hitherto, the courts have required the lessor to prove the death of the lessee, a fact which in many cases can be nearly impossible to prove, the lessor as a consequence being deprived of their reversionary rights. The Act solves this problem by requiring Judges in such cases to direct Juries to treat the lessees as 'missing, presumed dead' when delivering their verdicts. The Act further provides that if such a lessee who has been presumed dead should subsequently reappear, alive, any profits received by the lessor after the first Court judgement can be restored to the lessee, with interest, via a second legal action initiated by the lessee.

From my reading of the text of the Act, it contains nothing whatsoever to support the assertion that it has the effect of declaring seven year olds and over 'missing at sea, presumed dead', let alone the establishment of any Crown-administered trust or the rest of the 'straw man' stuff, which I find equally hard to swallow. I am perfectly willing to be proven wrong but to do so I would need to be shown a credible, reasonable, detailed explanation of the actual text of the Act that purportedly has the asserted effect.

I have consulted with several practising solicitors and a retired barrister; they all confirmed that my interpretation is correct and that the 'everyone is declared dead at age seven' interpretation is incorrect. Here's another article I just found which echoes my interpretation of the Act.

**I hereby challenge all those people espousing this nonsense to cite the actual text of the Act which purportedly has this effect.** To date no-one has accepted this challenge and I can only assume that they realise that it is impossible to answer because the Act does not in fact say what they claim it says. I'm sincerely open to being proved wrong, but this would require a detailed, well-reasoned explanation supported by a **citation of the exact wording in the Act which has the claimed effect.** I've scoured the text and I find no trace of any such wording.

## The Text of the Act

[My own interpretation appears in brackets below.]

From <http://www.legislation.gov.uk/aep/Cha2/18-19/11> (whole act)

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.

[An act for compensation of inconvenience for lack of proof of the death of persons travelling/living abroad or otherwise absent, where their lives or deaths have a bearing on estates.]

X1Recital that Cestui que vies have gone beyond Sea, and that Reversioners cannot find out whether they are alive or dead.

## Notes on the Cestui Que Vie Act 1666

[Recital that those (whose life land is held by another person) have gone abroad, and that those having reversionary interest in those lands cannot find out whether the former (the person with the life land) is 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 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.

[Various landowners have granted leases to others for life or a number of years. It has often happened that the lessee has absented him or herself for many years and the reversioner (i.e., the lessor) cannot determine whether the lessee be alive or dead and consequently the lessor is denied possession of their lands for many years after the lessee is dead. When lessors have brought legal actions to recover their lands, they have been obliged to prove the death of their tenants, the fact of which is almost impossible for them to discover. The Act provides remedy for these inconveniences, frequently suffered by such lessors or reversioners.]

Here's a longer version of the above paragraph that I found on the [lawfulrebellion](#) website, with wording from the above version underlined:

“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 himsefe were dead.

Annotations: [Help about Annotation](#)

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.

[Such lessees remaining absent for seven years running, the Judge in such cases is to direct a verdict treating the lessee as dead.]

If such person or persons for whose life or lives such Estates have been or shall be granted as aforesaid shall remaine beyond the Seas or elsewhere absent themselves in this Realme by the space of seaven 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.

[If such lessee shall remain abroad or otherwise absent for seven years running and no sufficient evidence of their continued life be made available when the lessor or reversioner takes legal action to retake possession of the leased land, the lessee shall be presumed dead. The Judge in any such action shall direct the Jury to consider the lessee dead when they deliver their verdict.]

II. . . . . F1

Annotations: Help about Annotation

Amendments (Textual)

F1S. II repealed by Statute Law Revision Act 1948 (c. 62), Sch. 1

III. . . . . F2

Annotations: Help about Annotation

Amendments (Textual)

F2S. 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.

[If the lessee who was presumed dead prove to be alive, the title is re-vested in the lessee. The lessee may sue for lost profits plus interest.]

[X2Provided always That if any person or [X3person 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 [X3to] 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 where then liveing.]

[If any person(s) shall be evicted from lands or tenements by this Act and such persons return from overseas or prove to be living or to have been living at the time of eviction, such persons may re-enter, re-possess, have, hold and enjoy the said lands or tenements so long as they shall live. Also, such persons may through legal action recover any profits of said lands or tenements plus lawful interest, for and from the time of eviction, from the lessor(s), reversioner(s), tenant(s) or other persons who have received said profits. (Last sentence seems to be saying that such an evicted person(s) can bring the legal action even if they are dead... hmmm)]

Annotations: Help about Annotation

Editorial Information

X2annexed 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]

## Definitions of Legal Terms

Term	Definition
<a href="#">cestui</a>	<p>CESTUI. He. This word is frequently used in composition as, cestui que trust, cestui que vie, &amp;c.</p> <p>A Law Dictionary, Adapted to the Constitution and Laws of the United States. By John Bouvier. Published 1856.</p>
<a href="#">cestui que trust</a>	<p>n. (properly pronounced ses-tee kay, but lawyers popularly pronounce it setty kay) from old French. 1) an old fashioned expression for the beneficiary of a trust. 2) "the one who trusts" or the person who will benefit from the trust and will receive payments or a future distribution from the trust's assets. (See: <a href="#">beneficiary</a>)</p> <p>Copyright © 1981-2005 by Gerald N. Hill and Kathleen T. Hill. All Right reserved.</p> <p>cestui que trust an archaic term in English law for the beneficiary under a trust.</p> <p>CESTUI QUE TRUST, A barbarous phrase, to signify the beneficiary of an estate held in trust. He for whose benefit another person is enfeoffed or seised of land or tenements, or is possessed of personal property. The cestui que trust is entitled to receive the rents and profits of the land; he may direct such conveyances, consistent with the trust, deed or will, as he shall choose, and the trustee (q.v.) is bound to execute them: he may defend his title in the name of the trustee. 1 Cruise, Dig. tit. 12, c. 4, s. 4; vide Vin. Ab. Trust, U, W, X, and Y 1 Vern. 14; Dane's Ab. Index, h.t.: 1 Story, Eq. Jur. Sec. 321, note 1; Bouv. Inst. Index, h.t.</p>
<a href="#">cestui que vie</a>	<p>CESTUI QUE VIE. He for whose life land is holden by another person; the latter is called tenant per auter vie, or tenant for another's life. Vide Dane's Ab. Index, h.t.</p>
<a href="#">enfeoff</a>	<p>Related to enfeoffed: <a href="#">fealty</a>, <a href="#">fief</a></p> <p>See: <a href="#">alienate</a>, <a href="#">bequeath</a>, <a href="#">convey</a>, <a href="#">transfer</a></p> <p>Burton's Legal Thesaurus, 4E. Copyright © 2007 by William C. Burton. Used with permission of The McGraw-Hill Companies, Inc.</p> <p>enfeoff to invest with possession of a freehold estate in land. Collins Dictionary of Law © W.J. Stewart, 2006</p> <p>TO ENFEOFF. To make a gift of any corporeal hereditaments to another. Vide Feoffment.</p>
<a href="#">hereditament</a>	<p>(redirected from <i>corporeal hereditaments</i>)</p> <p>Also found in: <a href="#">Dictionary</a>, <a href="#">Thesaurus</a>, <a href="#">Financial</a>.</p> <p>Hereditament <i>Anything that can be passed by an individual to heirs.</i> There are two types of hereditaments: corporeal and incorporeal.</p>

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	<p>A <i>corporeal hereditament</i> is a permanent tangible object that can be seen and handled and is confined to the land. Materials, such as coal, timber, stone, or a house are common examples of this type of hereditament.</p> <p>An <i>incorporeal hereditament</i> is an intangible right, which is not visible but is derived from real or <a href="#">Personal Property</a>. An <a href="#">Easement</a> is a classic example of this type of hereditament, since it is the right of one individual to use another's property and can be inherited.</p>
<a href="#">life land</a>	Land held by lease for the term of a life or lives.
<a href="#">recital</a>	<p>In <a href="#">Law</a>, a <b>recital</b> (from the Latin word <i>recitare</i>, meaning: to read out) <sup>[1]</sup> consists of an account or repetition of the details of some act, proceeding or fact. Particularly, in law, that part of a legal document—such as a lease, which contains a statement of certain facts — which contains the purport for which the deed is made.<sup>[2]</sup></p> <p>In <a href="#">EU</a> law, a recital is a text that sets out reasons for the provisions of an <a href="#">act</a>, while avoiding normative language and political argumentation.<sup>[3]</sup></p> <p>By convention, recitals start with the word <i>Whereas</i>. A recital can, and should, be taken into account when interpreting the meaning of a contractual agreement.<sup>[4]</sup></p>
<a href="#">redress</a>	<p>Also found in: <a href="#">Dictionary</a>, <a href="#">Thesaurus</a>, <a href="#">Acronyms</a>, <a href="#">Idioms</a>, <a href="#">Wikipedia</a>.</p> <p>Related to redress: <a href="#">thesaurus</a>, <a href="#">legal redress</a></p> <p>Redress</p> <p><i>Compensation for injuries sustained; recovery or restitution for harm or injury; damages or equitable relief. Access to the courts to gain <a href="#">Reparation</a> for a wrong.</i></p>
<a href="#">reversion</a>	<p><i>Any future interest kept by a person who transfers property to another.</i></p> <p>A reversion occurs when a property owner makes an effective transfer of property to another but retains some future right to the property. For example, if Sara transfers a piece of property to Shane for life, Shane has the use of the property for the rest of his life. Upon his death, the property reverts, or goes back, to Sara, or if Sara has died, it goes to her heirs. Shane's interest in the property, in this example, is a life estate. Sara's ownership interest during Shane's life, and her right or the right of her heirs to take back the property upon Shane's death, are called reversionary interests.</p> <p>A reversion differs from a remainder because a reversion arises through the operation of law rather than by act of the parties. A remainder is a future interest that is created in some person other than the grantor or transferor, whereas a reversion creates a future interest in the grantor or his or her heirs. If Sara's transfer had been "to Shane for life, then to Lily," Lily's interest would be a remainder.</p> <p>reversion</p>



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	<p>n. in real property, the return to the grantor or his/her heirs of real property after all interests in the property given to others has terminated. Examples: George Generous deeded property to the local hospital district for "use for health facilities only," and the hospital is eventually torn down and the property is now vacant. The property reverts to George's descendants; George wills the property to his sister's children only, who later died without children. When the last grandchild dies the property reverts to George's descendants. Reversion is also called "reverter." (See: <a href="#">reverter</a>)</p>
<p><a href="#">reversioner</a></p>	<p>a person entitled to an estate in <a href="#">REVERSION</a>. Collins Dictionary of Law © W.J. Stewart, 2006  REVERSIONER, estates. One entitled to a reversion.  2. Although not in actual possession, the reversioner having a vested interest in the reversion, is entitled to his action for an injury done to the inheritance. 4 Burr. 2141. The reversioner is entitled to the rent, and this important incident passes with a grant or assignment of the reversion. It is not inseparable from it, and may be severed and excepted out of the grant by special words. Co. Litt. 143, a, 151, a, b Cruise, Digest, t. 17, s. 19.</p>
<p><a href="#">seised</a></p>	<p>Related to seised: <a href="#">seizin</a>  seized (seised)  n. 1) having ownership, commonly used in wills as "I give all the property of which I die seized as follows:...." 2) having taken possession of evidence for use in a criminal prosecution. 3) having taken property or a person by force. (See: <a href="#">seisin</a>, <a href="#">seizure</a>)</p>
<p><a href="#">tenement</a></p>	<p><i>A comprehensive legal term for any type of property of a permanent nature—including land, houses, and other buildings as well as rights attaching thereto, such as the right to collect rent.</i>  In the law of EASEMENTS, a dominant tenement or estate is that for which the advantage or benefit of an easement exists; a servient tenement or estate is a tenement that is subject to the burden of an easement.  The term <i>tenement</i> is also used in reference to a building with rooms or apartments that are leased for residential purposes. It is frequently defined by statute, and its meaning therefore varies from one jurisdiction to another. West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.  tenement  n. 1) a term found in older deeds or in boiler-plate deed language, which means any structure on real property. 2) old run-down urban apartment buildings with several floors reached by stairways. (See: <a href="#">structure</a>)  Copyright © 1981-2005 by Gerald N. Hill and Kathleen T. Hill. All Right reserved.</p>



	<p>See: <a href="#">estate</a>, <a href="#">property</a></p> <p>Burton's Legal Thesaurus, 4E. Copyright © 2007 by William C. Burton. Used with permission of The McGraw-Hill Companies, Inc.</p> <p>tenement</p> <p><b>1</b> property held on tenure.</p> <p><b>2</b> a multi-storeyed flatted building in Scotland in which the flats are able to be owned individually with various rights over the common parts.</p> <p>Collins Dictionary of Law © W.J. Stewart, 2006</p> <p>TENEMENT, estates. In its most extensive signification tenement comprehends every thing which may be holden, provided it be of a permanent nature; and not only lands and inheritances which are holden, but also rents and profits a prendre of which a man has any frank tenement, and of which he may be seised ut de libero tenemento, are included under this term. Co. Litt. 6 a; 1 Tho. Co. Litt. 219; Pork. s. 114; 2 Bl. Com. 17. But the word tenements simply, without other circumstances, has never been construed to pass a fee. 10 Wheat. 204. In its more confined and vulgar acceptation, it means a house or building. Ibid. an 1 Prest. on Est. 8. Vide 4 Bing. 293; S C. l1 Eng. C. L. Rep. 207; 1 T. R. 358; 3 T. R. 772; 3 East, R. 113; 5 East, R. 239; Burn's Just. Poor, 525 to 541; 1 B. &amp; Adolph. 161; S. C. 20 Eng. C. L. Rep. 36 8; Com. Dig. Grant, E 2; Trespass, A 2; Wood's Inst. 120; Babington on Auctions, 211, 212.</p>
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