

Life or Lives, who after the Determination of such particular Estates or Interests, without the express Consent of him, her or them, who are or shall be next, and immediately entitled, **678** *upon and after the Determination of such particular Estates or Interests, shall hold over and continue in Possession of any Manors, Messuages, Lands, Tenements or Hereditaments, shall be and are hereby adjudged to be Trespassers; and that every Person and Persons, his, her and their Executors and Administrators, who are or shall be entitled to any such Manors, Messuages, Lands, Tenements and Hereditaments, upon or after the Determination of such particular Estates or Interests, shall and may recover in Damages against every such Person or Persons so holding over, as aforesaid, and against his, her or their Executors or Administrators, the full Value of the Profits received during such wrongful Possession, as aforesaid.

I. Person claiming Estate in Remainder, &c., after Death of Minor, married Woman, &c. on Affidavit, &c. that he hath cause to believe such Minor &c. is dead, Lord Chancellor to cause such Minor, &c. to be produced, &c. Guardian, &c. refusing to produce such Infant, &c. Party so concealed to be taken to be dead, and Claimant may enter on Land, &c.

II. On Affidavit, that Minor, &c. is beyond Sea, Claimant may send over Persons to view such Minor, &c.

III. If Infant be proved to be alive, after Order made, such Infant, &c. may re-enter upon Lands, &c.

IV. If Guardian, &c. prove that he hath used his Endeavours to procure such Infant to appear, and that he was then living, &c. Guardian to continue in Possession, &c.

V. Guardian, &c. holding Estates after Determination of Life of Minor, &c. adjudged Trespassers. Heirs, &c. may recover Damages.

In the matter of Clossey, 2 Sm. & G. 46, Jan. 20, 1854, it appeared on affidavit there there was no satisfactory proof that the persons were living for whose lives certain tenements were held. The remainderman applied under the Statute by motion, which was in this form, "that the said Byrne, the tenant *pur autre vie*, be ordered on the 1st day of February next, provided the order of this Court for that purpose be served upon him ten clear days previously, to produce and shew, at the door of the parish Church of St. Peter, in Liverpool, between the hours of eleven in the forenoon and one in the afternoon, to Malcolm M'Eachan, of Liverpool, cork merchant, and Thomas Dobell, of Liverpool—Elizabeth Clossey, widow, Jane Ann Galway, and Elizabeth Ann Galway, the persons named in the lease of the 30th of November 1791, or one or more of them." The Vice-Chancellor directed the order to be made in the form mentioned in *Re Lingen*, 12 Sim. 104, where a similar order was made in the first instance. The lessee in the latter case was served with the order, but did not produce