

the *cestui que vie*, as appeared by affidavit, and by the return made by the two persons to whom the *cestui que vie* was ordered to be produced. On this, another order was obtained, commanding the lessee to produce the *cestui que vie* at the bar of the Court, at the sitting of the Court at 10 o'clock in the morning of the 1st May 1841. The lessee having failed to comply with this order, as well as the former one, it was doubted whether some return ought not to be made, before an order entitling the reversioner to enter on the demised premises could be *drawn up. But the **679** Vice-Chancellor said, that all that was necessary was for "the Registrar to insert a minute in the book of the proceedings of this Court, that on this day, at the sitting of this Court at 10 o'clock in the morning, no person represented to be the *cestui que vie* was produced or appeared."

In *Caton v. Cole*, 1 L. R. Eq. 581, it was held, where a testator had improperly received the rents and profits of an estate for several years after the death of his wife who was tenant for life, without the remainderman asserting his right to possession, that the latter might maintain his bill against the legal personal representative for an account of rents and profits received by the testator, and for an account of the testator's estate if the defendant did not admit assets.¹

¹ See also the following cases in which this Statute has been construed: *In re Owen*, 10 Ch. D. 166; *In re Stevens*, 31 Ch. D. 320; *In re Pople*, 40 Ch. D. 589.

STATUTES

Made at WESTMINSTER, Anno Regni ANNÆ Reginae septimo
and A. D. 1708.

CAP. XIX.

An Act to enable Infants who are seized or possessed of Estates in Fee, in Trust, or by Way of Mortgage, to make Conveyances of such Estates.

Whereas many Inconveniences do and may arise by Reason that Persons under the Age of one and twenty Years, having Estates in Lands, Tenements or Hereditaments, only in Trust for others, or by Way of Mortgage, cannot (though by the Direction of the *Cestuy que Trust*, or Mortgagor) convey any sure Estate in such Lands, Tenements, or Hereditaments to any other Person or Persons: For Remedy thereof, be it enacted by