

V. Provided always, and be it enacted, 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 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, repossess, have, hold and enjoy the said Lands or Tenements 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; (2) and also shall upon Action or Actions to be brought by him or them against the Lessors, Reversioners 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, Reversioners, 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 when the said Person or Persons upon whose Life or Lives such **501** *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 were then living.

II. Persons beyond the Seas, or absenting themselves for seven Years, Carthew, 246.

III. What shall be a good Challenge to jurors upon Trial of Lives in Being.

V. Proviso for Persons evicted by this Act, not being in Truth dead.

In *Holman v. Exton*, Carth. 246; Holt, 195, S. C., there was a lease in reversion to L. D. for 99 years, to commence after the death or earlier determination of the estates of J. D., the father, and J. D., the son, who had then a lease in possession for the like term if they or either of them so long lived. The death of J. D., the son, was positively proved, but as to the father the proof was, that he was reported dead and had not been heard of in fifteen years. Holt C. J. upon perusal of the Statute was