(January, 1805). Long before this time, in 1604, the "Bigamy Act" of James I.* had exempted from the sc ,e of its provisions, and so from the situation and punishment of a felon, (1) those persons who had married a second time when the first spouse had been beyond the seas for seven years, and (2) those whose spouse had been absent for seven years, although not beyond the seas—"the one of them not knowing the other to be living within that time." This statute did not treat matters altogether as if the absent party were dead; it did not validate the second marriage in either case. It simply exempted a party from the statutory penalty. Again, in 1667, the statute of 19 Car. II., c. 6, "for Redresse of Inconveniences by want of Proofe of the Deceases of Persons beyond the Seas or absenting themselves, upon whose Life Estates doe depend," had provided, in the case of estates and leases depending upon the life of a person who should go beyond the seas, or otherwise absent himself within the kingdom for seven years that where the lessor or reversioner should bring an action to recover the estate, the person thus absenting himself should "be accounted as naturally dead," if there should be no "sufficient and evident proof of the life," and that the judge should "direct the jury to give their verdict as if the person . . . . were dead." But if the absent party should not really have died, provision was made for a subsequent recovery by him. The effect of this statute, then, was to end, in a specific class of cases, all inquiring into evidence, by a certain assumption; or, as it is called, by a presumption. The rule fixes, for the purpose of a particular inquiry, the effect of specified facts; absence for seven years, unheard of, is, as regards this particular inquiry, to be accounted as being the same thing as death; it is its legal equivalent. Now, subsequently, similar cases may have been brought within "the equity" of the statute, as Chief Justice Holt, in 1692,† is reported to have "held that a remainder-man was within the equity of that law;" but we hear of no suggestion of a general seven-year rule such as we have now, before 1805.‡ In the case of *Doe d. George* v. *Jesson*,‖ the Court of King's Bench —on a rule for a new trial, in an action of ejectment, which turned on the question whether the plaintiff's lessor had entered within the time allowed by the Statute of Limitations, which again turned on the time of the death of the lessor's brother, who had gone to sea and had not been heard of for many years —sustained a ruling that the jury must find the time of death as well as they could . . . . that at any time beyond the first seven years they might fairly presume him dead; but the not hearing of him within that period was hardly sufficient to afford that presumption. Lord Ellenborough said: "As to the period when the brother might be supposed to have died, according to the statute, 10 Car. II., c. 6, with respect to leases dependent upon lives, and also according to the statute of bigamy (1 Jac. I., c. 2), the presumption of the duration of life, with respect to persons of whom no account can be given, ends at the expiration of seven years from the time when they were last known to be

*St. 1 Jac. I., C. 11.

†*Holman* v. *Eston*, Carth, 246.

‡See, for instance, *Rowe* v. *Hasland*, 1 Wm. Bl. 404 (1762); *Dixon* v. *D.*, 3 Bro.C.C., 510 (1792); *Lee* v. *Willcock*, 6 Ves., 605 (1802).

‖6 East, 80.