



The Statute of Westminster the Second (De Donis Conditionalibus) 1285

1285 CHAPTER 1 13 Edw 1

Whereas of late our Lord the King, in the Quinzim of Saint John Baptist, the Sixth Year of his Reign, calling together the Prelates, Earls, Barons, and his Council at Gloucester, and considering that divers of this Realm were disherited, by reason that in many Cases, where Remedy should have been had there was none provided by him nor his Predecessors, ordained certain Statutes right necessary and profitable for his Realm, whereby the People of England and Ireland, being Subjects unto his Power, have obtained more speedy Justice in their Oppressions, than they had before; and certain Cases, wherein the Law failed, did remain undetermined, and some (^{X1}) remained to be enacted, that were for the Reformation of the Oppressions of the People: Our Lord the King in his Parliament, after the Feast of Easter, holden the Thirteenth Year of his Reign at Westminster, caused many Oppressions [of the People,] and Defaults of the Laws, for the Accomplishment of the said Statutes of Gloucester, to be rehearsed, and thereupon did provide certain Acts, as shall appear here following.

Editorial Information

X1 Variant reading of the text noted in *The Statutes of the Realm* as follows: *things*

I Several Sorts of Gifts of Lands upon Condition; In such Gifts the Donor's Will shall be observed. Writs of Formedon in Descender. A Fine shall not bar the Heir in Tail.

FIRST, Concerning Lands that many times are given upon Condition, that is to wit, Where any giveth his Land to any Man and his Wife, and to the Heirs begotten of the Bodies of the same Man and his Wife, with such Condition expressed that if the same Man and his Wife die without [^{X2}Heirs] of their Bodies between them begotten, the Land so given shall revert to the Giver or his Heir: In case also where one giveth Lands in free Marriage, which Gift hath a Condition annexed, though it be not expressed in the Deed of Gift, which is this, That if the Husband and Wife die without Heir of their Bodies begotten, the Land so given shall revert to the Giver or his Heir: In case also where one giveth Land to another, and the Heirs of his Body issuing; it seemed very

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hard, and yet seemeth to the Givers and their Heirs, that their Will being expressed in the Gift, was not heretofore, nor yet is observed: (^{X3}) in all the Cases aforesaid, after Issue begotten and born between them, to whom the Lands were given under such Condition, heretofore such Feoffees had Power to aliene the Land so given, and to disherit their Issue of the Land, contrary to the Minds of the Givers, and contrary to the Form expressed in the Gift: And further, when the Issue of such Feoffee is failing, the Land so given ought to return to the Giver, or his Heir, by Form of the Gift expressed in the Deed, though the Issue, if any were, had died: Yet by the Deed and Feoffment of them, to whom Land was so given upon Condition, the Donors have heretofore been barred of their Reversion, which was directly repugnant to the Form of the Gift: Wherefore our Lord the King, perceiving how necessary and expedient it should be to provide Remedy in the aforesaid Cases, hath ordained, That the Will of the Giver, according to the Form in the Deed of Gift manifestly expressed, shall be from henceforth observed; so that they to whom the Land was given under such Condition, shall have no Power to aliene the Land so given, but that it shall remain unto the Issue of them to whom it was given after their Death, or [shall revert] unto the Giver or his Heirs, if Issue fail [^{X4}whereas] there is no Issue at all, or if any Issue be, [^{X5}and fail by Death, or Heir of the Body of such Issue failing.] Neither shall the second Husband of any such Woman, from henceforth, have any thing in the Land so given upon Condition, after the Death of his Wife, by the Law of England, nor the Issue of the second Husband and Wife shall succeed in the Inheritance, but immediately after the Death of the Husband and Wife, to whom the Land was so given, it shall [^{X6}come to their Issue, or return unto] the Giver, or his Heir, as before is said. . . . ^{F1} And it is to wit that this Statute shall hold place touching Alienation of Land contrary to the Form of the Gift hereafter to be made, and shall not extend to Gifts made before. And if a Fine be levied hereafter upon such Lands, it shall be void in the Law; neither shall the Heirs, or such as the Reversion belongeth unto though they be of full Age, within England, and out of Prison, need to make their Claim.

Statuta Reg' Edwardi edita apud
Westmōn in Parlamento suo Pasch'
Anno Regni sui C'ciobterimo:—xiiij.

*Ex magno Rot. Stat. in Terr.
Lond. m. 46.*

Cum sup̄ Dñs Rex in quidena
Sci Johis Baptiste anno regni sui
sexto, Convocatis Prelatis,
Comitib; Baronibus & consilio
suo apud Cilewe, quia multi de
regno suo exheredatōem pacie-
bant eo qđ in multis casib; ubi
remedium apponi debebat prius
non fuit p̄ p̄decessores suos aut
ip̄m remedium p̄vium, quodam
statuta populo suo valde neces-
saria & utilia edidit, p̄ que popu-
lus suos Anglicanus & Hiber-
nicus sub suo regimine guber-
natus celeritorem justiciam em-
petuit, ut in suis oppressionib; con-
secutus est, ac quidam casus
quib; lex deficiētib; remane-
ret non defernati, Quodam em̄
ad reprimentū oppressionē
populi remaneret statuta,
Dñs Rex in placamento suo post

Pascha anno regni sui C'ciode-
cimo apud Westmō, nullas oppi-
siones & legam defecit, ad sup-
plicem p̄dictō statuto apud
Cilewe edito, restanti facti &
statuta edidit ut patebit in
sequenti.

IN primis, de tenementis que
multiciter dantur sub conditione,
videlicet cum aliquis dat terram
suam alicui viro & ejus vi &
hereditib; de ipsa viro & muliere
perceatis, adjecta conditione
expressa tali qđ si huiusmodi vi-
ro & muliere peccato obis-
sent, terra sic data ad dona-
torem vel ad ejus heredem
revertat: Et in casu etiam cum
quis dat tenentē in libam mari-
tagii quod donū het conditionem

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annexam, licet non exprimat
in carta doni, que talis est, qđ si
vir & mulier sine herede de ipis
percato obierint teneñ sic
datum ad donatorem vel ad ejus
heredem reŕtat: ¶ In casu
eciam cum quis dat teneñtū ali-
cui & heredibz de corpe suo
executibz, duram videatur &
adhuc videtur hujusmodi dona-
toribz & heredibz donatoꝝ qđ
voluntas ipoz in donis suis
exp̄sa non fuit prius nec adhuc
est observata: In omibz em
p̄dictis casibz post prolem susci-
tata & executē ab ipis quibz
ten sic fuit datum condicional-
iter, hucusq̄ fuerunt hujusmodi
feoffati potestatem alienandi

ten sic datū & exheredandi de
ten exitū ipoz cont̄ voluntatem
donatoꝝ & formam de dono
expressam: Et p̄terea cum defi-
ciente exitū de hujusmodi feof-
fatis teneñ sic datum ad dona-
torem vel ad ejus heredem reŕti
debui p̄ formam in carta de
dono exp̄ssam, licet exitus si
quis fuerit obisset, p̄ finem &
feoffamentū ipoz quibz ten sic
fuit datum sub condicione
exclusi fuerunt hucusq̄ de rever-
sione eozdem ten quod man-
ifeste fuit cont̄ formam doni
sui: ¶ p̄ quod dñs Rex, ppen-
dens qđ necessarium & utile est
in p̄dictis casibz appone rene-
diā, statuit qđ voluntas dona-

toris scđm formam in carta doni
sui manifeste expressam de
ceŕo observet̄, Ita qđ non hēant
illi, quibz ten sic fuit datum sub
condicione, potestatem alie-
nandi ten sic datum quomin⁹ ad
exitū illoꝝ quibz ten sic fuerit
datum remaneat post eoꝝ obi-
tum, vel ad donatorē vel ad ejus
heredem, si exit⁹ deficiat p̄ hoc
qđ nullus sit exitus om̄ino, vel si
aliquis exitus fuerit, p̄ mortem
deficiet, herede hujusmodi exitus
deficiente. Nec hēat deceŕo
scđs vir hujusmodi mulieris ali-
quid in ten sic dato p̄ condicōm
post mortē ux̄is ejus p̄ legem
Angl̄, nec exitus de scđo viro
& muliere successionem heredi-
tariam, set statim post mortem
viri & mulieris quibz ten sic fuit
datum post eoꝝ obitum vel ad

eoꝝ exitū vel ad donatorē vel
ad ejus heredem ut p̄d̄cūm est
reŕtatur. . . .¹ Et sciendum qđ
hoc statutū quoad alienacōem
ten cont̄ formam doni
imposterum faciendū locum hēat,
& ad dona p̄us facta nō exten-
dit̄. Et si finis sup hujusmodi ten
imposterum levetur, ip̄o jure sit
nullus, n̄ hēant heredes aut illi
ad quos spectat reŕsio, licet
plene sint etatis in Angl̄ & ext̄
prisonam, necesse appone
clamiū suū.

Editorial Information

- X2 Variant reading of the text noted in *The Statutes of the Realm* as follows: *Heir*
X3 Variant reading of the text noted in *The Statutes of the Realm* as follows: *For*
X4 Variant reading of the text noted in *The Statutes of the Realm* as follows: *either by reason that*
X5 Variant reading of the text noted in *The Statutes of the Realm* as follows: *it fail by Death, the Heir of such Issue failing.*
X6 Variant reading of the text noted in *The Statutes of the Realm* as follows: return to their Issue, or to

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Textual Amendments

F1 Words repealed by [Statute Law Revision Act 1887 \(c. 59\)](#)

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