



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

1285 CHAPTER 1 13 Edw 1

E+W

Statutes of King Edward, Made at WESTMINSTER in his
PARLIAMENT, at EASTER, In the THIRTEENTH YEAR of his Reign.

X1

X2

Editorial Information

- X1 Some words illegible on the Tower Roll are supplied from the entry of this Statute in fo. 260, etc. of Register A, in the Chapter House at Westminster, of which the Various Readings are also given. The words defective are distinguished by being included in brackets without any figure of reference.
- X2 The original text of this Act was not modern English. The traditional translation appears first with obsolete characters modernised. The original text (as an image) appears second.

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 (^{X3}) 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.

Changes to legislation: There are currently no known outstanding effects for the The Statute of Westminster the Second (De Donis Conditionalibus) 1285. (See end of Document for details)

Editorial Information

X3 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. **E+W**

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 [^{X4}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 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: (^{X5}) 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 [^{X6}whereas] there is no Issue at all, or if any Issue be, [^{X7}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 [^{X8}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.

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

Ex magno Rot. Stat. in Tur.
Lond. m. 46.

Cum sup' Dñs Rex in quindena
Sci Johis Baptiste anno regni sui
sexto, Convocatis Prelatis,
Comitibz Baronibus & consilio
suo apud Glouc. quia multi de
regno suo exheredatim pacie-
bant eo qd in multis casibz ubi
remedium apponi debuit prius
non fuit p' pdecessores suos aut
ipm remedium provisum, quodam
statuta populo suo valde neces-
saria & utilia edidit, p que popu-
lus suus Angliam & Hiberni-
cā sub suo regimine guber-
natus celerem justiciam qm
prius in suis oppressionibz con-
secutus est, ac quidam casus
quibz lex deficiente remane-
rent non def'misti, Quorū em
ad reprimendū oppressionē
populi remanserūt statuta,
Dñs Rex in placamento suo post

Pascha anno regni sui feode-
cimo apud Westm. multas oppre-
siones & legem def'ctā ad sup-
plicem p'dos statutoz apud
Glouc. edita, recitari fecit &
statuta edidit ut patebat in
sequenti.

IN primis, de tenementis que
multociens dant' sub condicione,
videlicet cum aliquis dat terram
suam alicui viro & ejus uxori &
heredibz de ipsi viro & muliere
percatū, adjecta condicione
expressa tali qd si huj'modi vir
& mulier sine herede de ipis
viro & muliere percatū obis-
sent, terra sic data ad dona-
torem vel ad ejus heredem
revertat: ¶ In casu etiam cum
quis dat tenem in libam mar-
tagi apud donū hui condicōem

annexam, licet non exprimat'ur
in carta doni, que talis est, qd si
vir & mulier sine herede de ipis
percatū obierint tenem sic
datum ad donatorem vel ad ejus
heredem revertat: ¶ In casu
etiam cum quis dat tenem alicui
& heredibz de corpore suo
exeatibz, durum videbatur &
adhuc videtur huj'modi dona-
toribz & heredibz donatoz qd
voluntas ipoz in donis suis
exp'ssa non fuit prius nec adhuc
est observata: In omnibz em
p'dictis casibz post prolem susci-
tatam & exeuntē ab ipis quibz
ten sic fuit datum condicional-
iter, hucusq' fuerunt huj'modi
feoffati potestatem alienandi

ten sic dati & exheredandi de
ten exitū ipoz cont' voluntatem
donatoz & formam de dono
expressam: Et p'terea cum defi-
ciente exitu de huj'modi feof-
fatis tenem sic datum ad dona-
torem vel ad ejus heredem reverti
debit p' formam in carta de
dono exp'ssam, licet exitus si
quis fuerit obisset, p' fcum &
feoffamentū ipoz quibz ten sic
fuit datum sub condicione
exclusi fuerint hucusq' de rever-
sione eozdem ten quod man-
feste fuit cont' formam doni
sui: ¶ p' quod dñs Rex, ppen-
dens qd necessarium & utile est
in p'dictis casibz apponere reme-
diū, statuit qd voluntas dona-

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toris sc̄dm formam in carta doni sui manifeste expressam de ceŕo observet^r. Ita qđ non heant illi, quibz teñ sic fuit datum sub condiçõe, potestatem alienandi teñ sic datum quomin⁹ ad exitū illoz quibz teñ sic fuerit datum remaneat post eoꝝ obitum, vel ad donatorē vel ad ejus heredem, si exit⁹ deficiat p hoc qđ nullus sit exitus om̄ino, vel si aliquis exitus fuerit, p mortem deficiet, herede huj⁹modi exitus deficiente. Nec heant deceŕo sc̄ds vir huj⁹modi mulieris aliquid in teñ sic dato p condiçõm post mortē ūxis ejus p legem Angl̄, nec exitus de sc̄do viro & muliere successionem hereditariam, set statim post mortem viri & mulieris quibz teñ sic fuit datum post eoꝝ obitum vel ad

eoꝝ exitū vel ad donatorē vel ad ejus heredem ut p̄dçum est reŕtatur. . . .¹ Et sciendum qđ hoc statutū quoad alienaçõem teñ cont^a formam doni imposterum faciendū locum heet, & ad dona p̄ius facta nō extendit^r. Et si finis sup huj⁹modi teñ imposterum levetur, ip̄o jure sit nullus, n^e heant heredes aut illi ad quos spectat reŕsio, licet plene sint etatis in Angl̄ & ext^a prisonam, necesse appõde clamiū suū.

Editorial Information

- X4 Variant reading of the text noted in *The Statutes of the Realm* as follows: *Heir*
- X5 Variant reading of the text noted in *The Statutes of the Realm* as follows: *For*
- X6 Variant reading of the text noted in *The Statutes of the Realm* as follows: *either by reason that*
- X7 Variant reading of the text noted in *The Statutes of the Realm* as follows: *it fail by Death, the Heir of such Issue failing.*
- X8 Variant reading of the text noted in *The Statutes of the Realm* as follows: *return to their Issue, or to*

Textual Amendments

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

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