



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

1285 CHAPTER 1 13 Edw 1

## **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 [<sup>X1</sup>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: (<sup>X2</sup>) 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 [<sup>X3</sup>whereas] there is no Issue at all, or if any Issue be, [<sup>X4</sup>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

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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 I<sup>x</sup>come to their Issue, or return unto] the Giver, or his Heir, as before is said. . . . <sup>F1</sup> 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  
Westmō in Parlamento suo Pasch'  
Anno Regni sui C'ciodesimo:—xiiij.

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

Cum sup. Dñs Rex in quidena  
Sci Johis Baptiste anno regi sui  
sexto. Convocatis Prelatis,  
Comitibz Baronibz & consilio  
suo apud Glouc. quia multi de  
regno suo exheredatōm pacie-  
bant eo qd in multis casibz ubi  
remedium apponi debuit prius  
non fuit p pdecessores suos aut  
ipm remedium privum. quodam  
statuta populo suo valde neces-  
saria & utilia edidit, p que popu-  
lus suus Angliarum & Hiberni-  
c' sub suo regimine guber-  
natus ceteroscorum justiciam qm  
prius in suis oppressionibz con-  
secutus est. sic quidam casus  
quibz lex deficiebat remane-  
rent non defrmati. Quodam em  
ad reprimendi oppressionē  
populi remanserūt statuta.  
Dñs Rex in placamento suo post

Pascha anno regni sui feiode-  
cimo apud Westm. multas oppo-  
sitiones & legum deficius. ad sup-  
pleñdū pñsū statutoz apud  
Glouc. edita. recitari fecit &  
statuta edidit ut patebāt in  
sequenti.

IN primis. de tenementis que  
multociens dant' sub condicione.  
videlicet cum aliquis dat terram  
suam alicui viro & ejus uxori &  
hereditibz de ipsi viro & muliere  
percatit. adjecta condicione  
expressa tali qd si huj'modi vir  
& mulier sine herede de ipsi  
viro & muliere percatit obis-  
sent. terra sic data ad dona-  
torem vel ad ejus heredem  
revertat: ¶ In casu etiam cum  
quis dat tenem in libum mari-  
tagii quod donū het condicōem

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

ten sic datū & exheredandi de  
ten exitū ipoz cont' voluntatem  
donatoz & formam de dono  
expressam: Et pñrea cum defi-  
ciente exitu de huj'modi feof-  
fatis teneñ sic datum ad dona-  
torem vel ad ejus heredem reverti  
debuit p formam in carta de  
dono expssam. licet exitus si  
quis fuerit obisset. p fcum &  
feoffamentū ipoz quibz ten sic  
fuit datum sub condicione  
exclusi fuerunt hucusq de rever-  
sione eozdem ten quod man-  
feste fuit cont' formam doni  
sui: ¶ qd dñs Rex. pñdens  
qd necessarium & utile est  
in pñs casibz appone rene-  
diū. statuit qd voluntas dona-

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toris scđm formam in carta doni sui manifeste expressam de ceŕo observet<sup>r</sup>. Ita qđ non heant illi, quibz teñ sic fuit datum sub condiçõe, potestatem alienandi teñ sic datum quomin<sup>9</sup> ad exitū illoz quibz teñ sic fuerit datum remaneat post eoꝝ obitum, vel ad donatorē vel ad ejus heredem, si exit<sup>9</sup> deficiat p hoc qđ nullus sit exitus oñino, vel si aliquis exitus fuerit, p mortem deficiet, herede huj<sup>9</sup>modi exitus deficiente. Nec heant deceŕo scđs vir huj<sup>9</sup>modi mulieris aliquid in teñ sic dato p condiçõm post mortē uñis ejus p legem Angl, nec exitus de scđo 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 pđcūm est revtatur. . . .<sup>1</sup> Et sciendum qđ hoc statutū quoad alienaçõem teñ cont<sup>a</sup> formam doni imposterum faciendū locum het, & ad dona pius facta nō extendit<sup>r</sup>. Et si finis sup huj<sup>9</sup>modi teñ imposterum levetur, ipō jure sit nullus, n<sup>e</sup> heant heredes aut illi ad quos spectat revsio, licet plene sint etatis in Angl & ext<sup>a</sup> prisonam, necesse apponē clamiū suū.

#### Editorial Information

- X1 Variant reading of the text noted in *The Statutes of the Realm* as follows: *Heir*  
X2 Variant reading of the text noted in *The Statutes of the Realm* as follows: *For*  
X3 Variant reading of the text noted in *The Statutes of the Realm* as follows: *either by reason that*  
X4 Variant reading of the text noted in *The Statutes of the Realm* as follows: *it fail by Death, the Heir of such Issue failing.*  
X5 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 \(c. 59\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Statute of Westminster the Second (De Donis Conditionalibus) 1285, Section I.