



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 [^{X1}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: (^{X2}) 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 [^{X3}whereas] there is no Issue at all, or if any Issue be, [^{X4}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

Changes to legislation: There are currently no known outstanding effects for the The Statute of Westminster the Second (De Donis Conditionalibus) 1285, Section 1. (See end of Document for details)

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^{x5} 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 sup' Dñs Rex in quindena
Sci Johis Baptiste anno regni sui
sexto, Convocatis Prelatis,
Comitib; Baronibus & consilio
suo apud Glouc. quia multi de
regno suo exheredatōem pacie-
bant eo qđ in multis casib; ubi
remediū apponi debuit prius
non fuit p' p'cessores suos aut
ipm remediū avitum, quodam
statuta populo suo valde neces-
saria & utilia edidit, p' que popu-
lus suus Anglicanus & Hiberni-
cus sub suo regimine guber-
natus celeretorem justiciam qm
prius in suis oppressionib; con-
secutus est, sic quidam casus
quib; lex deficiēbat remane-
runt non def'minati, Quorūm em
ad repr'mendū oppressionē
populi remanserūt statuta,
Dñs Rex in placamento suo post

Pascha anno regni sui feode-
cimo apud Westm. multas oppre-
siones & legem def'ctus, ad sup-
plicem p'p'os statutoꝝ apud
Glouc. editōis, rectari fecit &
statuta edidit ut patebit in
sequenti.

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

annexam, licet non exprimat
in carta doni, que talis est, qđ si
vir & mulier sine herede de ipis
percatō obierint tenem' sic
datum ad donatorem vel ad ejus
heredem revertat: ¶ In casu
etiam cum quis dat tenem' alicui
& hereditib; de corpore suo
exeantib; durum videbatur &
adhuc videtur huj'modi dona-
torib; & hereditib; donatoꝝ qđ
voluntas ipoz in donis suis
exp'ssa non fuit prius nec adhuc
est observata: In omnib; em
p'dictis casib; post prolem susci-
ptam & exeuntē ab ipis quib;
ten' sic fuit datum condicional-
iter, hucusq' fuerunt huj'modi
feoffati potestatem alienandi

ten' sic dati & exheredandi de
ten' exitū ipoz cont' voluntatem
donatoꝝ & 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 quib; ten' sic
fuit datum sub condicione
exclusi fuerunt hucusq' de rever-
sione eozdem ten' quod man-
feste fuit cont' formam doni
sui: ¶ p' quod dñs Rex, p'pen-
dens qđ necessarium & utile est
in p'dictis casib; appone reme-
diū, statuit qđ voluntas dona-

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toris sc̄dm formam in carta doni sui manifeste expressam de cēlo 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 ōmino, vel si aliquis exitus fuerit, p mortem deficiet, herede huj⁹modi exitus deficiente. Nec heant decēlo sc̄ds vir huj⁹modi mulieris aliquid in teñ sic dato p condiçõm post mortē ūxis ejus p legem Angl, 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 p̄d̄cūm est reūtatur. . . .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 reūsio, licet plene sint etatis in Angl & ext^a prisonam, necesse appone 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.