

*Statute of Westminster, the Second.**De Donis.*

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 remained to be enacted that were for the reformation of the oppressions of the people; our

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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 :—

Several sorts
of gifts of
lands upon
condition.

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 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. 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.

In such gifts
the donor's
will shall be
observed.

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 (whereas there is no issue at all), or if any issue be, 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 anything 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 13 *Ed. I.* the land was so given) it shall come to their issue, or return unto the giver, or his heir, as before is said.

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