

STATUTE *QUIA EMPTORES* (1290)

Statutes of the Realm, vol. I, p. 106.

Whereas the buyers of lands and tenements belonging to the fees of great men and other [lords] have in times past often entered [those] fees to [the lords'] prejudice, because tenants holding freely of those great men and other [lords] have sold their lands and tenements [to those buyers] to hold in fee to [the buyers] and their heirs of their feoffors and not of the chief lords of the fees, with the result that the same chief lords have often lost the escheats, marriages and wardships of lands and tenements belonging to their fees; and this has seemed to the same great men and other lords [not only] very hard and burdensome [but also] in such a case to their manifest disinherittance:

The lord king in his parliament at Westminster after Easter in

the eighteenth year of his reign, namely a fortnight after the feast of St John the Baptist, at the instance of the great men of his realm, has granted, provided and laid down that from henceforth it shall be lawful for any free man at his own pleasure to sell his lands or tenements or [any] part of them; provided however that the feoffee shall hold those lands or tenements of the same chief lord and by the same services and customary dues as his feoffor previously held them. And if he sells to another any part of his same lands or tenements, the feoffee shall hold that [part] directly of the chief lord and shall immediately be burdened with such amount of service as belongs or ought to belong to the same lord for that part according to the amount of the land or tenement [that has been] sold; and so in this case that part of the service falls to the chief lord to be taken by the hand of the [feoffee], so that the feoffee ought to look and answer to the same chief lord for that part of the service owed as [is proportional to] the amount of the land or tenement sold. And be it known that through the aforesaid sales or purchases of lands or tenements or any part of them, those lands or tenements must in no way, in part or in whole, by any scheming or contriving, come into mortmain contrary to the form of the statute lately laid down on this matter. And be it known that this statute applies only to lands to be held in fee simple; and that it applies [only to sales to be made] in the future; and it is to take effect at the feast of St Andrew next coming.