

= Statute of Uses =

The Statute of Uses (27 Hen 8 c 10) was an Act of the Parliament of England that restricted the application of uses in English property law . The Statute was originally conceived by Henry VIII of England as a way to rectify his financial problems by simplifying the law of uses , which moved land outside the royal tax revenue , traditionally gathered through seisin . His initial efforts , which would remove uses almost completely , were stymied at the 1529 Parliament by members of the House of Commons , many of whom were landowners (who would lose money) and lawyers (who benefited in fees from the confusing law on uses) . Academics disagree on how the Commons were brought around , but an eventual set of bills introduced in 1535 was passed by both the Lords and Commons in 1536 .

The eventual bills invalidated all uses that did not impose an active duty on trustees , with the beneficiaries of the use being held as the legal owners of the land , meaning they had to pay tax . The Statute partially led to the Pilgrimage of Grace , and more importantly the development of trusts , but academics disagree as to its effectiveness . While most agree that it was important , with Eric Ives writing that " the effect which its provisions had upon the development of English land law was revolutionary " , some say that by allowing uses and devises in certain areas it not only failed to remove the fraudulent element from land law but actively encouraged it .

= = Background = =

The common law of England did not provide for a way to dispose of land held by feudal tenure through wills , only urban land , and instead uses were applied , which allowed a landowner to give his land to one or more feoffees , to dispose of it or treat it as the original landowner provided . It was viewed with distrust due to the possibility of abuse ; Edward Coke wrote that " there were two Inventors of Uses , Fear and Fraud ; Fear in Times of Troubles and civil Wars to save their Inheritances from being forfeited ; and Fraud to defeat due Debts , lawful Actions , Wards , Escheats , Mortmains etc " . With as many as 13 of such feoffees , there was much confusion over the title to land following a lord 's death , as evidenced by the case of Sir John Fastolf , which lasted from 1459 to 1476 . While this was a problem that needed correcting , the actual motivation of the Statute was not to do so , but instead to bolster the finances of Henry VIII . For several years prior to the Statute , Henry had been struggling with the need to raise revenue ; his royal lands did not provide enough , loans and benevolences would have destroyed his personal popularity ; as a result , simply increasing the size of his royal lands was the best option . He turned his attention to land law , arguably the most well developed and complex parts of the common law , and sought to reform it to further his aims . This was well @-@ aimed , since it was uses that were destroying his income ; the royal revenue was traditionally gathered through seisin , which uses completely ignored .

Two bills were drawn up to be submitted to Parliament in 1529 . The first , which took note of " grate trobull , vexacion , and unquietness amonges the kynges suggettes for tytyll of londes , tenements , and other heriditamentes as well by intayle as by uses and forgyng of false evidence " , was a radical and " drastic " act bill that would have removed uses completely (unless registered at the Court of King 's Bench or Court of Common Pleas) and abolished entails " so that all manner of possessions be in state of fee simple from this day forward for ever " , although barons and above were allowed entails ; in addition , nobody was allowed to buy such land without the king 's license . These measures were to obtain the support of the nobility for the second bill , which gave the King wardship over all the land held by noble orphans . When the orphan came of age and asked for the return of the lands , the king was to have a year 's revenue from a third of those lands . While this plan was acceptable to barons and other senior nobles , it required passing by the House of Commons . The large landowners in the Commons felt that it prohibited them from making secure wills , while the lawyers saw it as stripping valuable business away from them by simplifying such cases ; with these groups making up the majority of Parliament , these plans came to nothing .

The Parliament of 1532 saw another attempt by Henry to push the bill through , but it again met resistance ; while the support of the nobility was valuable , it was useless in the Commons . Henry

instead sought to appeal to one of the two opposition groups , and picked the lawyers . Many lawyers admitted that the uses made fraud easy and open , and in addition the lawyers of the common law were jealous of the Court of Chancery 's equitable jurisdiction , and sought to strip it away . As a result , Henry decided to bring them over to his side by frightening them , listening to a petition against court procedure and lawyers ' fees , and openly musing about putting a clause in the draft bills that would fix the amount they could charge ; Holdsworth argues that this was the reason the lawyers chose to ally with Henry , and the reason for the Statute 's passage . John Bean disagrees , arguing first that many lawyers were landowners , and would have lost more personally than any reduction in fees could have produced , and second that even if they had been convinced , it is unlikely that lawyers made up a majority of the Commons and could have pushed a bill through alone .

= = Passage and text of the Statute = =

In 1535 , three draft bills were presented to Parliament concerning uses and wills , along with one concerning Enrolments . It is from these bills that the Statute of Uses and the succeeding Statute of Enrolments came . The three bills on uses suggested two different ways to deal with the problem . The first proposed severely limiting the situation in which uses could arise , with uses having no legal effect apart from that expressed when they were created . No contract or bargain over land could change the use of that land ; anyone who suffered from the breach of such a contract had limited remedies in the courts . While this scheme would have prevented most of the evils of uses , it would also have submitted property law to the common law and limited other , beneficial developments ; it would also not stop the practice of getting rid of land through a devise , doing nothing to alleviate the King 's financial concerns . The second , and more complex suggestion , was contained in the other two bills on uses . This simply removed the idea of an equitable interest in land , leaving only the idea of a legal interest , and left uses , maintaining the elastic and variable nature of property law rather than submitting it to the more @-@ rigid standards of the common law . Parliament eventually accepted the second idea , and the bill was passed in April 1536 as the Statute of Uses (27 Hen.8 c.10) . As such , all uses were invalid except for those that imposed an active duty on a trustee , and the beneficiaries of the use were held to be the legal owners , paying tax as a result .

The Statute of Uses also provided that that a widow was not have both jointure and dower as was made possible by the Statute .

= = Impact and aftermath = =

Most immediately , the Statute partially led to the Pilgrimage of Grace , where rebels demanded not only an end to Henry 's religious changes but an abandonment of the Statute . More importantly , the Statute led to the development of the trust as a replacement . While the Statute is believed to have led to the abolition of devises (and this was certainly the King 's intent) , Robert Megarry argues that it failed in doing so . A feoffment " to the use of such person and persons , and of such estate and estates as I shall appoint by my will " produced a use without formally creating a legal estate ; the land was held on a lease , rather than freehold . As a result , it was unaffected by the Statute of Uses , which banned all other methods . Because of this , Megarry argues that not only did it keep devises intact , it gave it power in the common law as well as under equity . The precise aims of the Statute (that the law of property be made more open) was reversed by its impact , which made it far easier to convey property secretly .

Academic assessment of the Statute was initially disparaging , with some saying that it added at most " three words to a conveyance " , but it was understood to be important by lawyers of the time and in the modern era . Decades later , both Francis Bacon and Edward Coke gave readings on it , while William Holdsworth called it " perhaps the most important addition that the legislature has ever made to our private law " , with Eric Ives writing that " the importance of the Statute of Uses is beyond doubt . The effect its provisions had on English land law development was revolutionary ,

and from it have grown the crucial doctrines of the trust " .

= = Repeal = =

The whole Act was declared , by section 1 of , and Schedule 1 to , the Law of Property (Amendment) Act 1924 , to have been repealed by the Law of Property Act 1922 .

The whole Act was repealed by section 207 of , and Schedule 7 to , the Law of Property Act 1925 . The repeal of the Statutes of Uses did not affect the operation thereof in regard to dealings taking effect before the commencement of the Law of Property Act 1925 .

= = External Links = =

Statute of Uses as enacted in Ontario