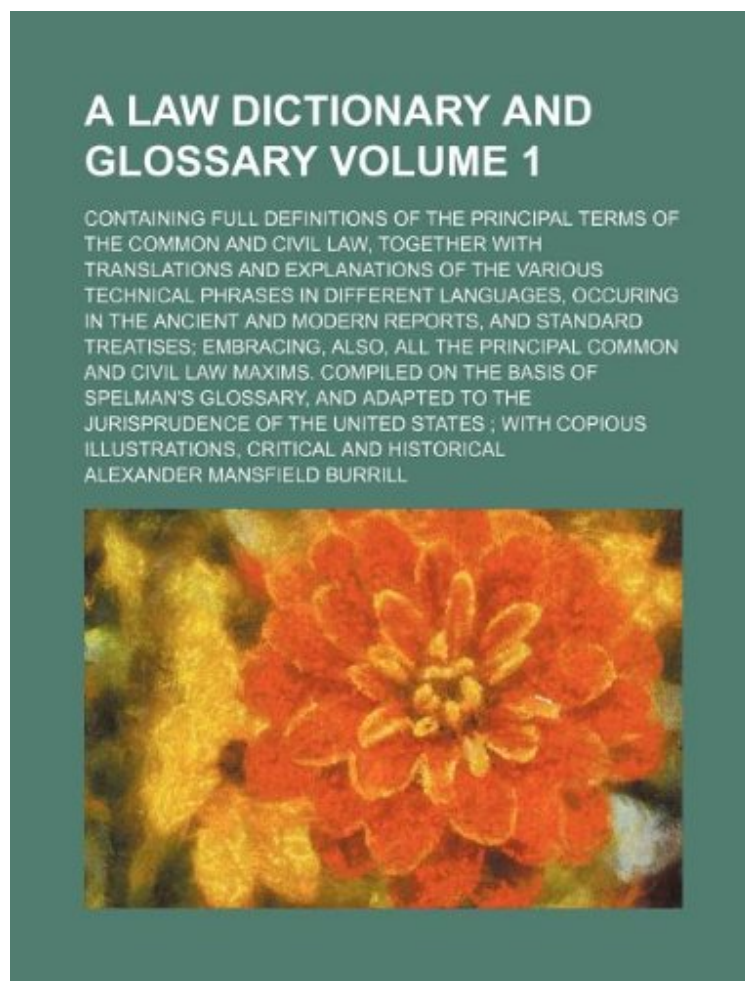


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This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1871 Excerpt: ...R. 317. Conditions precedent must be strictly performed. See 1 Herman's R. 25. **CONDITION PRECEDENT.** In the law of contracts. A condition preceding the accruing of a right or liability. An act essential to be performed by one party, prior to any obligation attaching upon another party, to do or perform another given act. Holthouse. Chitty on Contracts, 738. **CONDITION SUBSEQUENT.** A condition following an estate. A condition annexed to an estate already vested, by the performance of which such estate is kept and continued, and by the failure or nonperformance of which it is defeated. Co. Litt 201. 2 Bl. Com. 154. As if a man grant an estate in fee simple, reserving to himself and his heirs a certain rent, and that if the rent be not paid at the times limited, it shall be lawful for him and his heirs to re-enter and avoid the estate; this is a condition subsequent, the estate of the grantee being defeasible, if the condition be not performed. Litt. sect 325. 2 Bl. Com. 154. 1 Steph. Com. 278. 4 Kent's Com. 125. United States Digest, Condition I. (c). Whether a condition be precedent or subsequent, does not depend upon any precise form of words, or their place in the deed, but must be determined by the whole instrument 1 Wisconsin R. 527. 2 Selden's R. 74, 80. The precedence of conditions must depend on the order of time in which the intent of the transaction requires their performance. Id. ibid. Conditions subsequent in deeds are not favored. 15 Georgia R. 103. **CONDITION INHERENT.** A condition annexed to the rent reserved out of the land whereof the estate is made; or rather to the estate in the land, in respect of rent, see Shep. Touch, (by Preston), 118. **CONDITION COLLATERAL.** A condition where the act to be done is a collateral act Shep. Touch. 118. **CONDITI...**