
CHAPTER 150**FRAUDULENT CONVEYANCES****ARRANGEMENT OF SECTIONS**

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CHAPTER 150

FRAUDULENT CONVEYANCES

An Act against covenous and fraudulent conveyances.

27 Eliz. 1 c. 4
extended by 2 of
1799

[A.D. 1585]

Short title.

1. [This Act may be cited as the Fraudulent Conveyances Act.]

Forasmuch as not onely the Queenes most excellent Majestie, but also divers of her Highnes good and lovinge subjectes and bodies politique and corporate, after conveiances obtained or to be obtained and purchases mad or to be made of landes tenementes leases estates and hereditamentes for money or other good considerations, may have incurre and receive great losse and prejudice, by reason of fraudulent and covenous conveiances estates giftes grauntes charges & limitations of uses, heretofore made or hereafter to be made of in or out of lands tenementes or hereditaments so purchased or to be purchased; which said giftes grauntes charges estates uses and conveiances were or hereafter shal be meant or intended, by the parties that so make the same, to be fraudulent & covenous, of purpose and entent to deceive such as have purchased or shall purchase the same, or els, by the secret entent of the parties, the same be to their owne proper use and at their fre disposition, coloured neverthelesse by a fained countenance and shewe of woordes and sentences, as though the same were made *bona fide* for good causes and upon just and lawfull consideration: For remidy of which inconveniences, and for the avoyding of such fraudulent fayned and covenous conveyances giftes grantes charges uses and estates, and for the maintenance of upright and just dealing in the purchasing of landes tenements and hereditaments, be it ordeined and enacted by the authoritie of this present Parliament:

For avoiding
mischiefs by
Fraudulent
conveyances
lands.

Fraudulent conveyances, made to deceive purchasers, declared void as against such purchasers.

2. All and everie conveyance graunt charge lease estate incombrance and limitation of use or uses, of in or out of any landes tenements or other hereditamentes whatsoever, had or made any time heretofore sithence the beginninge of the Queenes Majesties raigne that nowe is, or at any time hereafter to be had or made, for the intent and of purpose to defraude and deceive such person or persons bodies pollitique or corporate as have purchased or shall afterwarde purchase in fe simple fe taile for life lives or yeres the same landes tenementes and hereditamentes, or any part or parcell thereof, so formerly cõveid graunted leased charged incumbred or limited in use, or to defraude and deceive such as have or shall purchase any rent profite or commoditie in or out of the same, or any parte thereof, shall be deemed and taken, only as against that person and persons bodies pollitique and corporate, [or his¹] heirs successors executors administrators and assignes, and against all and everi other person and persons lawfully having or claiming by from or under them or any of them, which have purchased or shall hereafter so purchase for money or other good consideration the same landes tenementes or hereditaments, or [other²] part or parcell thereof, or any rent profet or commoditie on or out of the same, to be utterly voide frustrate and of none effecte; any pretence, colour, fained consideration, or expressing of any use or uses, to the contrarie notwithstanding.

Penalty upon all parties to such fraudulent conveyances.

3. And be it foorthier inacted by the authoritie aforesaide, that all and everie the parties to such fained covenous and fraudulent giftes grauntes leases charges or conveyances before expressed, or beinge privie and knowing of the same or any of them, which after the xx day of April next cominge shall wittingely and willingly put in ure avow maintaine justifie or defende the same or any of them, as true simple and done had or made *bona fide* or upon good consideration, to the disturbance or hindrance or the said purchaser or purchasers [leasses or grauntes³] or of or to the disturbance or hindrance of their heires successors executors administrators or assignes, or such as have or shall lawfully claim any thing by from or under them or any of them, shall incurre the penaltie [or⁴]

¹ his and their: *O: Dup*

² any *Dup.*

³ lessees or grantees *O: Dup.*

⁴ and *O: Dup.*

forfaiture of one yeres value of the said landes tenementes and hereditamentes so purchased or charged; the one moitie whereof to be to the Queenes Majestie hers heirs [or⁵] successors, and the other moitie to the partie or parties greved by such fained and fraudulent gift graunt lease conveyance incumbrance or limitation of use; to be recovered in any of the Queenes courtes of recorde by action of debt bill plaint or information, wherein no essoine protection or wager of lawe shall be admitted for the defendand or defendants; and allso being thereof lawfully convicted shall suffer imprisonment for one halfe yere without baile or mainprise.

4. Provided also and be it enacted by the authoritie aforesaid, that this Acte or any thing therein contained shall not extend or be construed to impeach defait make void or frustrate any conveyance assignement of lease assurance graunt charge lease estate interest or limitation of use or uses, of in to or out of any landes tenementes or hereditaments, heretofore at any time hade or made or hereafter to be hade or made, upon or for good consideration and *bona fide*, to any person or persons bodies pollitique or corporate; any thinge before mentio-nede to the contrary heereof notwithstandinge.

Proviso for conveyances made on good consideration, etc.

5. And be it further enacted by the authoritie aforesaide that if any person or persons have heretofore, sithens the beginning of the Queenes Majesties raigne that now is, made, or hereafter shall make, any conveyance gift graunt demise charge limitation of use or uses or assurance, of in or out of any lands tenementes or hereditamentes, with ani clause provision article or condition of revocation determination or alteration at his or their will or pleasure of such conveyances assurance grauntes limitations of uses or estates, of in or out of the saide landes tenementes or hereditamentes or of in or out of any part or parcell of them, contained or mentioned in any writinge deede or indenture of such assurance conveyance graunte or gift; after such conveyance graunte gift demise charge limitation of uses or assurance so made or had, shall or doe bargaine sell demise graunt convey or charge the same landes tenementes or hereditamentes, or any part of parcell thereof, to any personn or personns bodies pollitique or corporate, for money or other good

Conveyances made revocable, of lands afterwards sold for good consideration, declared void against the purchasers.

⁵ and O: Dup.

consideration paid or gevven, the saide first conveiance assurance gift graunt demise charge or limitation not by him or them revoked made voyde or altered, accordinge to the power and authoritie reserved or expressed unto him or them in and by the said secrete conveiance assurance gift or graunt, that then the said former conveiance assurance gift demise and graunte, as touching the said landes tenements and hereditamentes so after bargained sold conveyed demised or charged, against the said [bargaines vendes leases graundees⁶] and everie of them, their heires successors executors administrators and assignes, and against all and everie person and persons which have shal or may lawfully claime any thing by from or under them or any of them, shall be demed taken and adjudged to be void frustrate and of none effecte, by vertue and force of this present Acte: Provided nevertheless that no lawfull mortgage, made or to be made *bona fide* and without fraud or covin upon good consideration, shall be impeached or impaired by force of this Acte, but shall stande in like force and effecte as the same shoulde have done if this Acte had never bene had nor made; any thinge in this Acte to the contrarie in any wise notwithstanding.

Proviso for mortgages.

⁶ bargainees vendees lessees grauntees *O: Dup.*