
CHAPTER 149**FRAUDULENT GIFTS**

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CHAPTER 149

FRAUDULENT GIFTS

An Act agaynst fraudulent deedes, gyftes, alienations, &C.*13 Eliz. 1 c. 5
extended by 2 of
1799*

[A.D. 1571]

Short title.

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

For the avoyding and abolysshing of faigned covenous and fraudulent feoffmentes gyftes grauntes alienations conveyances bondes suites judgements and executions, as well of lands and tenementes as of goodes and catal, more commonly used and practysed in these dayes, then hathe ben seene or hard of heretofore; wch feoffmentes gyftes grauntes alienations conveyances bondes suits judgements and executions have ben and are devysed & contryved of malyce fraude covyne collusion or guyle, to thend purpose and intent to delaye hynder or defraude creditors and others of theyr juste and lawfull actions suites debtes accomptes damages penalties forfaitures heriotts mortuaries and releefes, not onely to the let or hindraunce of the due course and execution of lawe and justyce, but also to the overthrowe of all true and playne dealyng barganyng and chevysaunce betwene man and man, wthout the wch no common welth or civile societie can be mayntayned or contynued:

Evil of feigned conveyances to defraud creditors.

2. Bee yt therefore declared ordeyned and enacted by thauctoritie of this present Parliament, that all and every feoffment gyfte graunte alienation bargayne and conveyance of landes tenements hereditaments goodes and catal or of any of them, or of any lease rent comon or other pfyte or charge oute of the same landes tenements hereditaments goodes and catal or any of them, by wryting or otherwyse, and all and every bonde suite judgmet and execution at any tyme, had or made sithens the begynninge of the Queenes Mats raigne that nowe is or at any tyme hereafter to be had or made, to or for any intent or purpose before declared and expressed, shalbe from henceforth deemed and taken, onely as agaynste that pson or psons his or theyre heyres successors executors administrators & assignes and every of them, whose

Feigned conveyances declared void as against the creditors.

actions suites debts accomptes damages penalties forfaiturs heriotts mortuaries and releyfes, by such guylefull covenous or fraudulent devyses and practyses as is aforesaid, are shall or mought be in any wyse dysturbed hyndred delayed or defrauded, to be clearely and utterly voyde frustrate and of none effecte; any pretence color fayned consideration expressing of use or any other matter or thyng to the contrary notwithstanding.

All parties to such fraudulent conveyances, putting the same in effect, shall forfeit one year's value of land, and the whole value of goods so conveyed; half to the Crown, and half to the party grieved.

3. And be yt further enacted by thauthoriti aforesaid, that all and every the pties to such faygned covenous, of fraudulent feoffement gyfte graunte alienation bargayne conveyance bondes suites judgements executions and other thynges before expressed, or beinge privy and knowinge of the same or any of them, wch at any tyme after the tenthe daye of June next cmyng shall wittingly and willingly put in ure avowe mayntaine justefie or defend the same or any of them, as true simple and done had or made bona fide and upon good consyderation, or shall alien or assigne any the landes tenementes goodes leases or other things before mentioned, to hym or them conveyed as is aforesaid, or anye parte thereof, shall incurre the penaltie and forfayture of one yeres value of the said landes tenementes & heredytamentes leases rentes comons or other pfytes of or oute of the same, and the whole value of the said goodes and cattalls, and allso so muche money as are or shalbe conteyned in any suche covenous and fayned bonde; the one moitie whereof to be to the Queenes Matie, her heyres and successors, and thother moitye to the ptye or pties greeved by suche fayned and fraudulent feoffement gyfte graunte alyenation bargayne conveyance bondes suites judgements executions leases rentes cmunes pfytes charges and other thynges aforesaide; to be recovered in any of the Queenes courtes of record by action of debt by playnt or information, wherein none essoyne ptection or wager of lawe shalbe admitted for the defendaunt or defendauntes; and also beinge thereof lawfully convycted, shall suffer impryſment for one halfe yere wthoute baile or maynepryse.

Proviso for common recoveries by tenants in tail.

4. Provided alwayes & be it further enacted by thauthoritie aforesaid, that whereas sundry commen recoveris of landes tenements and heredytamentes have heretofore ben had and hereafter maye be had agaynst tenaunt in taylor or other tenaunte of the frehold, the reversion or remainder or the right of reversion or remaynder then being in any other pson or psons, that

evy such comen recoverye heretofore had and hereafter to be had of any landes tenemts or heredytaments shall, as touchinge suche pson and psons wch then had any remaynder or reversion or right of remaynder or reversion, and agaynste the heyres of evye of them, stande remayne and be of such lyke force & effect, and of none other, as the same should have ben yf this Acte had never ben had ne made.

5. Provyded also and be it enacted by thauctoriti aforesaid, that this Acte or any thyng therein containd shall not extend to any estate or interest, in landes tenements hereditaments leases rentes comons pfytes goodes or catalis, had made conveyed or assured or hereafter to be had made conveyed or assured, wch estate or interest is or shalbe upon good consyderation, & *bona fide* lawfully conveyed or assured to any pson or psons or bodyes pollitique or corporate, not havynge at the tyme of suche conveyance or assurance to them made any manner of notice or knowledge of suche covyne fraude or collusion as is aforesaid; any thing before mentioned to the contrary hereof notwithstandinge.

Proviso for conveyances made *bona fide*, and on good consideration.