



CHAPTER V.

AN ACTZ agaynst fraudulent Deedes Gyftes Alienations, &c.

FOR the avoyding and abolysshing of faigned covenous and fraudulent Feoffmentes Gyftes Gruntes Alienations Conveyaunces Bondes Suites Judgementes and Executions, aswell of Landes and Tenementes as of Goodes and Catals, more commonly used and practysed in these dayes, then hath ben seene or hard of heretofore; W^{ch} Feoffment^e Gyftes Grauntes Alienations Conveyaunces Bondes Suite^e Judgement^e 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 Heriott^e 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 w^{ch} no Common Welth or Civile Societie can be mayntayned or contynued: Bee yt therefore declared ordeyned and enacted by thauctoritie of this present Parliament, That all and every Feoffment Gyfte Graunte Alienation Bargayne and Conveyaunce of Landes Tenement^e Hereditam^e Goodes and Catalls or of any of them, or of any Lease Rent Cōmon or other P^{ar}tye or Charge oute of the same Landes Tenem^e Hereditam^e Good^e and Catals or any of them, by Wrying or otherwyse, And all and every Bonde Suite Judgem^e and Execution at any tyme, had or made sithens the begynninge of the Queenes Ma^{tie} Raigne that now is or at any tyme hereafter to be had or made, to or for any Intent or Purpose before declared and expressed,

Evils of feigned
Conveyances to
defraud Creditors;

Such Conveyances
declared void as
against the
Creditors.

¹ or O.

² unexpended O. and Old Printed Copies; and rightly.

³ The following Provisoos are annexed to the Original Act in Two separate Schedules.

shalbe from henceforth deemed and taken, onely as againste that pson or psons his or theyre Heyres Successors Executors Administrators & Assignes and every of them, whose Actions Suites Debtes Accomptes Damages Penalties Forfaitur^e Heriott^e Mortuaries and Releyfes, by such guylefull covenant or fraudulent Devyses and Practyses as is aforesaid, are shall or mought be in any wyse dysturbed hyndred delayed or defrauded, to be clearly 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 notwthstanding.

II.
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.

AND be yt further enacted by thauthoriti aforesaid, That all and every the pties to such faygned covenant or fraudulent Feoffement Gyfte Graunte Alienation Bargayne Conveyaunce Bondes Suites Judgements Executions and other Thynges before expressed, or beinge privy and knowynge of the same or any of them, wth at any tyme after the Tenth Daye of June next cōmyng 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 Thing^e 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 also so muche Monye as are or shalbe conteyned in any suche covenant and fayned Bonde; the one Moitie whereof to be to the Queenes Ma^{tye}, her Heyres and Successors, and thother Moitye to the pye or pties greeved by suche fayned and fraudulent Feoffement Gyfte Graunte Alyenation Bargayne Conveyaunce Bondes Suites Judgements Executions Leases Rentes Cōmunes Pfytes Charg^e and other Thynges aforesaide; to be recovered in any of the Queenes Courtes of Record by Action of Debt Byll 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 imprysōment for one halfe yere wthoute Baile or Maynepryse.

III.
Proviso for Common Recoveries by Tenants in Tail, &c.

PROVYDED alwayes & be it further enacted by thauthoritie aforesaid, That whereas sundry comen Recoveris of Landes Tenement^e and Heredytamentes have heretofore ben had and hereafter maye be had agaynst Tenaunt in Tayle or other Tenaunte of the Frehold, the Reversion or Remainder or the Right of Reversion or Remynder then being in any other pson or psons, that ev^{ry} such Comen Recoverye heretofore had and hereafter to be had of any Landes Tenem^e or Heredytament^e shall, as touchinge suche pson and psons wth then had any Remynder or Reversion or Right of Remynder or Reversion, and agaynste the Heyres of ev^{ry}e 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.

IV.
Proviso as to Estates for Voucher in a Formedon.

PROVYDED alwayes and be yt further enacted by thauthoritye aforesaid, That this Acte or any Thyng therein contayned shall not extend to make voyde any Estate or Conveyaunce, by reason whereof any pson or psons shall use any Voucher in any Wryte of Formedowne now dependyng or hereafter to be dependenge; but that all and every suche Vouchers in anye Wryt of Formedowne, shall stande and be in lyke force and effecte as yf this Acte had never ben had ne made; Any Thing before in this Acte contayned to the contrary notwthstandyng.

V.
Proviso for Conveyances made bona fide, and on good Consideration.

PROVYDED also and be it enacted by thauthoriti aforesaid, That this Acte or any Thyng therein contayned shall not extend to any Estate or Interest, in Landes Tenement^e Hereditament^e Leases Rentes Comons Pfytes Goodes or Catalis, had made conveyed or assured or hereafter to be had made conveyed or assured, wth Estate or Interest is or shalbe upon good Consyderation, & bona fide lawfully conveyed or assured to any pson or psons or Bodyes Politique or Corporate, not havyng at the tyme of suche Conveyaunce or Assurance to them made any maner of Notice or Knowledge of suche Covyne Fraude or Collusion as is aforesaid; Any Thing before mentioned to the contrary hereof notwithstandinge.

VI.
Continuance of Act.

THIS Acte to endure unto the end of the fyrst Session of the next Parliament