CAP. IV.

An Act againſt covenous and fraudulent Conveyances.

'FORASMUCH as not only the Queen's moſt excellent Majeſty, but alſo divers of her Highneſs good and loving Subjects, and Bodies Politick and Corporate, after Conveyances obtained or to be obtained, and Purchaſes made or to be made of Lands, Tenements, Leaſes, Eſtates and Hereditaments, for Money or other good Conſiderations, may have, incur and receive great Loſs and Prejudice by reaſon of fraudulent and covenous Conveyances, Eſtates, Gifts, Grants, Charges and Limitations of Uſes heretofore made or hereafter to be made of, in or out of Lands, Tenements or Hereditaments ſo purchaſed or to be purchaſed; which ſaid Gifts, Grants, Charges, Eſtates, Uſes and Conveyances were or hereafter ſhall be meant and intended by the Parties that ſo make the ſame to be fraudulent and covenous, of Purpoſe and Intent to deceive ſuch as have purchaſed or ſhall purchaſe the ſame, or elſe by the ſecret Intent of the Parties the ſame to be to their own proper Uſe, and at their free Diſpoſition, coloured nevertheleſs by a fained Countenance and Shew of Words and Sentences, as though the ſame were made *bona fide*, for good Cauſes, and upon juſt and lawful Conſiderations:'

II. For Remedy of which Inconveniences, and for the avoiding of ſuch fraudulent, fained and covenous Conveyances, Gifts, Grants, Charges, Uſes and Eſtates, and for the Maintenance of upright and juſt Dealing in the purchaſing of Lands, Tenements and Hereditaments; Be it ordained and enacted by the Authority of this preſent Parliament, That all and every Conveyance, Grant, Charge, Leaſe, Eſtate, Incumbrance and Limitation of Uſe or Uſes of, in or out of any Lands, Tenements or other Hereditaments whatſoever, had or made any Time heretofore ſithence the Beginning of the Queen's Majeſty's Reign that now is, or at any Time hereafter to be had or made, for the Intent and of Purpoſe to defraud and deceive ſuch Perſon or Perſons, Bodies Politick or Corporate, as have purchaſed or ſhall afterwards purchaſe in Fee Simple, Fee Tail, for Life, Lives or Years, the ſame Lands, Tenements and Hereditaments, or any Part or Parcel thereof, ſo formerly conveyed, granted, leaſed, charged, incumbred or limited in Uſe, or to defraud and deceive ſuch as have or ſhall purchaſe any Rent, Profit or Commodity in or out of the ſame, or any Part thereof, ſhall be deemed and taken only as againſt that Perſon and Perſons, Bodies Politick and Corporate, his and their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, and againſt all and every 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 Lands, Tenements or Hereditaments, or any Part or Parcel thereof, or any Rent, Profit or Commodity in or out of the ſame, to be utterly void, fruſtrate and of none Effect; any Pretence, Colour, fained Conſideration, or expreſſing of any Uſe or Uſes to the contrary notwithſtanding. Fraudulent Conveyances made to deceive Purchaſers, void.

III. And be it further enacted by the Authority aforeſaid, That all and every the Parties to ſuch fained, covenous and fraudulent Gifts, Grants, Leaſes, Charges or Conveyances before expreſſed, or being privy and knowing of the ſame or any of them, which after the Twentieth Day of *April* next coming ſhall wittingly and willingly put in ure, avow, maintain, juſtify or defend 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 of the ſaid Purchaſer or Purchaſers, Leſſees or Grantees, or of or to the Diſturbance or Hindrance of their Heirs, Succeſſors, Executors, Adminiſtrators or Aſſigns, or ſuch as have or ſhall lawfully claim any Thing by, from or under them or any of them, ſhall incur the Penalty and Forfeiture of one Year's Value of the ſaid Lands, Tenements and Hereditaments ſo purchaſed or charged; the one Moiety whereof to be to the Queen's Majeſty, her Heirs and Succeſſors, and the other Moiety to the Party or Parties grieved by ſuch fained and fraudulent Gift, Grant, Leaſe, Conveyance, Incumbrance or Limitation of Uſe, to be recovered in any of the Queen's Courts of Record, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be admitted for the Defendant or Defendants; and alſo being thereof lawfully convicted, ſhall ſuffer Impriſonment for One Half Year without Bail or Mainprize. Parties to fraudulent Conveyances avowing ſame. Penalty. Impriſonment.

IV. Provided alſo, and be it enacted by the Authority aforeſaid, That this Act or any Thing therein contained ſhall not extend or be conſtrued to impeach, defeat, make void or fruſtrate any Conveyance, Aſſignment of Leaſe, Aſſurance, Grant, Charge, Leaſe, Eſtate, Intereſt or Limitation of Uſe or Uſes, of, in, to or out of any Lands, Tenements or Hereditaments heretofore at any Time had or made, or hereafter to be had or made, upon or for good Conſideration and *bona fide*, to any Perſon or Perſons, Bodies Politick or Corporate; any Thing before mentioned to the contrary hereof notwithſtanding. Conveyances upon good Conſiderations, &c.

V. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons have heretofore ſithence the Beginning of the Queen's Majeſty's Reign that now is, made or hereafter ſhall make any Conveyance, Gift, Grant, Demiſe, Charge, Limitation of Uſe or Uſes, or Aſſurance of, in or out of any Lands, Tenements or Hereditaments, with any Clauſe, Proviſion, Article or Condition of Revocation, Determination or Alteration, at his or their Will or Pleaſure, of ſuch Conveyance, Aſſurance, Grants, Limitations of Uſes or Eſtates of, in or out of the ſaid Lands, Tenements or Hereditaments, or of, in or out of any Part or Parcel of them, contained or mentioned in any Writing, Deed or Indenture of ſuch Aſſurance, Conveyance, Grant or Gift; and after ſuch Conveyance, Grant, Gift, Demiſe, Charge, Limitation of Uſes or Aſſurance ſo made or had, ſhall or do bargain, ſell, demiſe, grant, convey or charge the ſame Lands, Tenements or Hereditaments, or any Part or Parcel thereof, to any Perſon or Perſons, Bodies Politick and Corporate, for Money or other good Conſideration paid or given (the ſaid Firſt Conveyance, Aſſurance, Gift, Grant, Demiſe, Charge or Limitation, not by him or them revoked, made void or altered, according to the Power and Authority reſerved or expreſſed unto him or them in and by the ſaid ſecret Conveyance, Aſſurance, Gift or Grant,) That then the ſaid former Conveyance, Aſſurance, Lands firſt conveyed with Condition of Revocation, &c. and after ſold for good Conſideration.

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First Conveyance void.

Assurance, Gift, Demise and Grant, as touching the said Lands, Tenements and Hereditaments, so after bargained, sold, conveyed, demised or charged, against the said Bargainees, Vendees, Lessees, Grantees and every of them, their Heirs, Successors, Executors, Administrators and Assigns, and against all and every Person and Persons which have, shall or may lawfully claim any Thing, by, from or under them or any of them, shall be deemed, taken and adjudged to be void, frustrate, and of none Effect, by Virtue and Force of this present Act.

Mortgages lawfully made.

VI. Provided nevertheless, That no lawful Mortgage made or to be made *bonâ fide*, and without Fraud or Covin, upon good Consideration, shall be impeached or impaired by Force of this Act, but shall stand in the like Force and Effect as the same should have done if this Act had never been had nor made; any Thing in this Act to the contrary in any wise notwithstanding.

Statute Merchant, &c. to be entered.

23 H. 8. c. 6.

VII. And be it further enacted by the Authority aforesaid, That all the whole Tenor and Contents of all Statutes Merchant and Statutes of the Staple, hereafter to be knowledged, shall within Six Months next after such Knowledging, be entered in the Office of the Clerk of Recognizances, taken according to the Statute made in the Three and twentieth Year of the Reign of the late King *Henry* the Eighth, by the shewing forth of the said Statute Merchant or Statute Staple so knowledged unto the said Clerk; which said Clerk of the Recognizances shall enter, or cause to be entred, the same Statutes into a Book for that Purpose to be provided and safely kept by him, taking Eight Pence and no more, for every such Entry.

Fee.

Statute not entered, void against Purchaser.

VIII. And be it further enacted, That if the Party to whom any such Statute Merchant or of the Staple shall be knowledged, his Executors or Administrators, do or shall not within Four Months next after the Knowledging of any such Statute, bring and deliver, or cause to be brought and delivered, unto the said Clerk, or his Deputy or Deputies for the Time being, all and every such Statute and Statutes as shall be so knowledged to him or to his Use, whereby and to the Intent that the said Clerk, his Deputy or Deputies, may take and enter a true Copy thereof; that then every such Statute Merchant and of the Staple not so entered shall be void, frustrate and of none Effect, against all and every such Person and Persons, and Bodies Politick and Corporate, their Heirs, Successors, Executors, Administrators and Assigns only, as shall, after the Knowledging of the said Statutes or any of them, purchase for Money or other good Consideration, the Lands, Tenements or Hereditaments which were liable to the same Statute Merchant or of the Staple, or any Part or Parcel thereof, or any Rent, Lease or Profit of or out of the same.

Clerk not entering, or not endorsing Statute.

IX. And if the said Clerk, or his Deputy or Deputies for the Time being, shall not upon such Shewing and Delivery unto him or them of any Statute Merchant or of the Staple, enter or cause to be entred the same in his said Book within the said Time of Six Months, and also endorse upon every such Statute so by him entred, the Day and Year of his said Entry, with his or their own Name; that then every such Clerk failing or defective in that Behalf, shall forfeit and lose for every Statute Merchant and of the Staple so brought unto him or them, and

Penalty.

not entred and endorsed, or caused to be entred and endorsed as aforesaid, the Sum of Twenty Pounds; the one Moiety whereof to be to the Queen's Majesty, her Heirs and Successors, and the other Moiety to him or them that will sue for the same in any of the Queen's Courts of Record, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

Clerk of Recognizances. Fee. Penalty.

X. And be it further enacted by the Authority aforesaid, That no Clerk of the said Recognizances shall or may take, for or in respect of any Search to be made for or concerning any Statute Merchant or of the Staple so to be entred as aforesaid, above Two pence for one Year's Search, and so after the Rate of Two pence for every Year and not above, upon Pain to forfeit and lose to the Party or Parties grieved thereby, Twenty Times as much as he shall take contrary to the true Meaning of this Act, to be recovered in any of the Queen's Majesty's Courts of Record, by Action of Debt, Bill, Plaint or Information, wherein no Protection or Wager of Law

Continuance.

shall be allowed. This Act to continue for the Space of Ten Years, and from thenceforth unto the End of the Parliament then next following.

Assurance of Lands defeated, in what case not made good.

XI. Provided always, That this Act, nor any Thing therein contained, shall extend or be construed to make good any Purchase, Grant, Lease, Charge or Profit, of, in or out of any Lands, Tenements or Hereditaments heretofore made void, defeated or undone, by reason of any former Conveyance, Grant or Assurance, so as the Party or Parties or their Heirs or Assigns, which have so defeated or made void the same, were in actual Possession the First Day of this present Parliament, of or in the said Lands, Tenements or Hereditaments, whereof or out of which any such Purchase, Grant, Lease, Charge or Profit was made.

Star Chamber.

XII. Provided that this Act, nor any Thing therein contained, shall extend in any Sort to restrain or impair the Jurisdiction, Power or Authority of the Court of Star Chamber. [*Star Chamber abolished*, 16 *Car.* I. *c.* 10.] [*Made perpetual*, 39 *Eliz. c.* 18. § 31, 32.]

CAP. V.

An Act for the Expedition of Justice, in Causes of Demurrers and Pleadings.

Judgment given, notwithstanding Defect in Process, &c.

'FORASMUCH as excessive Charges and Expences, and great Delay and Hindrance of Justice hath grown 'in Actions and Suits between the Subjects of this Realm, by reason that upon some small Mistaking or 'Want of Form in Pleading, Judgments are often reversed by Writs of Error, and oftentimes upon Demurrers 'in Law given otherwise than the Matter in Law and very Right of the Cause doth require, whereby the Parties are constrained either utterly to lose their Right, or else after long Time and great Trouble and Expences, 'to renew again their Suits:' For Remedy whereof, Be it enacted by the Queen's most excellent Majesty, the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of

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