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CHAPTER 64.

GENERAL PROVISIONS RELATING TO FRAUDULENT CONVEYANCES AND CONTRACTS.

SECTION

- 1. Conveyances, judgments, &c., to delay creditors, &c., void.
- 2. Grants, &c., of trusts to be in writing.
- 3. Conveyances, void as to creditors, void as to heirs.

SECTION

- 4. Intention to defraud, to be question of fact, &c.
- 5. When purchaser without notice, protected.
- 6. What "lands," &c., to include.
- 7. What "conveyance" to include.

SEC. 1. Every conveyance or assignment in writing or otherwise, of any estate or interest in lands, or in goods in action, or of any rents or profits thereof, made with the intent to hinder, delay or defraud creditors or other persons, of their lawful suits, damages, forfeitures, debts, or demands; and every bond, or other evidence of debt given, suits commenced, decree or judgment suffered with the like intent as against the person so hindered, delayed or defrauded, shall be void.

Conveyances, &c., to delay creditors, void.

SEC. 2. Every grant or assignment of any existing trust in lands, goods, or things in action, unless the same shall be in writing, subscribed by the party making the same, or by his agent, lawfully authorized, shall be void.

Grants, &c., of trusts to be in writing.

SEC. 3. Every conveyance, charge, instrument, or proceeding, declared to be void by the provisions of this and the two preceding chapters, as against creditors or purchasers, shall be equally void against the heirs, successors, personal representatives, or assignees of such creditors or purchasers.

Conveyances void as to creditors, void as to heirs.

SEC. 4. The question of fraudulent intent in all cases, arising under the provisions of this chapter, shall be deemed a question of fact, and not of law, nor shall any conveyance or charge, be adjudged fraudulent as against creditors, or purchasers, solely on the ground that it was not founded on a valuable consideration.

Intention to defraud, to be question of fact.

SEC. 5. The provisions of this chapter shall not be construed in any manner to affect or impair the title of a purchaser for a valuable consideration, unless it shall appear that such purchaser had previous notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of such grantor.

When purchaser without notice, protected.

SEC. 6. The term "land" as used in this chapter, shall be construed as co-extensive in meaning with "lands, tenements, and hereditaments," and the terms "estate and interest in lands," shall be construed to embrace every estate and interest, freehold and chattel, legal and equitable, present and future, vested and contingent, in lands as above defined.

What "lands," &c. to include.

SEC. 7. The term "conveyance," as used in this chapter, shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

What "conveyance" to include.