

Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law shall be admitted for the Defendant or Defendants; (8) and also being thereof lawfully convicted, shall suffer Imprisonment for one half Year without Bail or Mainprise.

VI. Provided also, and be it enacted by the Authority aforesaid, That this Act, or any Thing therein contained, shall not extend to any Estate or Interest in Lands, Tenements, Hereditaments, Leases, Rents, Commons, Profits, Goods or Chattels, had, made, conveyed or assured, or hereafter to be had, made, conveyed or assured; which Estate or Interest, is or shall be *upon good Consideration and *bona fide*, lawfully conveyed or assured to any Person or Persons, or Bodies Politick or Corporate, not having at the Time of such Conveyance or Assurance to them made, any manner of Notice or Knowledge of such Covin, Fraud or Collusion, as is aforesaid; any Thing before-mentioned to the contrary hereof notwithstanding. **380**

VII. This Act to endure unto the End of the first Session of the next Parliament. 50 *Ed.* 3, c. 6. 2 *R.* 2, c. 3. 3 *H.* 7, c. 4, made perpetual by 29 *Eliz.* c. 5.

I. Fraudulent Deeds made to avoid the Debts of others, shall be void, and the Penalties of the Parties to such fraudulent Assurances. 2 *Bulstr.* 218.

II. All fraudulent Conveyances made to avoid the Debt or Duty of others, shall be void. *Rast.* 207. 27 *Eliz.* c. 4. 2 *Leon.* 9, 223. 2 *Roll.* 493. *Latch.* 222. *Dyer*, 295, 351. 3 *Coke*, 80. 5 *Co.* 60. 8 *Co.* 171. 9 *Co.* 108. 10 *Co.* 56. *Co. Litt.* 76 a. 1 *Leon.* 47, 308. *Hob.* 72.

III. The Forfeiture of the Parties to fraudulent Deeds. *Coke* pla. 162. *Hob.* 166. *Dyer*, 351. *Cro. El.* 645. *Cro. Jac.* 270. Who shall have the Forfeiture, and by what Means.

VI. Estates made upon good Consideration and *bona fide*.

Scope of Statute.¹—It was observed by Ch. J. Archer, sitting in the lower Court, in *Bohn v. Headley*, 7 H. & J. 257, of the remark that the rules of the common law are so strong against fraud, that they would reach every case intended to be remedied by the Statutes 13 *Eliz.* and 27 *Eliz.*, that it must be confined to those cases where the debt or right intended to be avoided had its inception before the commission of the fraudulent act, by which it was intended to deceive the creditor or defeat the pre-existing right. Accordingly, while the common law does not reach the case of a gift precedent to any acquisition of right by a creditor who attempts to

¹ See on the general subject of fraudulent conveyances the admirable note of Mr. Moses R. Walter appended to the case of *Swan v. Dent*, 2 Md. Ch. 111. For matters of pleading and practice in addition to this note, see also *Miller's Equity*, secs. 730-733.