

Revised Statutes of 1846 (EXCERPT)

R.S. of 1846

CHAPTER 80

Chapter 80. Of Fraudulent Conveyances And Contracts Relative To Lands.

CHAPTER 80

FRAUDULENT CONVEYANCES.

566.101 Conveyance with intent to defraud; invalidity.

Sec. 1. Every conveyance of any estate or interest in lands, or the rents and profits of lands, and every charge upon lands or upon the rents and profits thereof, made or created with intent to defraud prior or subsequent purchasers for a valuable consideration, of the same lands, rents or profits, as against such purchasers, shall be void.

History: R.S. 1846, Ch. 80;—CL 1857, 3172;—CL 1871, 4687;—How. 6174;—CL 1897, 9504;—CL 1915, 11970;—CL 1929, 13406;—CL 1948, 566.101.

566.102 Notice of prior conveyance; effect.

Sec. 2. No such conveyance or charge shall be deemed fraudulent, in favor of a subsequent purchaser, who shall have actual or legal notice of the prior conveyance or charge, at the time of his purchase, unless it shall appear that the grantee in such prior conveyance, or person to be benefited by such charge, was privy to the fraud intended.

History: R.S. 1846, Ch. 80;—CL 1857, 3173;—CL 1871, 4688;—How. 6175;—CL 1897, 9505;—CL 1915, 11971;—CL 1929, 13407;—CL 1948, 566.102.

566.103 Conveyance reserving powers of revocation or alteration; invalidity.

Sec. 3. Every conveyance or charge of, or upon, any estate or interest in lands, containing any provision for the revocation, determination or alteration of such estate or interest, or any part thereof, at the will of the grantor, shall be void, as against subsequent purchasers from such grantor for a valuable consideration, of any estate or interest so liable to be revoked or determined, although the same be not expressly revoked, determined or altered by such grantor, by virtue of the power reserved or expressed in such prior conveyance or charge.

History: R.S. 1846, Ch. 80;—CL 1857, 3174;—CL 1871, 4689;—How. 6176;—CL 1897, 9506;—CL 1915, 11972;—CL 1929, 13408;—CL 1948, 566.103.

566.104 Conveyance by person authorized to revoke grant; validity.

Sec. 4. When a power to revoke a conveyance of any lands, or the rents and profits thereof, and to re-convey the same, shall be given to any person, other than the grantor in such conveyance, and such person shall thereafter convey the same lands, rents or profits, to a purchaser for a valuable consideration, such subsequent conveyance shall be valid, in the same manner, and to the same extent, as if the power of revocation were recited therein, and the intent to revoke the former conveyance expressly declared.

History: R.S. 1846, Ch. 80;—CL 1857, 3175;—CL 1871, 4690;—How. 6177;—CL 1897, 9507;—CL 1915, 11973;—CL 1929, 13409;—CL 1948, 566.104.

566.105 Conveyance before vesting of power to revoke; validity.

Sec. 5. If a conveyance to a purchaser, under either of the 2 last preceding sections, shall be made before the person making the same shall be entitled to execute his power of revocation, it shall nevertheless be valid, from the time the power of revocation shall actually vest in such person, in the same manner and to the same extent, as if then made.

History: R.S. 1846, Ch. 80;—CL 1857, 3176;—CL 1871, 4691;—How. 6178;—CL 1897, 9508;—CL 1915, 11974;—CL 1929, 13410;—CL 1948, 566.105.

566.106 Statute of frauds; conveyance of interest in lands other than one year lease.

Sec. 6. No estate or interest in lands, other than leases for a term not exceeding 1 year, nor any trust or power over or concerning lands, or in any manner relating thereto, shall hereafter be created, granted, assigned, surrendered or declared, unless by act or operation of law, or by a deed or conveyance in writing, subscribed by the party creating, granting, assigning, surrendering or declaring the same, or by some person thereunto by him lawfully authorized by writing.

History: R.S. 1846, Ch. 80;—CL 1857, 3177;—CL 1871, 4692;—How. 6179;—CL 1897, 9509;—CL 1915, 11975;—CL 1929, 13411;—CL 1948, 566.106.

13411;—CL 1948, 566.106.

566.107 Statute of frauds; will, trust by implication or operation of law.

Sec. 7. The preceding section shall not be construed to affect in any manner, the power of a testator in the disposition of his real estate, by a last will and testament; nor to prevent any trust from arising, or being extinguished, by implication or operation of law.

History: R.S. 1846, Ch. 80;—CL 1857, 3178;—CL 1871, 4693;—How. 6180;—CL 1897, 9510;—CL 1915, 11976;—CL 1929, 13412;—CL 1948, 566.107.

566.108 Statute of frauds; contract for interest in lands other than one year lease; sales at auction.

Sec. 8. Every contract for the leasing for a longer period than 1 year, or for the sale of any lands, or any interest in lands, shall be void, unless the contract, or some note or memorandum thereof be in writing, and signed by the party by whom the lease or sale is to be made, or by some person thereunto by him lawfully authorized in writing: Provided, That whenever any lands or interest in lands shall be sold at public auction and the auctioneer or the clerk of the auction at the time of the sale enters in a sale book a memorandum specifying the description and price of the land sold and the name of the purchaser, such memorandum, together with the auction bills, catalog or written or printed notice of sale containing the name of the person on whose account the sale is made and the terms of sale, shall be deemed a memorandum of the contract of sale within the meaning of this section.

History: R.S. 1846, Ch. 80;—CL 1857, 3179;—CL 1871, 4694;—How. 6181;—CL 1897, 9511;—CL 1915, 11977;—Am. 1917, Act 83, Eff. Aug. 10, 1917;—CL 1929, 13413;—CL 1948, 566.108.

566.109 Statute of frauds; consideration, statement in contract, evidence.

Sec. 9. The consideration of any contract or agreement, required by the provisions of this chapter to be in writing, need not be set forth in the contract or agreement, or in the note or memorandum thereof, but may be proved by any other legal evidence.

History: R.S. 1846, Ch. 80;—CL 1857, 3180;—CL 1871, 4695;—How. 6182;—CL 1897, 9512;—CL 1915, 11978;—CL 1929, 13414;—CL 1948, 566.109.

566.110 Court of chancery; powers not abridged.

Sec. 10. Nothing in this chapter contained shall be construed to abridge the powers of the court of chancery to compel the specific performance of agreements, in cases of part performance of such agreements.

History: R.S. 1846, Ch. 80;—CL 1857, 3181;—CL 1871, 4696;—How. 6183;—CL 1897, 9513;—CL 1915, 11979;—CL 1929, 13415;—CL 1948, 566.110.