

*Written Memorandum - - - Fraudulent Conveyance of Personality.*

county clerk shall issue his certificate to the person entitled to the same, setting forth that the provisions of this act have been complied with and the number of acres so planted.

ACTION OF COUNTY BOARD.] § 4. The board of supervisors or county commissioners' court, desiring to offer the bounty herein provided for, shall do so by resolution to be made of record, and giving notice in some newspaper published in the county, three weeks prior to the first day of April of each year; said resolution and notice to state the amount of bounty offered for each acre planted and cultivated.

## FRAUDS AND PERJURIES.

1. *Written Memorandum.*
2. *Contract for Sale of Land.*
3. *Consideration Proved.*
4. *Fraudulent Conveyance.*
5. *Purchaser with Notice.*
6. *Fraudulent Conveyance of Personality.*
7. *Loan of Goods and Chattels.*
8. *Consideration.*
9. *Trusts.*

10. *Wills.*
11. *Heirs and Devisees Liable.*
12. *Lands Liable for Debts.*
13. *Rights of Heirs.*
14. *Suit against Heir.*
15. *Administration Within a Year.*
16. *The Declaration.*
17. *Guardian Ad Litem.*

*An act to Revise the law in relation to Frauds and Perjuries. Approved 16th February 1874.  
In force 1 July 1874.*

WRITTEN MEMORANDUM.] § 1. No action shall be brought, whereby to charge any executor or administrator upon any special promise to answer any debt or damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person; or to charge any person upon any agreement made upon consideration of marriage, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the promise or agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized.

CONTRACT FOR SALE OF LAND.] § 2. No action shall be brought to charge any person upon any contract for the sale of lands, tenements or hereditaments or any interest in or concerning them, for a longer term than one year, unless such contract or some memorandum or note thereof shall be in writing, and signed by the party to be charged therewith or some other person thereunto by him lawfully authorized in writing, signed by such party. This section shall not apply to sales upon execution or by any officer or person pursuant to a decree or order of any court of record in this state.

CONSIDERATION PROVED.] § 3. The consideration of any such promise or agreement need not be set forth or expressed in the writing, but may be proved or disproved by parol or other legal evidence.

FRAUDULENT CONVEYANCE.] § 4. Every gift, grant, conveyance, assignment or transfer of a charge upon any estate, real or personal, or right or thing in action, or any rent or profit thereof, made with the intent to disturb, delay, hinder or defraud creditors or other persons, and every bond or other evidence of debt given, suit commenced, decree or judgment suffered, with like intent, shall be void as against such creditors, purchasers and other persons.

PURCHASER WITH NOTICE.] § 5. The foregoing section shall not affect the title of a purchaser for a valuable consideration, unless it appear that he had notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of such grantor.

FRAUDULENT CONVEYANCE OF PERSONALTY.] § 6. Every conveyance of goods and chattels on consideration not deemed valuable in law shall be taken to be fraudulent, unless the same be by will duly proved and recorded, or by deed in writing duly acknowledged or proved, and recorded as in the case of deeds of real estate, or unless possession shall really and bona fide remain with the donee.

*Loan of Goods and Chattels - - Rights of Heirs.*

**LOAN OF GOODS AND CHATTELS.] § 7.** Where any loan of goods and chattels shall be pretended to have been made to any person, with whom or those claiming under him possession shall have remained for the space of five years, without demand made and pursued by due process at law, on the part of the pretended lender, or where any reservation or limitation shall be pretended to have been made of an use, or property by way of condition, reservation, remainder or otherwise, in goods or chattels, the possession whereof shall have remained in another as aforesaid, the same shall be taken, as to creditors and purchasers of the person aforesaid, so remaining in possession, to be fraudulent, and that the absolute property is with the possession, unless such loan, reservation, or limitation of use or property were declared by will or deed in writing, proved and recorded as aforesaid.

**CONSIDERATION.] § 8.** This act shall not extend to any estate or interest in any lands, goods or chattels, or any rents, common or profit, out of the same, which shall be upon good consideration, and bona fide lawfully conveyed, or assured to any person, bodies politic or corporate.

**TRUSTS.] § 9.** All declarations or creations of trusts or confidences of any lands, tenements or hereditaments, shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust, or by his last will in writing; or else they shall be utterly void and of no effect: *Provided*, that resulting trust or trusts created by construction, implication, or operation of law, need not be in writing, and the same may be proved by parol.

**WILLS.] § 10.** All wills and testaments, limitations, dispositions or appointments of, or concerning any lands and tenements, or of any rent, profit, term or charge, out of the same, whereof any person at the time of his decease, shall be seized in fee simple, in possession, in reversion, or remainder, or have power to dispose of the same by his last will or testament, shall be deemed and taken (only as against the person, his heirs, successors, executors, administrators or assigns, and every of them whose debts, suits, demands, estates and interests, by such will, testament, limitation, disposition or appointment as aforesaid, shall, or might be in any wise disturbed, hindered, delayed or defrauded), to be fraudulent, void and of no effect, any pretense, color, feigned or presumed consideration, or any other matter or thing to the contrary notwithstanding.

**HEIRS AND DEVISEES LIABLE.] § 11.** Any person, his heirs, devisees, executors, administrators, successors or assigns, and every of them, who shall or may have any debts, suits or demands against any person, who shall make any fraudulent devise as aforesaid, or who have any debts, suits or demands against any person who shall die intestate, and have real estate to his heirs, to descend according to the laws of this state, may have and maintain the same actions which lie against executors and administrators upon his bonds, specialties, contracts and agreements against the executors or administrators, and the heirs, or against the executors or administrators and the devisees, or may join the executors or administrators, the heir or heirs, and the devisees of such obligor, and shall not be delayed for the non-age of any of the parties.

**LANDS LIABLE FOR DEBTS.] § 12.** When any lands, tenements or hereditaments, or any rents or profits out of the same, shall descend to any heir or be devised to any devisee and the personal estate of the ancestor of such heir or devisor of such devisee shall be insufficient to discharge the just demands against such ancestor, or devisor's estate, such heir or devisee shall be liable to the creditor of their ancestor or devisor to the full amount of the lands, tenements or hereditaments, or rents and profits out of the same, as may descend or be devised to the said heir or devisee; and in all cases where any heir or devisee shall be liable to pay the debts of his executor or devisor, in regard of any lands, tenements or hereditaments, or any rent or profit arising out of the same, descending or being devised to him, and shall sell, alien or make over the same before any action brought, or process sued out against him, such heir at law or devisee shall be answerable for such debts to the value of the said lands, tenements and hereditaments, rents or profits so by him aliened or made over; and executions may be taken out upon any judgment so obtained against such heir or devisee, to the value of the said lands, tenements and hereditaments, rents and profits, out of the same, as if the same were his own proper debts, saving and excepting that the lands and tenements, rents and profits, by him bona fide aliened, before the action brought, shall not be liable to such execution.

**RIGHTS OF HEIRS.] § 13.** When any action or suit is brought against any heir or devisee he may plead *rien per descent*, at the time of the commencement of the action or

*Demand from Another State - - - Warrant Executed.*

suit, and the plaintiff in such action may reply that he had lands, tenements or hereditaments, or rents or profits out of the same, from his ancestor or devisor before the commencement of the action or suit, and if, upon issue joined thereupon, it be found for the plaintiff, the jury shall inquire of the value of the lands, tenements, hereditaments or rents and profits out of the same, so descended or devised, and thereupon judgment shall be given and execution awarded as aforesaid; but if judgment be given against such heir or devisee, by confessing of the action without confessing the assets descended or devised, or upon demurrer or nihil dicit, or default, said judgment shall be given for the plaintiff without any writ to inquire of the lands, tenements or hereditaments, or rents and profits out of the same, so descended or devised.

**SUIT AGAINST HEIR OR DEVISEE.] § 14.** In all cases where a judgment has been obtained against the executor or administrator of a deceased person, on a contract or undertaking on which a joint action might have been maintained against the executor or administrator, and the heir or devisee of the deceased person, if it shall appear by a judgment of record or the return of a proper officer that there is not property of the deceased person in the hands of the executor or administrator to satisfy such judgment, it shall be lawful to bring a separate suit or action against the heir or devisee on such contract or undertaking; and the judgment against the executor or administrator, if not satisfied, shall be no bar to the suit or action against the heir or devisee.

**ADMINISTRATION WITHIN A YEAR.] § 15.** If no person shall administer on the goods and chattels of a deceased person for the space of one year after his death, a separate suit or action may be maintained against the heirs or devisees, on all the contracts and undertakings of such deceased person.

**THE DECLARATION.] § 16.** In all actions or suits commenced under the provisions of the preceding sections, the facts authorizing the suit to be brought separately against the heirs or devisees shall be distinctly set forth in the declaration.

**GUARDIAN AD LITEM.] § 17.** When any suit or action in law or equity shall be brought against any heir or devisee, who shall be of non-age, it shall be lawful for the court to appoint a guardian ad litem for such infant heir or devisee, and may compel the person so appointed to act: *Provided*, that by such appointment such person shall not be rendered liable to pay any costs of suit.

## FUGITIVES FROM JUSTICE.

§ 1. *Demand from Another State.*

§ 2. *Warrant Executed.*

§ 3. *Fugitive Arrested.*

§ 4. *Examination, Appears Guilty.*

*Indictment Warranted.*

*Demand of Executive.*

§ 5. *No Demand, Accused Discharged.*

§ 6. *Recognizance Forfeited.*

§ 7. *Costs.*

§ 8. *Fugitive from Another State.*

§ 9. *Application for Requisition.*

§ 10. *Copy of Indictment.*

§ 11. *Expenses, How Paid.*

§ 12. *Reward, by Governor.*

§ 13. *By County Board.*

§ 14. *Arresting Felon.*

§ 15. *Reward for Horse Thief.*

§ 16. *Reward Fund, Tax Levied.*

§ 17. *Pursuit of Felon.*

*An act to Revise the law in relation to Fugitives from Justice. Approved 16th February 1874.  
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**DEMAND FROM ANOTHER STATE.] § 1.** Whenever the executive of any other state, or of any territory of the United States, shall demand of the executive of this state any person as a fugitive from justice, and shall have complied with the requisitions of the act of congress in that case made and provided, it shall be the duty of the executive of this state to issue his warrant under the seal of the state, to apprehend the said fugitive, directed to any sheriff, coroner, or constable of any county of this state, or other person whom the said executive may think fit to intrust with the execution of said process.

**WARRANT EXECUTED.] § 2.** Any such officer or person may, at the expense of the agent making the demand, execute such warrant anywhere within the limits of this state,