

said Osborne called on him in relation to said deed, witness asked her if it was possible that she was about to convey her interest in said property to this man, and if she knew what she was about. She said that it was not to be an absolute deed of the property, that she had every confidence in Goldsmith, and that he would reconvey back to her the property, upon the payment to him of the sum of from \$6 to \$8,000, (he cannot recollect the precise sum,) and that Goldsmith would give her a written agreement to that effect. She stating, at the time, that creditors were pressing her, and that she made the deed absolute then, to prevent her creditors from seizing her property and dragging her furniture about and taking it out of her house. Goldsmith was not present at this conversation, and was not present at any conversation between deponent and said Osborne, except, at the taking of the memoranda or instructions for the mortgage.

Exceptions were taken by the defendant, to so much of said Spurrier's testimony, as speaks of a conversation between him and said Osborne in defendant's absence; the same, and especially the declarations of said Osborne, made in the progress thereof, being inadmissible.

The case was removed to this court by suggestion on the part of the complainants, filed on the 4th of June, 1851, and was argued at the September term, 1851, and on the 11th of October, 1851, the following opinion was delivered :]

THE CHANCELLOR :

This is a creditor's bill, filed by the complainants, who also, allege themselves to be creditors of Elizabeth Osborne, to set aside certain deeds, executed by her to the defendant, upon the ground, that they were made to delay, hinder and defraud them, and are, therefore, void at common law, or under the statute of Elizabeth.

The deed of the 14th of July, 1841, the first in point of date, is not now called in question, and need not be noticed. The second deed, which is a mortgage of real and personal property, is dated on the 5th of November, 1842, and was executed