

CATHARINE FARINGER,
 PERMANENT TRUSTEE OF
 JACOB FARINGER,
 vs.
 ELIZA RAMSAY AND WILLIAM
 EHRMAN.
 —
 SAME
 vs.
 ELIZA RAMSAY.

MARCH TERM, 1850.

[RESULTING TRUSTS—FRAUDULENT CONVEYANCES—INSOLVENT LAWS.]

A TRUST which results to the party who pays the consideration money for lands, is expressly exempted from the operation of the statute of frauds, and the fact of payment may be established by parol proof.

But though the fact of payment may be shown by parol proof, the evidence must be so strong as to leave no reasonable doubt upon the subject, because of the danger of this description of proof, not only as tending to perjury, but on account of the insecurity to which its introduction exposes the paper title.

Where a party seeks to avoid deeds as fraudulent under our insolvent system he must allege in his bill and prove, that the grantor was indebted at the time of the execution of the conveyances sought to be vacated, and that the deeds were made or caused to be made by him with a view or expectation of taking the benefit of the insolvent laws.

Where a party seeks to avoid deeds as fraudulent under the statute of Elizabeth, he must also allege and prove the existence of creditors at the date of the conveyances, or that the grantor contracted debts subsequently, in respect of which the deeds would be regarded as fraudulent.

[These cases originated in the equity side of Baltimore County Court. The bill in the first case was filed on the 3d of July, 1849, and alleges that Jacob Faringer, sometime in the year 1849, applied for the benefit of the insolvent laws, and that on the 11th of June, 1849, the complainant was appointed his permanent trustee, the said Jacob having in the mean time departed this life. That the complainant was lawfully married to said Jacob in the year 1829, by whom she had six children, five of whom are now living, and have been supported by the complainant since the 20th of June, 1841, when the said Jacob, without fault on her part, left her and went to live with one