

said that it was for the "use" or "the good" of the complainant. It was proved further, that the complainant at the time of executing the deed, expressed herself entirely satisfied with it; but that nothing was said at the time, of any trust.]

THE CHANCELLOR:

That the defendant Hayes, if his deed is allowed to stand, will have acquired a property, at a price greatly below its value, even if he pays the \$100 to Mrs. Herbert, out of his pocket, is clear beyond controversy. He paid but \$100 for the land, and there is no witness, who does not estimate it to be worth \$1400, whilst one of them carries it as high as \$2000. The average of the estimates is not much, if any, below \$1750. The contract, therefore, appears to be grossly against conscience, unreasonable, and oppressive, and there can be no question, as it seems to me, that if the defendant in this case, was a complainant seeking to enforce such a contract, the court would refuse to enforce it, upon the ground of the great inadequacy of the price. But this is a case, in which an attempt is made to set aside a conveyance actually executed, and the circumstances which will warrant the court in executing such a power, must be much stronger than would be required to induce it to withhold its aid, if applied to, to compel an execution of a mere agreement to convey. The inadequacy of price, may, however, be so great, as to induce the court to vacate a conveyance actually made. The difference between the price paid, and the value of the thing purchased, may be so gross and manifest, that, as said by a distinguished writer on this branch of the law, "it must be impossible to state it to a man of common sense, without producing an exclamation at the inequality of it." *Sugden on Vendors*, 193.

The idea of fraud, or undue imposition, or of some circumstance which vitally affects the *bona fides* of the transaction, necessarily and unavoidably presents itself, when the property is parted with upon terms so utterly disproportioned to its value.

It is not, however, deemed necessary to decide in this case,