

abled the debtor from making any voluntary settlement of his estate to stand in the way of his existing debts."

This principle so affirmed by Chancellor Kent in *Reade vs. Livingston*, 3 *Johns. Ch. Rep.*, 500, 501, as the clear and uniform doctrine taught by the cases, is considered by Mr. Justice Story as *strictissimi juris*, and pushing the rule to an unreasonable extent, unless indeed the conveyance is intentionally made to defraud creditors, when it would be void on account of ill faith. But if the conveyance is founded upon a good consideration, and is, moreover, *bona fide*; then, though the grantor may be indebted at the time, yet if the circumstances attending the transaction are such as to repel the presumption of fraud, it seems, from the reasoning and cases cited by the writer, that the mere circumstance of the party not being entirely exempt from debt at the time would not be sufficient to overthrow the conveyance.

The doctrine established by the Supreme Court of the United States, is, that a voluntary conveyance made by a person not indebted at the time, in favor of his wife and children, cannot be impeached by subsequent creditors upon the mere ground of its being voluntary. It must be shown to have been fraudulent, or made with a view to future debts; and the mere fact of being indebted at the time does not, *per se*, constitute a substantive ground to avoid a voluntary conveyance for fraud, even in regard to prior creditors. The question whether fraudulent or not, is to be ascertained from all the circumstances of the case, and not alone from the mere fact of indebtedment at the time. "If," say the Supreme Court in *Hinde's Lessee vs. Longworth*, 11 *Wheat.*, 1991, "it could be shown that the grantor was in prosperous circumstances, and unembarrassed, and that the gift to the child was a reasonable provision, according to his state and condition in life, and leaving enough for the payment of the debts of the grantor, the mere fact of his being indebted would not make the deed fraudulent." The want of a valuable consideration may be a badge of fraud, but it is only presumptive, and not conclusive, evidence of it, and may be rebutted by evidence on the other side." And this