

and fully paid by the respondent to said Spindler, by advances from time to time made, and by a claim for board from said Spindler and his family, furnished by this respondent"—“that said advances and board were supplied to said Spindler by this respondent, personally, prior to the execution of said bill of sale,” &c.

This bill of sale, then, which conveyed to the grantee all the household and kitchen furniture of Spindler of every kind and description, without reservation or exception, was executed in the absence of Phillips, the grantee, without the slightest solicitation on his part, and, as confessed in the answer of Phillips, to secure in part a claim due him, from Spindler, for the board of himself and family. It professes upon its face to have been executed for a monied consideration of three thousand five hundred dollars; and there is, moreover, a receipt at the foot of the instrument for that sum. That the sum of \$3500 was not paid in cash, stands confessed by the answer, and we have no means of knowing what proportion was so paid; the answer being silent upon the subject. Now, it is certainly worthy of remark, and calculated to arouse suspicion, that a man who swears that he was at that very time engaged in a large and prosperous business, and worth, and possessed of property, independent of that contained in these instruments, exceeding in value more than four times the amount of his debts, should, without solicitation, and in payment of a claim against him, partly for the board of himself and family, convey away, absolutely and unconditionally, all his household and kitchen furniture; and this ground of suspicion is certainly not weakened by the fact that the grantee in this conveyance is his father-in-law, who, so far from insisting upon such conveyance for his security, was absent from the country at the time.

That Spindler was hopelessly insolvent at the date of this conveyance, and when the deed of the preceding month of March was executed, I am thoroughly convinced from the evidence. It would be a consumption of time to go into a minute analysis of the proof upon this point, and I deem it sufficient to say, that upon a very careful examination of it, I do not see