

any grounds upon which a reasonable doubt can be entertained. I am not only entirely satisfied that he was irretrievably insolvent, but that he knew himself to be so, and that these conveyances were made for the purpose of placing his property beyond the reach of his creditors ; and that it is the duty of this court to frustrate the design, unless there stands in the way some insuperable principle of law.

The property contained in the deed of trust of the 27th of March, 1834, and the bill of sale of the 18th of April, of the same year, seems to have been every thing of a visible and tangible nature which Spindler possessed, and when, in addition to these transfers, he, in January, 1835, assigned, for Phillips' benefit, the judgment against Manro, he stripped himself of almost every thing he possessed in the world which could be made available to his creditors. And what makes the assignment of the judgment still more reprehensible, it appears not only to have been made without consideration, but the fact that any such assignment was made, is denied by the answer of Spindler. The record, however, and the proof of Mr. Birkhead fully disprove the answer in this respect, and establishes not only the fact of the assignment, but that the money received upon the judgment inured for the benefit of Phillips.

And taking all these transactions and grouping them together—the proximity of the conveyances to each other in point of time—the total absence, or even pretence, of any valuable consideration for the deed of March, 1834, by which a large amount of property was settled upon the wife and child of Spindler, the suspicious circumstances which surround the bill of sale of April, 1834, and the denied but proved transfer of the judgment of 1835, and I think I may say, in the language of Judge Story, in *Bean vs. Smith et al.*, 2 *Mason's Reports*, 294, that “the badges of fraud cluster about them in every direction,” and that these conveyances and transfers were made with the meditated design to injure and defraud creditors.

It appears to me impossible to read this record, and not come to the conclusion that Spindler saw and was fully sensible of the desperate condition of his affairs, and that it was his