fraught with so much inconvenience and probable injustice to the estate of Durkee, and, therefore, this bill must be diminished. Though, under all the circumstances of the case, I do not think it would be right to subject the complainant to costs.   The course he has taken, does not appear to me indicative of a disposition to harass the defendants unnecessarily, and, therefore, though the relief he has applied for is deemed inappropriate in the peculiar circumstances attending this case, I am still of opinion, that it would not comport with the principles which govern this court, to dismiss him as a party who comes before it, without any claim whatever, to its favorable consideration. The bill will, therefore, be dismissed, but without costs.

WM. M. ADDISON and L. H. WILLIAMS for Complainants.

T. PARKIN SCOTT for Defendants.

SEPTIMUS D. SEWELL
vs.   } MARCH TERM, 1851.
JAMES BAXTER AND WIFE ET AL.

[PAROL EVIDENCE—VOLUNTARY CONVEYANCE VOID AS TO CREDITORS—RESULTING TRUSTS—LACHES AND LAPSE OF TIME.]

THE decisions in this state, are conclusive to show that parol proof is inadmissible, to vary the consideration stated in deeds, and thereby, either to alter their character, or to maintain them when impeached for fraud, by showing considerations, differing from those mentioned in them, though evidence of the same kind of consideration, varying only in amount from that expressed, may be offered.

An indebtment at the time of making a voluntary conveyance is, in this state, *prima facie* only, and not conclusive evidence of a fraudulent purpose, even with respect to a prior creditor, and this presumption may be repelled, by showing that the grantor, at the time of the gift was in prosperous circumstances, possessed of ample means to pay his debts, and that the settlement upon the child, was a reasonable provision, according to his or her station and condition in life.

Yet, when such indebtedness is shown, the burthen is thrown upon the grantee of establishing the circumstances which shall repel the fraudulent intent, and the