

demned as fraudulent upon the rights of creditors, unless the facts, which may give it validity, are brought before the court by the grantee.

In this case, there can be no dispute, that Joshua Swan, the father, was indebted at the time of the conveyance. His single bill to Charles Sewell for \$380, dated in 1816, is proof of this, and I think the presumption is, that the judgments recovered against him by Sewell and Murray in 1821, were for money due from him prior to the deed. But at all events, the amount expressed in the single bill must be assumed to have been due, and if so, with respect to this creditor, "the deed is, *prima facie*, fraudulent, and can only be supported by evidence of the facts which repel this presumption.

The question then, is, does this record furnish evidence, that at the time of making this voluntary conveyance to his daughter, the grantor was in prosperous circumstances, possessed of abundant means to discharge his engagements, and that the settlement upon his daughter was a reasonable one.

In answer to the allegation of the bill, that the grantor continued in the possession and use of the property after the conveyance, the respondent, Mrs. Baxter, says, "that she admits that said Joshua Swan, did occupy said lands from the date of said deed up to the time of his death. That this respondent resided upon said lands during a large portion of said period, she believes for nine or ten years, and permitted her said father to occupy the same, as averred in complainant's bill, because, her said parent was *poor* and afflicted, and because she was enabled to live without taking to her own use the profits of said lands. That the respondent never supposed that an act of kindness to a *poor* and aged parent, could in any degree impair her title under the deed aforesaid."

Now, looking to this answer, it is not possible to suppose that the grantor of this property was in prosperous circumstances, with ample means to pay his debts. On the contrary, it appears, that he become dependant upon his daughter for a home and livelihood. This is the inevitable presumption from the answer, and there is no proof, or attempt to prove, that he