

at the time of its execution—that the grantee received it knowing of such fraudulent intent, and helping to effectuate it.

The bill further charges, that at the time of the execution of these deeds, the said Grover was utterly insolvent, and known so to be by the defendant, *McColm*, and that the property described in said deeds constituted the largest part of his available assets. That ever since the execution of these deeds, said Grover had remained in possession of the property, mentioned in them, and has used and enjoyed the same and taken the rents and profits thereof to his own benefit and still continues so to do. The bill then states that Grover applied for the benefit of the insolvent laws on the 16th of March, 1841—the appointment of Glenn as his trustee—and said Grover's indebtedness to the estate of the said Eaton R. Partridge, and then prays said deeds to be declared fraudulent and void, &c.

The answer of *McColm*, which was filed on the 31st of August, 1841, admits the execution of the deeds, but denies that they, or either of them, were or was, made without consideration, and with a design to delay, hinder, or defraud the creditors of said Grover, or that they or either of them, was received by this defendant, knowing of such intent or purpose, but, on the contrary, avers that they were both made for *bona fide* considerations, paid by the respondent before their execution, except a small balance upon the real estate, which was paid immediately after. This answer also states that respondent has no knowledge of the debts due by said Grover, at the time of the execution of these deeds, but denies that he was then utterly insolvent and unable to pay his debts. It asserts that Grover has remained in possession of the property since the execution of the deeds, but denies that he has used, enjoyed and taken the rents and profits thereof to his own benefit, but on the contrary, avers that said Grover has remained in possession thereof, as the tenant of the defendant, under articles of agreement, which are exhibited with the answer. It also admits that Grover has petitioned for the benefit of the insolvent laws, which petition is still pending—the appointment of the complainant as his trustee, &c.