

JOHN GLENN, PERMANENT TRUSTEE OF  
ANN WATSON,  
vs.  
HUGH McNEAL AND JOSEPH D. WORLEY. } MARCH TERM, 1851.

[FRAUDULENT CONVEYANCES, VACATING OF.]

A DEED for the consideration of \$404, expressed upon its face, was attacked by the creditors of the grantor as fraudulent as against them, and it was shown as a circumstance exciting suspicion of unfairness, that this consideration was totally inadequate to the value of the property, HELD—that it was not competent for the grantor to prop up the deed by proof of an indebtedness to the grantee for services rendered as a clerk: such super-added consideration, as far as it goes, destroys the character of the deed, and is inconsistent with the consideration expressed upon its face.

Such evidence, if admitted, would change the character of the deed from a bargain and sale to a covenant to stand seised to the use of the grantee; but proof of the same kind of consideration, varying only in amount, is admissible.

The grantee in a deed absolute upon its face, and professing to be for a moneyed consideration paid at the time, cannot, when such deed is impeached by the creditors of the grantor, show by parol that it was intended to be and was given as a mortgage to secure an old debt of more than twenty years' standing.

A deed to be good under the statute of Elizabeth, as against creditors, must be made *both* upon a valuable consideration and *bona fide*; if the intent be to defeat or defraud creditors, it is void, though the consideration may not only be valuable but adequate.

A conveyance to a creditor, executed two days before the grantor applied for the benefit of the insolvent laws, when she had stripped herself of all her property, and her creditors were numerous and pressing, is void under the insolvent system.

[The facts of this case are sufficiently stated in the Chancellor's opinion.]

THE CHANCELLOR :

This case has been submitted upon arguments, in writing, by the solicitors of the parties, and the pleadings and evidence have been read and carefully considered.