

has been said, indicated the grounds upon which my opinion rests. An order will be passed dissolving the injunction.

BARRY, for Complainant.

WALLIS and THOMAS, for Defendant.

IN THE MATTER OF THE ESTATE  
OF NOTLEY YOUNG. }

DECEMBER TERM, 1851.

[HOTCHPOT—PAROL PROOF TO CONTRADICT OR VARY THE TERMS OF A DEED—  
CONSTRUCTION OF DEEDS—ACT OF 1825, CH. 50, RELATING TO MORTGAGES—  
CHANCERY PRACTICE—ATTORNEY—LIMITATIONS.]

The right which the heirs have, that the estate advanced should be brought into hotchpot, is a legal right, and no alienation or incumbrance placed by the heir advanced upon the property given by way of advancement, can defeat it.

The insolvency of the personal estate of the ancestor constitutes, in a Court of Equity, no objection to bringing an advancement of personalty into hotchpot with real estate, or the proceeds of real estate.

Where a deed is not attacked upon the ground of fraud, accident, or mistake, parol evidence is inadmissible to add to, vary, or change its terms.

When a deed is impeached for fraud, by disproving the consideration expressed in it, a different consideration changing its character cannot be set up.

Where the consideration has not been disproved, parol evidence of the same kind of consideration, differing only in account, may be offered to rebut any imputation of fraud attempted to be cast upon the deed.

A husband executed a mortgage to secure a debt, and after payment thereof the mortgagees were to hold the property, or convey it to the appointee of the grantor's wife for her separate use; and on the same day, the husband and wife assigned to the same mortgagees, the wife's interest in the real estate of her father. HELD—

That the mortgagees had a perfect right to resort to either, or both of these securities, for the payment of their debt; and all that the wife can demand is, that after payment of their claim, they shall convey to her appointee the property mentioned in the mortgage of the husband.

A stipulation in a mortgage to secure a specific sum, that it should cover