

EXECUTORS AND ADMINISTRATORS—*Continued.*

*See* AGREEMENTS, 4, 5.

WILL AND TESTAMENT, 22.

LIMITATIONS, 5, 7, 8, 9.

## EXTINGUISHMENT.

*See* VENDOR'S LIEN, 2.

WILL AND TESTAMENT, 22.

## FEES.

*See* COUNSEL FEES.

## FEME COVERT.

*See* MARRIED WOMEN.

## FRAUD.

*See* FRAUDULENT CONVEYANCES.

INSOLVENT DEBTOR, 5.

EVIDENCE, 4.

## FRAUDULENT CONVEYANCES.

1. Where a party seeks to avoid deed as fraudulent under the statute of Elizabeth, he must allege and prove the existence of creditors at the date of the conveyances, or that the grantor contracted debts subsequently in respect of which the deeds would be regarded as fraudulent. *Faringer vs. Ramsay & Ehrman*, 33.
2. Prior to the act of 1835, ch. 380, a creditor could not claim the aid of a court of equity in following real estate fraudulently conveyed away by his debtor, without first obtaining a judgment at law, nor personal estate, thus conveyed, without issuing a *fiery facias*, but this act has changed the law, in this respect, in this state. *Wylie et al vs. Basil*, 327.
3. The wife's share of the grandmother's personal estate was paid by the executor to the husband in his own right, and was applied by him in the purchase of property for which he took the deed in his own name, in 1842, and held the property in his own until 1847, when it was conveyed to his wife. **HELD—**  
That under these circumstances the property could not be regarded as belonging to the wife, but was liable to the husband's creditors. *Ib.*

*See* INSOLVENT DEBTOR, 1 to 5.

ASSIGNMENTS IN FAVOR OF CREDITORS.

## EQUITABLE ASSIGNMENT.

*See* ASSIGNMENT, 1 to 4.

## GIFTS INTER VIVOS OR MORTIS CAUSA.

1. A party shortly before his death delivered a note due him to a friend, with directions to collect and apply it to certain purposes for the benefit of his wife, but died before the money collected was so applied. **HELD—**  
That this does not amount to a gift *inter vivos* or *mortis causa*, and the proceeds of the note belong to the estate of the deceased. *Thompson & Waters vs. Dorsey*, 149.