the other hand, where a father, who had not been legally declared insolvent, but was in embarrassed and sinking circumstances, made a voluntary conveyance of a considerable proportion of his property to his child, it was deemed void against his creditors; (*f*) and so too, where such a conveyance was made by one not then indebted; but with a view to his becoming indebted, it was deemed fraudulent. (*g*) For it has been long settled, that when a man, being greatly indebted to sundry persons, makes a gift to his son, or one of his blood, without consideration, but only of nature, the law intends a trust between them; (*h*) and this rule is the same both at law and in equity. (*i*) It is this presumed trust that affords the evidence of an intended fraud against creditors; because it is perfectly evident, that a man who is greatly indebted, cannot, nor ought not, to be allowed to reserve for his own use, or to give away his property to the prejudice of his creditors—and consequently no donation can be permitted to stand against them, where it is at all doubtful, whether or not the remaining property of the grantor will be sufficient to satisfy all his debts, (*j*) although the fact of the grantors being totally insolvent at the time, would be conclusive evidence of the fraudulent character of the conveyance; yet his being at the time indebted in some small amount, compared with his property and circumstances, and the value of the donation, would not, of itself, and alone, affect the validity of the conveyance; because every man must be indebted for the common bills of his house, though he pays them every week. (*k*)

In the case under consideration, it appears that *Alexander B. Hanna* was a tradesman, in no very extraordinary affluent circumstances; his household furniture formed a considerable part of his estate, even according to his own reckoning; and, counting up his whole fortune, the house and lot, in controversy, formed a large and important portion of it; yet with debts, then due and still unpaid, amounting to between twelve and thirteen hundred dollars, he made this voluntary conveyance of that very large and important portion of his estate, in trust for the benefit of his wife and children; which donation, however, he had not finally perfected, by

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(*f*) Croft *v.* Townsend, 3 Desau, 231; Broadfoot *v.* Dyer, 3 Mun. 350; Chamberlayne *v.* Temple, 2 Rand. 384.—(*g*) Stileman *v.* Ashdown, 2 Atk. 481; Richardson *v.* Smallwood, 4 Cond. Chan. Rep. 262—(*h*) Twyne's case, 3 Co. 81.—(*i*) Russel *v.* Hammond, 1 Atk. 14.—(*j*) Walker *v.* Burrows, 1 Atk. 93; Taylor *v.* Jones, 2 Atk. 602.—(*k*) Lush *v.* Wilkinson, 5 Ves. 387; Kidney *v.* Coussmaker, 12 Ves. 155; Nunn *v.* Wilsmore, 8 T. R. 529.