

MECHANICS' BANK OF ALEXANDRIA V.
TAYLOR ET AL.

{2 Cranch, C. C. 507.}¹

Circuit Court, District of Columbia. Nov. Term, 1824.

FRAUDULENT CONVEYANCES—DEED TO
WIFE—MONEY USED IN PURCHASE.

It is no fraud in a husband toward his creditors, to purchase real estate with the money which belonged to the wife before the marriage, and to take the deed directly to the wife, pursuant to a verbal agreement to that effect made with her before the marriage.

The bill states that the complainants levied an execution issued on a judgment in their favor against E. P. Taylor, upon a house and lot which were purchased by him with his own funds and fraudulently conveyed to his wife; that the complainants purchased it at the marshal's sale, under the fieri facias; that E. P. Taylor refuses to give them possession; and prays that the deed to the defendant's wife, and the deed from the defendant E. P. Taylor to the defendant David Marie may be set aside; and that the defendants may deliver possession of the premises to the complainants, and account for the rents and profits. The defendant Marie, in his answer, stated that he held a lien on the property for a debt of \$205 under a deed purporting to be from E. P. Taylor and his wife, but executed only by E. P. Taylor. The separate answers of E. P. Taylor and wife, aver that the wife, having been a widow, and in trade before her intermarriage with E. P. T. had acquired considerable property, and had, at the time of the marriage, about \$3,000 in bank; and that it was agreed between them, before the marriage, that it should be laid out in building a house upon a lot belonging to the wife; but that the lot being supposed to be too small, the intention to build was abandoned,

and in lieu thereof the house and lot in question were purchased by E. P. T. with the wife's money, and conveyed directly by the vendor to the wife; denying all fraud, &c. The cause being, by consent, set for hearing on bill and answer.

THE COURT (THRUSTON, Circuit Judge, absent) decided that the claim of the wife was fair and upon a valuable consideration, and dismissed the bill.

¹ [Reported by Hon. William Cranch, Chief Judge.]

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