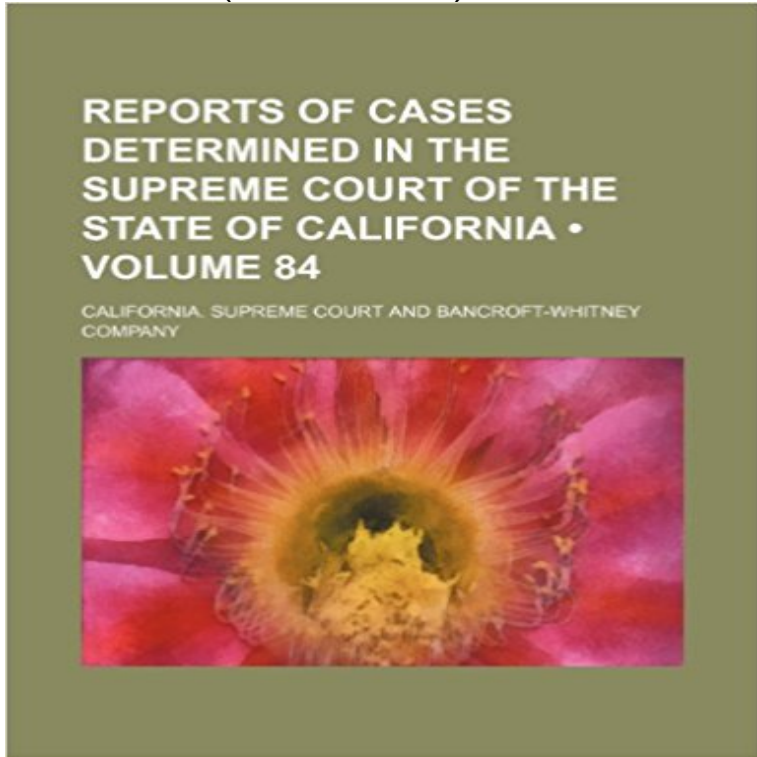


# Reports of Cases Determined in the Supreme Court of the State of California (Volume 84)



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1906. Excerpt: ... FRAUD. 1. Fraudulent Conveyance--Rights Of Creditors--Effect Of Deed.--A deed in fraud of creditors is absolutely void as against them, and an execution sale of the debtors interest carries the legal title, and not an equitable interest merely.--Judson v. Lyford, 505. 1. Question Of Fact--Whose Intent Is Material.--Under our statute, the question of fraud is a question of fact,--that is to say, a question of intent; and where there is no consideration for the deed, the material thing is the intent of the grantor; the intent of the grantee is immaterial.--Id. . Instance--Facts Showing Fraudulent Intent.--If a person is heavily indebted, and conveys all his property, without consideration, in trust, for his children and himself, the inference of a fraudulent intent is Irresistible.--Id.! Contract To Share Results Of Fraud--Relief In Equity--Parties In Pari Delicto.--Where two or more have entered into a fraudulent scheme for the purpose of obtaining property, in which all are to share, and the scheme has been carried out so that all the results of the fraud are in the hands of one of the parties, a court of equity will not interfere in behalf of the others, to aid them in obtaining their shares, but will leave the parties in the position where they have placed themselves.--Mitchell v. Cline, 409. ). Trover--Conversion Of Shares Of Stock--Disconnected Fraud--Execution Against Person.--In an action for the conversion of shares of stock, where fraud is pleaded in reference to a matter of composition with defendants creditors, which is disconnected with the conversion of the stock, which Is the subject of the action, though the Jury may, under special issues submitted to them, find the

defendants guilty of fraud, the court cannot properly direct process t...

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