

in lieu of receiving her proportion of the negroes and stock, she would consent to receive from him nine and three-quarters acres of land, one negro girl, some articles of household furniture, and \$389 75; which she accordingly did receive.—Whereupon, she willingly, and of her own accord, gave the release mentioned in the bill; which was not unduly and improperly obtained from her. That the plaintiff *Harriet*, before her marriage, agreed that the defendant should continue to hold her land for two years, on paying an annual rent therefor. That when the defendant married the widow *Ann*, the property was much out of repair; that he has considerably enhanced the value thereof, by erecting an addition to the dwelling-house; by building a barn; and by improving the property; for which, he conceives he is entitled to an allowance; that, at the death of the intestate, there were eight negroes, two of whom died since the appraisement; and that there has been an increase of five, born since that time.

The plaintiff put in a general replication to this answer, and a commission was issued, and testimony taken and returned. After which, the case was brought on for hearing.

16th May, 1811.—*KILTY, Chancellor*.—This case was submitted on notes filed by the counsel on each side, which, with the bill, answer, and proceedings, have been considered.

The Chancellor is of opinion, that the complainants are entitled to relief; and, that the release set up by the defendant ought to be set aside, on account of the time and manner in which it was obtained; and also, on account of its not being a mere receipt for her part of the estate, but an acknowledgment of an equivalent, as she then considered it, for what she was entitled to, which, if leading to her injury, ought not to be countenanced by a Court of Equity. (a)

With respect to the manner of taking the account, it is not meant to decide thereon at present; but the Chancellor is of opinion, that so far as the specific property came to the hands of the defendant as guardian, having before held it by his intermarriage with the administratrix, he is not entitled to settle by the amount of the inventory in money. But, on the other hand, the Chancellor is not satisfied, that the appraised value of the negroes, &c. (as far as it is to be considered in the account,) is to be controverted by the opinions of witnesses as examined in the commission.