

And the further fact that Rachel, believing, she had to be worshipped suffered the Will by which the Property was devised to the sons to be brought home & destroyed in the presence of his brother and Mr. Sewall, shows he had no wish that the sons should enjoy their Grandfather's Estate. From all these facts and circumstances it must be evident that Benjamin Todd was not induced to execute this Deed by reason of any improper control on the part of his brother Rachel, and that if he did induce them to execute it he only influenced them to perform a benevolent duty, which he had long cherished, and intended.

The only remaining question to be considered is whether Mrs. Todd understanding, freely and voluntarily signed the Deed.

It is shown by the evidence, that no improper control was exercised over the mind of Benjamin, in the matter of this conveyance. If Mrs. Todd now Mrs. Stone was induced to sign the Deed, under a mistake as to its contents or by undue and improper influence, such influence must have been used by her Husband, or his brother Rachel.

So far, as the evidence taken under the Commission discloses any action on the part of the Husband, it recalls the fact that Benjamin Todd was kind and affectionate to his wife; and Mrs. Todd herself, makes no complaint of her Husband, in respect of anything he said or did to induce, persuade, or force her to sign the Deed. In her Testimony on this subject she swears "there was nothing said before the execution of the Deed or at the time of the signing thereof, by Benjamin Todd, in regard to my signing the same" It does not therefore appear to the Court that there is sufficient evidence to show that he was otherwise, than kind to his wife; and there is no proof to show that he unduly exercised any control over Mrs. Todd which induced her to join in the execution of the Deed. It can hardly be inferred or gathered from the evidence, that she was much influenced by Rachel, to put her name to the Deed.

There is nothing that indicates, any very friendly feeling between them, nor is there any thing from which we can suppose that she was afraid of, or stood in awe of him. She was however suspicious of Rachel's intention and effort to wrong her in some way or other. She, does not say that he said anything to her about the Deed until the morning of its execution. On that morning she swears "I was sitting in the sitting Room and Rachel W. Todd came to the Door and called me into the Dining Room, I found there Rachel W. Todd, Mr. Phelps, and my Husband, there was nothing said by any body. Rachel W. Todd handed me the paper and told me to put my name to it" She speaks of no bad or improper treatment of her by Rachel "except that he had too much influence over her Husband and did not want her to have any thing to say to him whatever, he would not leave me in the house alone with my Husband, he took to sleeping with my Husband to prevent my being alone with him."

This mode of conduct on the part of Rachel towards Mrs. Todd was not calculated to inspire her with such confidence in him as would induce her so readily and without any advice or explanation from any one to sign a paper, and at his instance, without any knowledge of what it contained she could not, therefore, have been induced by Rachel to execute the Deed.

Then did she sign it in mistake or in ignorance of what it contained? She swears that she did, and therefore repails the Deed as a fraud upon her.

Deeds are prima facie evidence of the verity of their contents, however