

The defendant put in an answer to this bill, in which he admits the death of the intestate, the administration on his estate, and his own marriage with the widow as set forth; but he avers, that the inventory returned included articles of personal property, which did not in truth, belong to the intestate; and that all the articles were correctly valued: that, on the 12th of December, 1798, he was appointed guardian of the two children of the intestate, John H. Dorsey, and the plaintiff Harriet; that after the death of John H. Dorsey he administered upon his estate, and settled a final account on the tenth of August, 1802; that he had a valuation of his ward's estate made according to law: This defendant admits, that the administrators of the intestate settled a final account, as set forth; but he denies, that any part of the amount ever came to his hands; that Ann, the wife of this defendant, died on the 9th of January, 1808, and he passed a final guardian's account with the Orphans' Court, whereby a balance of £239 18s. 4½d. was shewn to be due to the plaintiff Harriet; that about the 1st of February, 1809, a settlement took place between him and her, in the presence of her uncle and grandfather; when she agreed, that * 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.

KILTY, C., 16th May, 1811.—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 acknowledgement of an equivalent,