

therefore, of the 15th of April, 1825, must be received as *prima facie* evidence of the indebtedness of Mitchell to his ward, Maria, in a proceeding to affect the property embraced in the deed of Mitchell to Kennedy and Glenn of the 25th of August following. It is quite as admissible as would be his note or bond, executed at the same time.

But the record further shows, that Maria, the former ward of Mitchell, attained the age of eighteen years on the 9th of March, 1834, and on the 12th day of the same month and year, she executed and acknowledged, in due form of law, a release, to the said Mitchell, which release was duly recorded in the office of the Register of Wills for Baltimore County, and a copy under seal is filed and is relied upon as a complete and full defence to the complainant's claim. The instrument in terms releases, exonerates, and discharges Mitchell, his heirs, executors, and administrators, from all and every action, suit, claim, and demand, which could or might possibly be brought, exhibited, or prosecuted against him, them, or any of them, for or on account of the money and property or the payment thereof, which by the last account settled in the Orphans' Court, appeared to be due from the said Mitchell to his former ward. And the question now to be considered is, whether under the circumstances of this case, the release is an answer to the bill which seeks to charge the property which originally belonged to Mrs. Bedford, and of which she was deprived by the improper means and instrumentalities before adverted to?

If it be conceded, as I think it must be, that the money appearing to be due from Mitchell to his daughter Maria, by the account in the Orphans' Court, was not in fact paid, and that her release consequently was gratuitous, it is equally clear that the deeds executed by his stepdaughter, Mrs. Bedford, by which her whole estate was conveyed to Mitchell, were likewise utterly destitute of consideration. The want of consideration is in truth apparent upon their face; and in addition to this, they were in my judgment executed under circumstances which lead strongly to the conclusion that imposition was practiced in obtaining them. There is not, in my opinion, the slightest ground