his last will, which was duly admitted to probate, by which among other things, he directed his executor, one of the complainants in this cause, to institute proceedings to avoid said deeds of April 28 & 29 as having been obtained by improper and undue influence so to form said deeds upon the alleged ground that they conveyed through the mistake of the conveyancer, who drew them, a fee simple estate when in fact a life estate only was intended to be thereby conveyed. The Bill was filed by the executor and devisee under the last mentioned will accordingly, an answer under oath, as amended bill and answer thereto thereto filed, evidence taken, which with the arguments of counsel have been carefully considered.

There is no evidence in the cause, which will warrant the conclusion that said deeds were executed in consequence of any undue or improper influence exercised by defendant, the said Susan Groff or any other person. Nor is there any evidence to show that any greater estate was conveyed by said deeds than said Abraham Groff intended to convey. On the contrary the will of Susan Groff with the written consent of her husband appended thereto, clearly shows that he fully understood that the fee was disposed of.

The will of Abraham Groff and the evidence of Amos Richards was relied upon as showing that the deeds of the 28th and 29th April were without consideration and obtained through undue influence. These proofs were excepted to and exception was well taken. It is not competent for the complainants to introduce the declarations of the grantor in said deeds, or parol evidence to impeach the validity of or to vary the deeds. Cook vs Cooke admit 29 Md 538. The parties claiming under Abraham Groff are estopped from denying the consideration set out in the deed. But even if such evidence were admissible the proof in the record shows that Abraham Groff had used moneys belonging to his wife, and that she had released her right of dower in his lands by signing deeds of conveyance made by him and that there were considerations moving him to the settlement of the lands in question upon her. Amos Richards was the mere channel through which the title flowed from Abraham Groff to his wife. Abraham having been advised that he could not convey the lands directly to her, but that they would have to be conveyed to a third party, and by that third party to her. From these views it follows that the bill of complaint must be dismissed.

Richd Grason
A. W. Bateman.

Whereupon the Court passed the following Decree to wit

Groff Exr of Groff & others	In the Circuit Court for Baltimore County. In Equity.
vs	
Eduino Polivar	This cause having been submitted

and argued, the proceedings and evidence have been read and considered.

It is thereupon this 28th day of June 1870, by the Circuit Court for Baltimore County sitting in Equity, and by authority of the same adjudged ordered and decreed that the bill of complaint be, and the same is hereby dismissed with costs.

Richd Grason
A. W. Bateman.

23 July 1870. Order for appeal fd. (by Francis B. Groff. by A. W. Meachen & A. H. Mousselman Esquires, his solicitors.

Same day affidavit fd.

Same day, Appeal Bond filed and approved.

And the record is accordingly transmitted, by order &c,
Test. Edward H. Ady, Clerk.

State of Maryland Baltimore County to wit.

I Edward H. Ady, Clerk of the Circuit Court for Baltimore County, in the State of Maryland, hereby certify that the aforegoing is a true record of the proceedings so far as relates to this case had in, relation to the appeal taken, as required by the rules issued by the Court of Appeals in such cases, and as ordered to be forwarded by A. W. Meachen & A. H. Mousselman Esquires, Solicitors for Complainant.

Seal

In testimony whereof, I hereunto set my hand and affix the seal of the Circuit Court for Baltimore County this 12th day of October in the year of our Lord eighteen hundred and seventy.

Edward H. Ady
Clerk of the Circuit Court for Baltimore County

U. S. Stamp 5 cents.

And now come into the Court of Appeals here, as well the said Francis B. Groff Ex of Groff et al by Messrs Meachen & Mousselman his Attorneys as the said Eduino Polivar by Messrs Hack & Hersey his attorneys, and thereupon on motion of the said Eduino Polivar by his attorneys aforesaid, it is ruled by the Court here that the said Francis B. Groff Exr &c assign the errors in the Record of Proceedings aforesaid, or in the giving the Decree aforesaid, so as aforesaid brought before the Court of Appeals here for directing the errors supposed to be therein, or the decree of the Court of Appeals here will be entered against him, in default thereof, and the said Francis B. Groff Exr by his attorneys aforesaid say that in the Record of Proceedings aforesaid, and also in the giving of the decree aforesaid, there is manifest error in this, to wit, that by the record aforesaid, it appears that the decree aforesaid, in the plea aforesaid given, was given for the said Eduino Polivar against the said Francis B. Groff Exr &c when by the law of the land, that decree ought to have been given for the said Francis B. Groff Exr &c against