

WILLIAM W. McCLELLAN AND  
 MARIA, HIS WIFE,  
 vs.  
 JOHN P. KENNEDY ET AL.

DECEMBER TERM, 1852.

[RELEASE BY WARD TO GUARDIAN—EVIDENCE.]

Accounts of a guardian, passed by the Orphans' Court, admitting an indebtedness to his ward, are *prima facie* evidence of such indebtedness against the grantees of the guardian claiming under a deed executed by him subsequent to the passage of the accounts.

The evident intention of the 7th section of the Act of 1829, ch. 216, which makes releases, executed by a female ward of the age of eighteen to her guardian, as valid as if she was of full age, was that the release should be a release executed to him *who had been* guardian, but whose office had ceased by the arrival of the female to the age of eighteen.

A female ward attained the age of eighteen on the 9th of March, 1834, and on the 12th of the same month she executed a release to her former guardian, who had been deposed from his office nearly nine years before, of all claims she had against him as such guardian. **HELD—**

That the authorities which speak of the suspicion and jealousy with which the Courts view transactions between guardians and wards, and others occupying fiduciary relations immediately after such relations are dissolved, do not apply, and the release must be regarded as a free and voluntary act, which she cannot afterwards repudiate.

A father married his step-daughter on the 26th of February, 1825, and on the 23d of March following, she conveyed to her supposed husband all her property of every description, being a large amount, for a nominal consideration, acknowledging the deed as a *feme sole*, and was described as, H. A. M. "otherwise called" H. A. B. (her maiden name). On the day following, she united with her husband in a deed of the same property to a third person, who on the next day reconveyed to the husband. **HELD—** that these deeds were fraudulent and void.

The property above spoken of was afterwards reconveyed to the wife, and the bill in this case was filed by the ward, who had executed the above-mentioned release; and her husband, against her former guardian, who was also the husband of the wife to whom the property had been so reconveyed, seeking to make that property responsible for her claim, **HELD—**

That though the release may have been gratuitously executed, yet she cannot be permitted to repudiate it as against the wife to whom the property, of which she had been unfairly deprived, had been restored.

A proceeding to set aside this release, against the guardian alone, to which