

said Maria (or her sister Elizabeth, his other daughter and ward, and who also released), to charge her father with the payment of said debt."

I, therefore, throw out of view the account passed in March, 1834, either as evidence of a claim on the part of the complainants against Richard B. Mitchell, the former guardian of the complainant, Maria (now Mrs. McClellan), or as proof of the payment of such claim. It cannot, in my opinion, be used against the defendants, because it is subsequent to the deed from Glenn, Kennedy, and Mitchell to Mrs. Bedford, bearing date the 2d of August, 1827, by which the property was reconveyed to her; nor can it be viewed as evidence of payment of the balance due from Mitchell to his ward, because the answer of the defendants concedes the contrary.

But in my opinion, the fact of indebtedment of R. B. Mitchell to his former ward, Maria, is shown by the account passed in the Orphans' Court on the 18th of April, 1825; and I can see no good reason why in a proceeding to charge the property conveyed by Mitchell in trust to Messrs. Glenn and Kennedy, on the 25th of August of that year, the account may not be used as evidence of such indebtedment. The point appears to me to be conclusively settled against the defendants, by the case of *Richards and Wife vs. Swann et al.*, 7 Gill, 367, in which it was held that accounts passed by a guardian in the Orphans' Court, in which he admitted himself to be indebted to his wards, were *prima facie* evidence of his indebtedness against the grantee of the guardian, claiming under a deed executed by him subsequent to the passage of the accounts. In that case the account was passed by the guardian in the Orphans' Court on the 27th of June, 1843, and the deed alleged to be fraudulent against creditors, was executed on the 15th of July, 1844; and upon a bill filed by the ward to vacate the deed as fraudulent against creditors, the account was admitted by the Chancellor, and by the Court of Appeals, as *prima facie* evidence of the indebtedment of the grantor, and the deed was annulled. So far as this point is concerned, no distinction can be shown between that case and this; and the account,