

This kind of proof is not conclusive, but is *prima facie* evidence, and may be counteracted and repelled by other testimony; and as the credit of it must be determined by the jury, I cannot see any inconveniencies attending the admission of it, equal to those which will result from its rejection. I think it is the safest way to allow it to go to the jury; and therefore am of opinion that the judgment of the court below ought to be reversed.

JUDGMENT AFFIRMED.

PRUTZMAN, *et al.* vs. PITESELL.

1810.

Prutzman
vs
Pitcell

JUNE.

APPEAL from a decree of the Court of Chancery. The petition of the appellee against the appellants, filed on the 12th of June 1804, stated, that on the 8th of October 1796, the appellants filed a bill against him, he being then an infant, for the conveyance of part of a tract of land called *Paraphrase and The Resurvey on John's Delight*, containing 166 acres, lying in *Frederick* county. That a commission issued to appoint a guardian, and take his answer, on the 19th of November 1796. That *Henry Kulin* was appointed his guardian, who answered and admitted all the facts contained in the bill. That no evidence was taken to establish the truth of the allegations contained in the bill, and that they cannot be established; and that the decree was unduly and improperly obtained. That the petitioner came of age the 13th of May 1804. Prayer for a revision and reconsideration of the decree, and for general relief. The defendants, (now appellants,) by their answer, admitted the filing of their bill, the appointment of a guardian, and the answer and decree, but averred that the facts stated in the bill were true and could be established, and that the decree was fairly and properly obtained, and they pleaded the decree and proceedings in bar of the relief prayed by the petition.

The proceedings on the bill referred to, with the decree for a conveyance, &c. passed the 2d of March 1797, were exhibited, and testimony was taken under commissions issued for that purpose.

KILTY, Chancellor, (February 1807.) This case, which was argued at the present term by the counsel for the com-
decree a reconveyance of land, which, by a former decree that court had directed to be conveyed,

Where a bill had been filed in chancery against an infant for a specific performance of a parol agreement entered into by the ancestor, to convey land to his daughter, and on the answer of his guardian, and his agreement, a conveyance was decreed. On the arrival at age of the infant, he petitioned under the act of November 1773, *ch. 7*, for a reconveyance.—
Held, that in order to show cause why a revision and reconsideration of the decree should take place, the party, who was an infant, may examine the proofs for the decree, and resort to any error on its face, tending to show that the conveyance decreed ought not to have been directed; and also that such decree and the proceedings therein, could not be pleaded in bar of the relief prayed.
The petitioner is not confined to the former proceedings only, but may by further proceedings show himself entitled to relief.

An infant is not bound by the answer of his guardian if he shows his dissent to it within the proper time.

Where in such a case, the court of chancery de-