

The settlement is made upon the wife and her legitimate and illegitimate children; the Act of Assembly having given to bastards a capacity to take from their mother as heirs or next of kin.

THIS bill was filed on the 14th of September, 1818, by Anna Gebetha Margaretta Wandelohr, formerly of Chambersburg, in the State of Pennsylvania, but then of the City of Baltimore, against John Franciscus and Philip B. Sadtler. The bill stated that the plaintiff's brother, Carsten Newhaus, on the 20th of June, 1816, made his last will, according to law, in which he disposed of his estate in the following words:

"I give and bequeath unto my nephews, Carsten Newhaus, John Newhaus, and Jacob Newhaus, all of Baltimore County aforesaid, children of my deceased brother, John Newhaus, the sum of \$4,000, to be equally divided between and amongst them, that is to say, to each of them the sum of \$1,500. Item, I give and bequeath unto my nieces and nephews; namely, Anna G. Bowers, Betsy A. Bowers, ———Bowers, Henry A. Bowers, and John D. Bowers, the three daughters and two sons of my late sister, ———Bowers, of Bremen, deceased, the sum of \$7,500, to be equally divided between and amongst them, that is to say, to each one of them the sum of \$1,500. Item, I give and bequeath unto John Rathean, of Baltimore County aforesaid, the sum of \$600; and I do request and direct, that the several legacies herein before bequeathed be paid out of my estate, by my executors, hereinafter named, as soon as conveniently may be after my decease. Item, I give, devise and bequeath unto my sister, Anna G. M. Newhaus, of Chambersburg, in the State of Pennsylvania, her heirs and assigns, all the rest, residue, and remainder of my estate and property of every description, of whatsoever it may consist, or wheresoever situated or being; to hold the same to my said sister, Anna G. M. Newhaus, her heirs and assigns forever. And lastly, I do hereby constitute and appoint John Franciscus and Philip B. Sadtler executors of this my last will and testament."

The bill further stated, that on the 24th of June, 1816, after having made this will, Carsten Newhaus died; that the will was proved on the 29th day of the same month, and letters testamentary * granted to the two executors, these defendants; who **546** had accordingly got into their possession personal estate of the intestate to a much larger amount than was necessary for the payment of his debts, and the legacies so given to his nephews and nieces, and that the plaintiff was the sister of the testator mentioned in his will, who then resided, as therein stated, in Chambersburg, in the State of Pennsylvania. The bill further stated that the testator was, at the time of his death, and for about seven years before, connected with the defendant Franciscus as a partner in the business of a sugar refinery, under the firm of New-