

tary granted to the two executors, these defendants; who 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 *Newhaus & Company*, and in certain vessels, &c.; and that the greatest part of the testator's personal estate, at the time of his death, consisted of property, effects and debts, belonging and due to the partnership, which partnership concern had not been settled, nor any account thereof rendered by the defendant *Franciscus*, so as to shew what proportion of the effects thereof properly belonged to the testator, and for which the defendant *Franciscus*, as surviving partner, was accountable, as a part of the estate of the testator. Whereupon the bill prayed that the defendant *Franciscus* might be ordered to disclose and set forth the nature and terms of the partnership between him and the testator at the time of his death; to account for all the property, debts, rights and effects of the partnership, and to pay over that which belonged to the testator to his executors, and also that the defendants *Franciscus* and *Sadtler*, as executors, might account for the estate of the testator, and be directed to pay what remained unto this plaintiff as residuary legatee; and that the plaintiff might have such other and further relief as the nature of her case might require.

After the defendants had appeared, but before they had answered, the plaintiff, by petition, prayed leave to amend her bill by correcting her name, as therein stated, and instead of '*Anna G. M. Wandelohr*,' inserting '*Anna G. M. Newhaus*, otherwise called *Anna G. M. Wandelohr*.' On the 2d of October, 1818, leave was granted to amend as prayed, and it was made accordingly, by merely interlining the proposed amendment in the original bill.

On the 1st of March, 1819, the defendants filed their joint answer, in which they admit the partnership, the will, and the death of the testator. But they say, that they do not know the plaintiff, or that she is the residuary legatee mentioned in the bill; nevertheless, supposing she might be the legatee, they had, to relieve her necessities, advanced her the sum of \$1,500, for which they craved