

newspaper in which the publication was made certified in the usual manner, that the order had been published as directed; but none of the absent defendants appeared within the time appointed.

On the 14th of June, 1825, *Philip B. Sadtler* filed his separate answer, in which he admitted, that he was one of the executors of the late *Carsten Newhaus*; but alleged that the defendant *Franciscus* had, in all things, been the principally acting executor; that he had retained in his hands the legacies given to the five children of the testator's sister — *Bauers*, of Bremen; and that by virtue of the acts of *Franciscus*, and of their settlements with the Orphans Court as executor and guardian, copies of which he exhibited, this defendant was discharged.

On the 27th of July, 1825, the defendant *Franciscus* put in his answer, in which he referred to and relied upon his answer to the original bill and said, that he could not admit, that *Helms* and wife had agreed to live separate; that he did not know to what amount she was indebted to *Sumwalt* and *McFarren*; that as guardian of the infants *Carsten*, *John H.* and *Jacob Newhaus*, he had retained the legacies given to them; and had also retained the legacies given to the five children of the testator's sister — *Bauers*, of Bremen, for whom he was guardian, and who, he understood did exist; that there was a piece of leasehold property yet unsold, and which he held as part of the assets of the testator; that he had no knowledge of any assignment of any interest in any property in Germany to his testator, but that he had received and held the proceeds of such property which belonged to his wards, the children of the late *John Newhaus*; and that he had accounted with the Orphans Court for and paid a larger amount than had come to his possession of the late *Carsten Newhaus'* estate.

On the 31st of August, 1825, the defendant *John H. Rathean*, filed his answer, in which he admitted, that the legacy given to him had been paid; and that the testator's sister, — *Bauers*, of Bremen, never had but one child, *Anna G. Bauers*, as stated in the supplemental bill. The other allegations, he left the plaintiffs to substantiate by proof.

On the 5th of October, 1825, the defendants *Muller* and wife, filed their answer, in which they positively denied that she had ever made any such assignment of her interest in the estate of her first husband, *John Newhaus'* estate, as was set forth by the plaintiffs; that her second husband was dead; and that these defen-