

her, stating, that they had been, on the contrary, anxious for it; and admitted the improvements charged in the bill, but presumed complainant could not object to them, as the estate did not descend to her. The defendants further stated, that the personal property belonging to the partnership at the death of Hayes, was used and consumed in the course of business; they denied that there would be any balance due to Hayes on a settlement, (as the expenses of the concern, which were great, were by consent paid out of the profits to save the realty,) or that there had been any division of the profits since his death. The defendant also stated, that Hayes had been the active manager of the firm, for which he received a salary, that he had drawn his proportion of the profits, and was at his death indebted to the firm; and objected to the appointment of a receiver.

At July term, 1830, exceptions to the answers were filed by the complainant, and a motion to dissolve the injunction was made by the defendants. On the 2d July, these exceptions were overruled, but the injunction was dissolved, so far as it prevented the defendants from using the deceased's portion of the partnership property.

In August, 1841, Mrs. Hayes, having in the meanwhile intermarried with Joseph Goodburn, proceedings were instituted by which he was made a complainant in the cause, and on the 31st of the same month, a decree was passed, by consent, in a creditor's suit instituted by Sewall and others against said S. Hayes and others, for the sale of the partnership property mentioned in these proceedings, and appointing a trustee for that purpose.

At different times previous to July term, 1844, this cause was, by order of the Chancellor, consolidated with two other cases affecting the partnership property, one of which was the said case of Sewall et al. vs. Hayes, et al., whereby the assignees of William Seale's mortgage and the creditors of the partnership were made parties hereto; and at the said term the Chancellor passed a decree in all three of the consolidated cases for a sale of all the property for the benefit of all parties,