

so far as the same may be in any manner at variance with the principles herein laid down for the government of this court be, and the same are hereby overruled. And it is further *Ordered*, that this case be, and the same is hereby referred to the auditor with directions to state a final account accordingly.

After which, the auditor filed his report made up as of the 26th of June, 1830, in which he says, that in obedience to this order he had examined the proceedings; that an extract from the second account passed by the administrator had been lately filed, from which it appeared, that dividends of the personal estate had been allowed on claims Nos. 1, 5, 7, 8, 13, 14, 16, 31, 32, 33, 35, 37, and 43. That he had, therefore, re-stated those claims, and also stated an additional claim, No. 45, lately exhibited. That he had also stated an account between the estate of the deceased and the trustee, in which the proceeds of sale were applied to the payment of the trustee's allowance for commission and expenses, costs of suit, and dividends on the claims stated, excluding Nos. 39, 40, 41, 42 and 44, agreeably to the said order, and that he had then stated a further account, C, in which the principal and interest, received by the trustee, and now deposited in court, were applied to the payment of said commissions, costs, and claims, in the usual manner. By an order, passed on the 5th of July, 1830, this report was confirmed, and the trustee directed to apply the proceeds accordingly.

HELMS v. FRANCISCUS.

Where it becomes necessary to have the plaintiff's next friend examined as a witness, he may be discharged for that purpose, and another appointed in his place.—It is the duty of the court, for its own safety, and for the benefit of all concerned, to have all its proceedings translated into the English language.—A husband, who can derive no pecuniary benefit from a decree to account, must, nevertheless, be permitted to attend, and to except, for the protection of his own rights.—The cases in which a legacy may be considered as having lapsed.—The residuary legatee takes all which has not been well and sufficiently disposed of.—The binding and peculiar nature of the contract of marriage.—To preserve the public peace and morals, and upon the ground of a stronger policy over-ruling a weaker one, a separation of husband and wife may be allowed.—The father is the natural guardian of his infant children; yet, in some cases, the care of the infant may be committed to the mother.—A *feme covert* may, in the prescribed mode, contract for her property, or, in equity, dispose of her separate estate.—The nature of a separate maintenance and of pin-money.—A separate maintenance may be awarded on the