

intended again to have him imprisoned, he went, on the 14th of November, 1822, to Pennsylvania, and after some months returned to get his papers and clothes, and to meet and repel the defamatory reports put in circulation by his wife, that he had left her in poverty, to take up with a lewd woman; that he then made propositions to her of peace and conjugal association, which were rejected; that having again heard of the plans and threats of his wife, and her confederates, to cause him to be again imprisoned, and being again urged to release all his rights in her property, and to leave the country, he did, without any intention to relinquish his claim, yield to the coercion of the circumstances with which he conceived himself environed, and on the 29th of August, 1823, signed a certain release or articles of separation, not, however, without his having some difficulty in finding a magistrate who could be persuaded by him to take the acknowledgment of such a writing, they believing it to be illegal and void; that the copy of this instrument set forth in the bill is spurious, the true copy being the one left in the hands of Edward P. Roberts; that after executing this writing, he obtained some, not all, of his papers and property from his wife, and left Baltimore for New York, where he now resides; that soon after reaching the City of New York he was again, by the instigation of his wife, arrested at the suit of Merkle, and held to bail; that the threats and conduct of his wife have been and are such, that he is afraid to return to Baltimore; that he has always treated her kindly, and is willing to continue to do so; that so late as November, 1827, he proposed to her peace, harmony, and re-union which she positively rejected; that the supplemental bill was filed by her with a hope and expectation * of obtaining a decree for her own exclusive benefit during his absence and without his knowledge, and that all the other matters and allegations in the bills are correct. **556**

This answer was sworn to before a master in Chancery in New York, and certified by the Mayor of the City of New York, under the corporation seal, in the usual manner.

BLAND, C., 26th June, 1830.—This case standing ready for hearing, the solicitors of the parties were heard, and the proceedings read and considered.

After passing over the will of the late Carsten Newhaus, and the various allegations of the parties, it appears from the proofs, that the testator's sister, Geshe Adelheid Newhaus, called ——— Bowers, of Bremen, in the will, was married to Frederick Bauer, of that place, on the 8th of July, 1807, and that she died on the 5th of January following; after having had but two children; the first, Catherine Steinhauer, an illegitimate child, born before her marriage, and who died, unmarried and without issue, on the 16th of July, 1817; and the second a legitimate child, Ann G. Bauer,