

in argument by the solicitors of both of them, it is now altogether impracticable to remove, and have them again brought to cohabit together upon any terms.

It appears, that from the 6th of June, 1820, to the 17th of July, 1821, he was closely confined in the jail of Baltimore County, at the suit of Jacob Merkle, for a debt of no more than \$61.28; and that during that time, his sufferings were, in every way, as great as could be produced by a state of the most abject friendless penury. It is said, that she was the instigator of this imprisonment, by having told Merkle, that if he would put Helms in jail, she would pay the amount in a short time; but on the other hand, it is also said, that Merkle was particularly incensed by the conduct of Helms himself, and said that he had treated him badly.

Some time after this, Helms and his wife, on the 29th of August, 1823, made, signed, sealed, and delivered an instrument in writing, in the following words, that is to say:

“Lewis Helms, and his wife A. G. M. Helms, have formed a * mutual resolution to dissolve their marriage contract; and do hereby, by the present instrument of writing, voluntarily agree to separate themselves. Furthermore, L. Helms doth bind himself to renounce all the claim he has against his wife, A. G. M. Helms, as well as the claim he might have against the estate of her deceased brother, Carsten Newhaus. A. G. M. Helms, in return, renounces all claim she may have against L. Helms. Thus both parties mutually agree to live separate, and the debts which have been contracted or may be contracted hereafter, to be paid by the person who contracts it.”

It appears, that so far from any duress, coercion, or threats having been used, to induce Lewis Helms to execute this instrument of writing, it was wished for, and even earnestly desired by him, as a means of protecting himself against any claim made by, or on account of his wife; and in consideration of that, he cheerfully relinquished all interest in her estate.

It further appears, that since Helms and his wife parted, in the spring of the year 1820, he has never contributed in the slightest degree to her maintenance; that since their separation, he has resided some time in Pennsylvania; some time in this State; and for some time past has been, and now is, a resident of New York. It is not shewn, that there has been any point of time, since his marriage, when he was not in the very lowest condition of insolvency; nor is it shewn that he has ever, since his marriage, made one single manly effort to rise above that condition. She, since their separation, has always resided in Baltimore. She too, is represented as being very poor; but she has sustained a good character; has been industrious; has kept a boarding-house; has earned a living for herself; and her efforts to do so have been creditable to her.