

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 one 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.

Of the proofs in relation to the assets of the testator, I shall say nothing; because I shall decree that his executors account; and upon that, the whole case will be sent to the auditor, for the purpose of stating the account from the proceedings and proofs now in the case, and such other proof as may be laid before him.

The supplemental bill of revivor, by which the court was first informed of the marriage of the plaintiff *Anna*, after the institution of this suit, made her husband, *Lewis Helms*, a defendant; and represented him as having a residence beyond the jurisdiction of this court. Under such circumstances, no more could be done than to warn him by publication, to appear and defend his rights;