

had purchased the right of a third person who claimed to be heir, and that fact was proposed to be stated by a supplemental bill: a demurrer to such supplemental bill was allowed. In the case put, it was clear the original bill was wholly defective, and there was no ground for proceeding upon it, the plaintiff having been ascertained by the verdict not to occupy the position which entitled him to redeem.

In *Story's Equity*, section 335, in illustrating the office and purpose of supplemental bills, the author says, if new charges are required to be made in order to obtain a further discovery, or a material fact is required to be put in issue, or a *new title*, the object cannot be obtained but by a supplemental bill. And in *Saunders vs. Frost*. 5 *Pick.* 276, it is said when any event happens subsequently to filing an original bill which gives a *new interest or right* to a party, it should be set out in a supplemental bill. It would seem, therefore, that the true rule is, not that you may not by a supplemental bill, set up a new title, or new interest acquired since the filing the original bill but that a confessedly *bad title*, relied upon in an original bill, shall not be supported by a good title subsequently acquired, and which is introduced by way of supplement.

The Chancellor thinks that if these complainants, Winn and Ross, had been the permanent trustees of Jones, at the time their original bill was filed, they might have presented their title as such trustees in the same bill with their title under the conveyance by Jones to them of the 26th of October last, which constituted their only title at the time, without subjecting their bill to the objection of multifariousness. And if he is right in this opinion, it would seem to follow that there can be no irregularity in bringing forward the subsequently acquired title in a supplemental bill. That such blending of distinct titles in the same bill, when the matters are homogeneous in their character, is allowable, is stated in 1 *Daniel, Ch. Pr.*, 395.

The Chancellor is not at this time, able to see any such inconsistency or conflict between the title proposed to be introduced by the supplemental bill, with that set up in the original, as to induce him to refuse his assent to the prayer of the petition.