

The petitioner by his supplemental petition stated, that at the time the case was set down for hearing, Casenave had no counsel in Court; that the solicitor who had been employed by him died many years since; and those solicitors whose names were marked on the docket for the plaintiffs, appeared for and were the solicitors of Walsh alone; and then goes on to state as before, in his original petition, that the suit had not been revived against the representatives of Casenave. And then as before, prayed to be admitted as a \* party, &c. To the truth of this supplemental petition, William Gwynn, a solicitor of the petitioner, **20** made affidavit in the usual form.

Whereupon it was ordered, that these applications stand for hearing on the 5th of October, then next, provided that copies be served, &c.

BLAND, C., 12th October, 1830.—The petition of John Glenn, administrator *de bonis non* of Stephen Casenave, deceased, standing ready for hearing, the solicitors of the parties were fully heard, and the proceedings read and considered.

It has been contended, that whatever may be the fate of this application, Richard Emory cannot be in any manner affected by it; because he was brought in by the amendment made to the original bill; and although an injunction had been asked for by that amendment, it does not appear that any writ of injunction was ever awarded against him. Whether such was the fact or not, or how far his judgment and its incidental lien may be affected by the actual state of these proceedings, it may not be necessary at this time to determine, since he is dead, and his representative, who was made a party to this suit, is not now here complaining of anything.

But the indistinct manner in which the amendment has been made in this case, has left an obscurity over it in this particular, which may perhaps hereafter be the occasion of much difficulty.

A supplemental bill is a distinct record; but an original and amended bill are, in general, treated as one entire bill, and as constituting, in fact, but one record; and therefore, after a bill has been amended, the proceedings are on the amended bill; that is, on the original bill so amended. An amendment does not, however, alter the time of filing the original bill; it is only amended by virtue of an order dated on a day specified; so that the pendency of the suit, as to those parts which are amended, is only from the time of filing the amendment; nor can the new matter introduced by an amendment be used in aid, or to the disadvantage of anything previously done in the suit. As if a plaintiff had obtained an injunction on his original bill, and the defendant had answered, and then the plaintiff had amended his bill; the proceedings, to get rid of the injunction, must be on the original bill