

was continued until 1814, when it was first omitted, and does not afterwards appear among the docket entries in the several continuances of the case; but that the name of Stephen Casenave appears in all the continuances of the case on the docket, and in all the answers and proceedings, where the title of the action is set forth, as one of the existing plaintiffs. That the petitioner on the 23d day of September, 1830, obtained letters of administration *de bonis non*, of all the goods, chattels and credits which were of the late Stephen Casenave. That the defendants Thomas Smyth, John Heathcote, James Dall, and James Clayland, are also dead; but no suggestion or other notice of the death of any of those defendants was made in the case, nor any process issued or proceeding had to make their representatives parties, or to make the representatives of the plaintiff Casenave parties; and that the Court thus remained wholly uninformed of the death of the plaintiff Casenave, and of those defendants, while sundry proceedings were had to bring the case to a final hearing; and it was submitted for decision before full and competent testimony in support of the equity set forth in the bill was obtained.

*The petition further stated, that the dissolution of the injunction, by enabling the surviving defendants to issue executions at law on the judgments rendered more than thirty years ago, which have been levied on lands whereof the plaintiffs in the bill, or one of them, were or was seized at or since the time of their rendition, and long since sold for a valuable consideration to *bona fide* purchasers without actual notice, would cause great and irreparable injury to such purchasers, if an opportunity should not be given to them to be heard and to produce testimony in support of the injunction. In particular as regards the creditors of Casenave, whose interest it is the duty of the petitioner to protect; and who, if this decree be allowed to stand as final, will be deprived of the value and proceeds of a large tract of land in the State of Kentucky, to which they would be entitled, if the injunction were made perpetual, as appears by an award made in a suit which was depending in Baltimore County Court, in which Samuel Moale, trustee of James Walker, an insolvent debtor, was plaintiff, against Robert Walsh defendant, which award is in these words,

“ We find that the said Robert Walsh the defendant, is indebted to the said Samuel Moale the plaintiff, trustee of James Walker, the surviving partner of the firm of Casenave & Walker, in the sum of \$6,509.16, current money of the United States; and we do hereby award and order, that the said defendant shall pay to the said plaintiff the said sum of \$6,509.16, within six months from the date hereof. And we do further award, that the said Robert Walsh, shall, by a good and sufficient deed, convey and make over unto the said Samuel Moale, trustee as aforesaid, his