of the 27th of March, 1851, in taking newly discovered testimony, that the hearing of the cause should not be delayed, by reason of said order. The defendant then objects to the granting of the application for a rehearing, and insists, that if her objection should be overruled, that the Chancellor should impose such terms on the complainant, as shall be consistent with equity and good conscience.

THE CHANCELLOR:

THIS case is brought before the court, upon a petition to open the order of the 27th of April last, and rehear the cause; in other words, for liberty to file a supplemental bill, in the nature of a bill of review, upon the ground of new matter discovered since the order, and there can be no doubt of the regularity of this mode of proceeding, and of the power of the court in a proper case, to grant the application. *Burch et al.* vs. *Scott*, 1 *Gill and Johns.*, 393.

It is likewise equally clear, that these applications address themselves to the sound discretion of the court, and do not rest upon a foundation of strict right, which may not be disregarded. *Dexter* vs. *Arnold*, 5 *Mason*, 315.

The court is at liberty to look into all the circumstances of the case, and if upon full consideration of all of them, it comes to the conclusion, that opening the decree, and rehearing the cause, would be productive of mischief to innocent parties, or is, for any other reason inexpedient, it may refuse to do so, though the facts, if admitted, would vary the decree. *Young* vs. *Keighley*, 16 *Vez.*, 348.

In this case, the bill was filed on the 11th of May, 1840, and had been depending nearly eleven years, before the order in question was passed. The estate of Jesse Hughes, the defendant's testator, has been kept open all that time, because, from the unliquidated nature of the claim, it was manifestly impossible to set apart a sum certain to meet it. If, then, the litigation is now reopened, and the parties on both sides permitted to ransack the county again for evidence, it is impossible to say when it can be brought to a conclusion, and in the