

controversy heard upon the merits. This is the object, and the mode chosen by them to attain it, is, by what they call "a supplemental bill, in the nature of a bill of review." Whatever may be the cause of complaint, the party asking relief must conform, at least in substance, to prescribed rules as to time and manner.

It has been the long established usage and law of the Court of Chancery, to consider all its orders and decrees, as completely within its control and open to be altered, revised, or revoked during the whole term at which they are passed, on motion or by petition. But, if the term is suffered to elapse, the party can only obtain relief by original bill, or by a bill of review.<sup>(a)</sup> This law of this court is analogous to that which has been adopted by the courts of common law; and which has been found alike salutary in both. It is believed there is no decision of the Court of Appeals, which has directly or distinctly restricted or altered this rule of the Court of Chancery. But in this case, the bill of these plaintiffs was not filed until long after the close of the term at which the decree was signed. It cannot, therefore, be considered as entitled to the same indulgence, or as standing altogether on the footing of a petition, for a re-hearing, or alteration, or opening of a decree, filed during the term at which the decree was signed.

This bill charges, that the decree of the 4th of August last was obtained by fraud. It is the peculiar province of this court to grant relief in all cases against fraud and accident, not within reach of the courts of common law; and a decree obtained without making those parties, whose rights are affected by it, is, as to them, fraudulent.<sup>(b)</sup> And there can be no case of fraud, in which it would be more fit and proper for this court to interfere, than upon a charge, that its own decree had been obtained by fraud. Such a case is, however, brought before the court, not by a bill of *review*, but by an *original* bill.<sup>(c)</sup> And in that light, the allegations of this bill require the court, in some respects to consider it.

In the Court of Chancery of *England*, the Chancellor, it seems, after the hearing, pronounces the substance of his decree orally,<sup>(d)</sup> minutes of which are taken down by the register, who afterwards draws them out into the form of a decretal order; and if, in doing so, any mistake should occur, the execution of the order may be

---

<sup>(a)</sup> *Mussel v. Morgan*, 3 Bro. C. C. 74; *Cameron v. McRoberts*, 3 Wheat. 591.—  
<sup>(b)</sup> *Giffard v. Hort*, 1 Scho. & Lefr. 336.—<sup>(c)</sup> 1 Mont. Dig. 345.—<sup>(d)</sup> *Kennedy v. Daly*, 1 Scho. & Lefr. 384; *Giffard v. Hort*, 1 Scho. & Lefr. 396.