well established as a practice in Maryland,(c) is unknown to the chancery practice of England. On an application for leave to file a bill of review on the ground of newly discovered matter, I consider it most correct and conformable to the course of this court, in similar cases, that the propriety of granting the leave should be at once fully investigated; that proofs should be admitted to be introduced in relation to it; and that the question should be then finally determined; since the evidence, should any be wanted by either party, may be so fully and so readily collected by authorizing the parties to take testimony before a justice of the peace, to be read at the hearing of the application. But if no proof should be asked for, then the application may be determined upon the petition only as sworn to by the party applying. I am therefore of opinion, that according to the principles and practice in chancery of this State, the testimony in this case has been properly taken; and therefore must now be attended to so far as it can be considered as coming from competent witnesses.

It is objected that the defendant *Thomas Harwood* is an incompetent witness upon this occasion, because he is interested in having this decree thrown entirely open by a bill of review. In all cases, where there are two or more defendants, the court may, if the liabilities of the defendants are distinct, or are susceptible of being separated, pass a decree affecting each differently, or in favour of one and against another of them. But if the case is so blended and entire as to impose none other than a joint liability upon all, so that the responsibility of no one can be separated from the rest, then there must be a decree against all or none. And if any one defendant, in such an entire case, makes out a good defence, the bill must be dismissed as to all; and there can be no decree against any other defendant, even if he should have admitted the plaintiff's case, or the bill should have been taken *pro confesso* as against him. This position I take to be sufficiently clear and satisfactory upon the bare statement of it. But where the decree does not charge two or more defendants and is entire in its nature, it is not the course of the court to open or modify it further than is indispensably necessary to correct the error complained of.(d)

Applying these principles to this case, it is clear, that this decree need not, and therefore will not be opened in any manner for the

(c) Clapham v. Thompson, ante, 124, note.—(d) Lingan v. Henderson, ante, 235; Ranelagh v. Thornhill, 2 Chan. Ca. 153.