

Whereupon it is *Decreed*, that the injunction heretofore granted in this case, be, and the same is hereby dissolved. And it is further *Decreed*, that the said bill of complaint, be, and the same is hereby dismissed with costs, to be taxed by the register.

*John Glenn*, as administrator *de bonis non* of *Stephen Casenave*, deceased, by his petition filed on the 24th of September, 1830, on oath, stated, that *Stephen Casenave*, one of the plaintiffs, died, and administration of his personal estate was granted by the Orphans Court of Baltimore, to *James Walker*, who died sometime about the year 1810; that at October term, 1798, the death of *Stephen Casenave* was suggested, and entered upon the docket, which entry 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.

might be charged with the payment of his debts. Some of the heirs answered, as to all of whom, upon the hearing, the bill was dismissed.

22d January, 1800.—HANSON, Chancellor.—As to the defendant *Deborah Dorsey*, executrix of *Edward Dorsey*, who has been regularly summoned, and stood out the process of attachment, and attachment with proclamations, and failed to appear and answer agreeably to law, the Chancellor is by law to take, and the bill is hereby taken *pro confesso*. And this case shews plainly the impropriety of directing the Chancellor absolutely to take any bill *pro confesso*. But inasmuch as the bill states, that the personal estate of the testator is exhausted, it does not appear, that the complainant can have any benefit from the said taking; and the Chancellor being authorized to decree what appears just; (1785, ch. 72, s. 19.) It is *Decreed*, that the bill as to *Deborah Dorsey* be, and the same is hereby dismissed, &c.