

notice to those purchasers; and they being no way concerned with this matter in controversy, farther than as they voluntarily involved themselves in its consequences, by purchasing the lands which were so bound, they can have no right to come in as parties, or to have a rehearing of the case. If the lands which they purchased had been the immediate subject of controversy in this suit, pending which they had purchased, then that *lis pendens* would clearly have been such a notice to all such purchasers as effectually to bind them to abide by the event of the suit, without having the privilege of being admitted as parties to it in any manner whatever. (s) But those purchasers of the realty do not complain; and even if they did, the personal representative of *Casenave* cannot be allowed to come here as the bearer of their complaints; and there is no heir or devisee to whom *Casenave's* real estate passed on his death, asking to be let in as parties, or to have this decree rescinded and the case reheard, for the protection of their interests or of those of any one who claims under their ancestor or devisor. This decree therefore cannot be disturbed for any such purpose.

The petitioner alleges, that if permitted to come in as a co-plaintiff, he could and would obtain sufficient proof to establish the matters set forth in the bill. He does not pretend to have discovered any testimony which was not known to him in time to have had it produced and used at the hearing of the case; nor does he in any manner account for the very great negligence of *Casenave*, or of his administrator *Walker*, or of those who must have had a legal and beneficial object in sustaining *Casenave's* interests, if any he had after the death of *Walker*, he never having attempted to come in and bring before the court, that sufficient and competent testimony which he now says he believes may be obtained for that purpose.

If such general and loose allegations as these were to be deemed sufficient ground to open a decree and to grant a rehearing of the case, there would be no end to litigation. It is a most incumbent duty of the court, to take care that the same subject should not be put in a course of repeated litigation, and with that view, to require of parties reasonably active diligence in the first instance. (t) If the representative of *Casenave*, or those by whom it was fit to have his interests taken care of after his death, had used any ordinary dili-

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(s) *The Mechanics Bank of Alexandria v. Seton*, 1 Peters, 299.—(t) *Young v. Keighly*, 16 Ves. 351.