

the insolvent surviving partner of Casenave. This award, therefore, secures to the administrator of Casenave no beneficial interest whatever. And putting aside that document, the petitioner has shewn no assets nor any interests of his intestate which can be protected by him alone either for creditors or next of kin; and which, if he should not be let in as a party to this suit, can be in any way affected by the decree or the dissolution of the injunction.

It is alleged in the petition, that irreparable injury will be done to the *bona fide* purchasers without notice of the lands bound by the judgment rendered against the plaintiff, if the injunction be dissolved without giving them an opportunity of being heard, and of producing testimony in support of the injunction.

But those judgments, being liens of record, were in themselves, *notice to those purchasers; and they being no way concerned with this matter in controversy, further than as they **27** 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. *The Mechanics Bank of Alexandria v. Seton*, 1 *Peters*, 299. 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or devisee to whom Casenave's real estate passed on his death, asking to be let in as parties, or to have this decree rescinded and the case reheard, for the protection of their interests or of those of any one who claims under their ancestor or deviser. 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