

A bill of review founded on new matter discovered since the decree, cannot be filed without leave, and the granting this leave, is left to the sound discretion of the court, arising out of the circumstances of each case.

The limitation of time, as to appeals from the decrees of the court, applies to the right of filing bills of review, and such a bill, filed nine months after the date of the decree, comes too late.

[The facts in this case are stated in the Chancellor's opinion.]

THE CHANCELLOR:

In this case a bill was filed by Ann Maria Pfeltz and George C. Pfeltz, on the 4th of April, 1845, alleging that Charles William Pfeltz, the husband of the female complainant, died in the year 1837, intestate, and seized in fee of certain parcels of land in Baltimore county, leaving the said Ann Maria, his widow, and five children, his heirs at law, among them the complainant George, and Peter Pfeltz, the same person now called Julius Peter Pfeltz, and the bill to which the heirs at law were made parties, prayed for a sale of the property, or that the female complainant might be let into the receipt of one-third of the rents and profits, &c.

The defendants being summoned, and not having appeared or answered, an interlocutory decree against them passed on the 28th of October, 1845, and the case being proved under an *exparte* commission, a final decree passed on the 11th of July, 1846, directing a sale of this property for the purpose of partition. The sale was made accordingly, and finally ratified and confirmed on the 3d of November, 1846.

Afterwards, to wit, on the 19th of October, 1847, Julius Peter Pfeltz, one of the defendants to the bill, filed his petition in the cause, claiming the said lands as his own individual property, under a deed which he alleges was made by his father, in April, 1832, to one Job Smith, in trust for him and his children, and insisting, that the whole of the net proceeds of the sales should be paid to him, after deducting a reasonable allowance to the widow for dower.

The petition was subsequently amended, by making the children of the petitioner parties, and praying that the proceeds