

court considers it is not, would not have altered the judgments. The effect of the judgment of the Supreme Court must necessarily mean that the line should be run on the bearing of the town line as it existed on the ground, and not on the bearing of the line between lots 9 and 10 as held by the Court of Appeal.

"It is pretended that the report of Addle (one of the surveyors) is erroneous; that he was led to believe that the line between 9 and 10, as laid on the ground by Poudrier (another surveyor) was parallel to the town line between the townships of Coleraine and Ireland, and that if the court had known this fact, the judgment might have been different.

"But this court considers that the very pretension now urged by plaintiff, to the effect that the line between 9 and 10 should be the guide line, was finally rejected by the Supreme Court.

"These judgments are *chose jugée*, and moreover, even if there were any error in Addie's report, which is not established, such error could not have, in any way, affected the above judgments, the bearing of said line between 9 and 10 being absolutely immaterial under the judgments of the Superior and Supreme Courts.

"It is, therefore, the opinion of this court that, under all the circumstances of the case, the evidence invoked as new, even if it should be considered, would not have altered the judgments in question. It is submitted by defendant that the facts invoked in plaintiff's action were known, and, indeed, thoroughly known, from the outset, and that these are not grounds for an action in the nature of a petition in revocation of judgment.

"In the former case in the Superior Court, the bearing of the line between 9 and 10 was not raised by the parties. The Court of Appeal raised this question, but this judg-