where the Court of original jurisdiction is a Superior Court, in any action, suit, cause, matter, or judicial proceeding in the nature of a suit or proceeding in equity.

In my opinion, no leave would have been necessary to take this appeal; but, in case it were, application might have been made either to the Supreme Court or this Court under sec. 48 (e) of the Act.

Assuming that we still have the power, under sec. 71 of the Supreme Court Act, to extend the time and allow the appeal, I am strongly of the opinion that it should not be done. It seems to be eminently a fitting case for the application of the old maxim, *interest reipublicæ ut sit finis litium.* Instead of taking an appeal within 60 days after the judgment of the 21st April, 1908, as they had a right to do, the company chose to acquiesce in the judgment, and to take their chances of shewing on the reference what they had previously alleged, namely, that the stock and bonds in question were really of no value. Having failed to convince the Referee of this, or to convince the High Court or this Court on the respective appeals to them, they are now proceeding with their appeal to the Supreme Court from the judgment of this Court of the 28th September, 1911. This they have a perfect right to do; and, if they succeed, they will be entitled to the full benefit of such relief as they may obtain. But it is quite another question when they come, after four years of litigation, and after having put the plaintiffs to the expenditure of large sums of money and a large amount of labour, and now ask leave to do what they should have done four years ago, if at all, and attempt to reopen the question that was then practically closed.

The officers of the company state in their affidavits that they were advised by their solicitor that they could not appeal from the judgment of the 21st April, 1908, until the amount of damages was ascertained and fixed so as to make it final; while the solicitor in his affidavit does not go so far, but says that, on account of the reference being directed by the Court of Appeal in the judgment of the 21st April, 1908, it was not thought advisable to appeal at that time to the Supreme Court, as the same was not a final judgment.

It was not suggested to us on behalf of the applicants that this was a case that might come under sec. 48 (c) of the Supreme Court Act; we were asked to grant the extension under sec. 71, which allows us do it "under special circumstances."

It is true that, in construing Con. Rule 353, as to an extension of the time for appealing to this Court, we have never