

brought forward in time it would probably have changed the result.

"(2) That at the time plaintiffs might so have used it neither they nor their attorney or agent had knowledge of it.

"(3) That it could not with reasonable diligence have been discovered in time to be so used.

"(4) That reasonable diligence was so used after the discovery of the new evidence."

*(Here the Court refers extensively to the questions of facts, and to precedent litigation).*

"Considering after full consideration of the whole case the conclusion is unavoidable that the plaintiffs have not adduced proof of a nature to warrant the revocation of the said two judgments, now sought to be set aside, and given by the said Superior Court.

"Doth therefore dismiss plaintiffs action with costs:

This judgment has been confirmed by the Court of Revision:

*De Lorimier, J.*—"The action before us is a petition in revocation of judgment in the nature of a direct action, and it is not disputed that such a remedy lies even if the judgment a quo has passed through two appellate courts.

"The two points on which the defendant relies in the present case are: 1. The evidence invoked as new, even if it could be so considered, would not have altered the judgments; 2. It consists of facts which were known and, indeed, thoroughly well-known, from the outset.

*"(His Lordship here recites a description of the property in dispute. The area represents a loss of about 30 acres to defendant if plaintiff is successful).*

"In the opinion of this court, the evidence invoked by plaintiff as new, even if it should be considered, and this