

COUR DE REVISION.

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Requête civile. — New evidence. — Revocation of judgment.

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MONTREAL, 20th November, 1910.

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DAVIDSON, DELORIMIER, PAGUELO, JJ.

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THE AMERICAN ASBESTOS COMPANY *vs* THE JOHNSON COMPANY.

Held.—That a judgment cannot be set aside on an action of the nature of a *requête civile* on the ground that other new evidence of a conclusive nature has been discovered since the rendering of the judgment when this new evidence even considered so would not have altered the opinion of the court. (1)

*Code of civil procedure, articles 505, 1177.*

This action is of the nature of a *requête civile* on the ground of recently discovered evidence demanding the annulment of an interlocutory judgment and of a final judgment rendered in an action wherein the present defendant was plaintiff and J. T. Wilson, and others, present plaintiff's predecessors in title, were defendants. These judg-

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(1) The judgment of the Superior Court, (Hutchison, J.), is reported in C. S., 186 with the full text of the judgment.