make a case giving the court jurisdiction, because there were no allegations showing either that the complainants, had no remedy at law, or having a remedy, had exhausted it. The present application does not rest upon the ground that the facts, which it is proposed to bring before the court in a supplemental bill, have occurred, or come to the knowledge of the complainants since the decree, but that such knowledge was acquired between the period when the cause was put at issue and the hearing, and the question, therefore, is, whether, according to the rules which have been established for the government of the court upon this subject, or upon the reason and expediency of the thing, it would be proper to open the litigation, and re-try the cause upon the ground relied upon.

In England, it appears to be settled, that a bill of review, or a supplemental bill in the nature of a bill of review, may be filed upon new and material evidence, discovered since publication, and of which the party could not have come to the knowledge before publication by the exercise of reasonable diligence. "The question (said Lord Eldon, in *Young* vs. *Keighley*, 16 *Vez.*, 353) upon a bill, in the nature of a bill of review, is not what the plaintiff knew, but what, using reasonable diligence, he might have known," and in that very case, though he deemed the evidence very material, and as such, would have essentially changed the decision if it had been brought before the court at the proper time, he dismissed the petition, upon the ground, that though the evidence was not discovered until after publication, it might have been discovered before by using reasonable diligence. In speaking upon this subject, Mr. Justice Story says, "and the qualification of the rule, is, that the matter must not only be new, but it must be such, as the party, by the use of reasonable diligence, could not have known, for if there be any laches or negligence in this respect, that destroys the title to relief." *Story's Eq. Pl., section* 414.

And the same rule, and qualification of the rule, has been repeatedly and emphatically affirmed and enforced by Chancel-