

this attempt at competition with the Law Reports will probably prove a deterrent to any further endeavours in that direction. It would be hard to find any set of reports that would suit the critical ideas of all men. Even under the present distinguished editorship of the Law Reports we have sometimes ventured to doubt the wisdom of the selection of some of the cases that have appeared, still on the whole, we think that the Law Reports are, generally speaking, as good and as well edited as could reasonably be expected. During the past year the cases in Chancery only occupy two volumes instead of three, as has been usual for some years past. But it is not the multiplication of cases, so much as the careful selection of those which are reported, which is the real desideratum.

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#### *JUDGMENT BY CONSENT.*

The estoppel worked by a judgment of a Court of record has two operations: (1) As a memorial simply, the record of the judgment has a conclusive effect against all the world in the respects following, viz.: that the proceedings it narrates actually transpired, and when; that the parties it names participated in the litigation, and that the judgment stated was pronounced. (2) So far as the record purports to declare rights and duties, it imports absolute verity as between the parties to the record and their privies in all collateral proceedings.

The record itself and the judgment it embodies may, in a direct proceeding for that purpose, be impeached, altered or varied on the grounds of fraud, mutual mistake or surprise, and probably also on the ground of the incompetency of the parties. The attack may be either, firstly, on the acts of the parties themselves, or some of them, in relation to the presentation of the case to the Court for trial, in which case the application for relief is directly to the Court which pronounced the judgment; or secondly, on the correctness of the exercise of the judicial mind in adjudicating on the facts presented—in this case the Court which pronounced the judgment is *functus*