

Mr. Justice Romer in the recent case of *Ainsworth v. Wilding*, (W.N., March 14th, 1896, p. 30) lays down the rule that where judgment has been taken by consent, compromising an action and has been passed and entered, the Court has no jurisdiction to set aside the judgment on motion in the same action on the ground that the consent of the applicant was given under a mistake; and he held the proper proceeding in such a matter is to bring a separate action to set aside the consent judgment. *Apropos* in general of motions to the Court to set aside judgments formally entered up after trial, and for rehearing, it would seem that under the English Judicature Acts and rules there is clearly no jurisdiction to grant the same upon any grounds. See *re Suffield*, etc., 20 Q.B.D. 697; *re St. Nazaire Co.*, 12 Ch. D. 88; and *Glasier v. Rolls*, 62 L.T. 305.

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The people of the United States will find very little authority to support their proposed recognition of the belligerent status of the insurgents in Cuba. In the treatise of their own eminent jurist, Wheaton, on the principles of International Law, they will discover much to confound them. At page 38 of the third English edition of this work we find the following exposition of the doctrine appertaining to this matter: "Until the revolution is consummated, whilst the civil war involving a contest for the government continues, other States may remain indifferent spectators of the controversy, still continuing to treat the ancient government as sovereign, and the government *de facto* as a society entitled to the rights of war against its enemy; or may espouse the cause of the party which they may believe to have justice on its side. In the first case, the foreign State fulfils all its obligations under the law of nations; and neither party has any right to complain, provided it maintains an impartial neutrality. In the latter, it becomes, of course, the enemy of the party against whom it declares itself, and the ally of the other." In an editorial addition to the original text at p. 40, we find it stated that "When a rebellion has assumed such proportions that it may, without abuse of language, be called