INTEREST REIPUBLICÆ UT SIT FINIS LITIUM.

ANOTHER well-worn belief—another legal axiom—has been thrown open to discussion. If A. sues B. and, after a hard-fought contest, succeeds, can B. in a subsequent action avoid estoppel by pleading that the judgment was obtained by perjury or fraud?

If A. sues B. for goods sold and delivered, and B. being unable to find his receipt is beaten, it is clear law that he has no remedy, if the time for obtaining a new trial is passed. This was so held in the leading case of *Marriott v. Hampton, 2 Sm. L. C. (8th Ed.) 421.*

Even where there has been no trial in the action, but a writ has been issued, money paid even under protest cannot be recovered. Although in this case the element of fraud may sometimes alter the general rule. *Brown v. McKinally, 1 Esp. 279; Hamlet v. Richardson, 9 Bing. 644; Milnes v. Duncan, 6 B. & C. 679.*

In *Flower v. Lloyd, 10 Ch. Div. 327,* the plaintiff sought to have what he alleged to have been a fraudulent judgment set aside. The plaintiffs had brought an action against the defendants to restrain infringements of a patent process for printing on metal plates. Under an order of the court an expert appointed by the plaintiffs was permitted to inspect the defendants' work, the defendants undertaking to show him the whole process. Upon the evidence thus acquired the plaintiffs were defeated in the action. It was afterwards alleged that the expert had been deceived by the defendants, and an attempt was made upon this ground to impeach the judgment. The proof failed, but the Lord Justice Baggallay said, "Whilst I am fully sensible of the evils and inconveniences which must arise from re-opening what are apparently final judgments between litigant parties, I desire to reserve for myself an opportunity of fully considering