which they could, if they would, have successfully relied? Such, I am persuaded, is not the law of this court, but that here, as at law, parties are required to use due and reasonable diligence, and especially they shall not be permitted to unsay at a future time what they have not only once said, but sworn to. Respectable authority can be found for the principle that a bill of review cannot be brought against a decree taken by consent for *consensus tollit errorem.* 3 *Daniel's Ch. Pr.*, 1726. As observed by Chief Justice Savage, 1 *Hopkins*, 105, "upon a supplemental bill, in the nature of a bill of review, the question always is, not what the plaintiff knew, but what, using due diligence, he might have known." And, in this observation he is sustained by the authorities referred to by him. Indeed, the very language is used by *Lord Eldon* in *Young* vs. *Keighly*, 16 *Ves.*, 353, and it received the express sanction of *Chancellor Kent*, in *Livingston* vs. *Hubbs et al*, 3 *Johns. Ch. Rep.*, 124. The rule, indeed, is so perfectly reasonable, that authority can hardly be necessary to sustain it. There must be an end of litigation, and this would never be the case if parties were permitted to confess judgments or decrees, and then have them reopened to contest facts in their knowledge at the time, or the knowledge of which, with reasonable diligence, they might have acquired.

My opinion, therefore, is, that no ground has been shown for opening or disturbing, to any extent, the decree of 1841, and I shall, therefore, dissolve the injunction, and give the defendant, Fenby, the liberty to proceed upon his decree for the sum which appears, by his answer and exhibit filed with it, to be due. Other grounds were taken in the argument upon which I do not purpose expressing an opinion.

ALEXANDER and DULANY, for Complainant.
SPEED and GLENN, for Defendants.