

*negligentia*—that it should be *gross*. And as regarded want of skill—the same noble and learned person intimated that if an attorney were to display ignorance of the A. B. C. of his profession, and damage consequently ensued, he should be bound to repair it; but otherwise an action would not lie.

Lord Campbell entered more fully into the question, observing, “that in an action such as this, by the client against the professional adviser, to recover damages arising from the misconduct of the professional adviser, there was no distinction whatever, between the law of Scotland and the law of England. The law must be the same in all countries where law has been considered as a science. The professional adviser has never been supposed to guarantee the soundness of his advice. Against the barrister in England and the advocate in Scotland no action can on such grounds be maintained; but against the attorney, the professional adviser, an action may be maintained. But it is only where he is guilty of *gross* negligence; because it would be monstrous to say that he is responsible for even falling into what must be considered a mistake. You can only expect from him that he will be honest and diligent. It will be utterly impossible that you could have a class of men who would give a guarantee binding themselves, in advising upon suits at law, to be always in the right.”

The Lord Chancellor, concurring in these views, rested his opinions shortly upon this ground,—that “when an action is brought against an attorney, he is liable merely in cases where he has shown a want of reasonable skill, or where he has been guilty of gross negligence.”

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SOLICITOR AND CLIENT — PURCHASE — FRAUD — CONCEALMENT —  
LAPSE OF TIME NO DEFENCE.

A VERY important and remarkable case, recently decided by the House of Lords, is to be found in the last number of Messrs. Clark & Finelly's Reports, vol. 2, p. 714, illustrative of the just severity with which professional frauds are visited by courts of equity.

This decision is perhaps one of the strongest upon record in support and enforcement of the great principle, that where there is fraud, length of time shall be no bar to the remedy; for there were many circumstances in the case which might appear well calculated at all events to put the late Sir John Trevelyan on his inquiry; circumstances which were pressed with great ability and confidence, though without success, by the appellant's counsel. The case in all respects is peculiarly deserving of a deliberate perusal and attention.

The leading circumstances appear to have been shortly these:—

In the year 1770, the late Sir John Trevelyan was owner of the manor of Seton, in Devonshire. The steward and receiver of this estate was the late Mr. Thomas Charter, a solicitor residing at Bis-