

own view, upon your own judgment, and do the best you possibly can under the circumstances. The financial conditions of your client and of the opposite party are always important factors in dealing with settlement, because one would take less as against a man who is worthless than you would from the man who is rich. In view of any settlement, no matter what your own view may be, the fact is that when you approach this feature in litigation, you have to drop the legal end of it entirely, and take up the business end, because if you begin to assert your client's rights, that he is bound to succeed and the law is in his favour, that the opposing litigant has no chance and the law is against him, you will hardly ever get a settlement in any case. It is only by frankly admitting that there is doubt about the case, that both parties perhaps stand to lose, and that one cannot tell who is going to succeed in this matter, that settlements are brought about. Then the question is, what would be a fair, reasonable basis upon which a settlement could be arranged. If you are acting for the plaintiff and you admit that the defendant might be quite right and you may be wrong, the very fact of exercising frankness leads to a certain degree of confidence of the other party in your judgment, and it looks always to be a fair proposition at any rate under which you can approach a settlement. But if you are standing up for your strict rights and you insist upon it that the law is with you and all against the opposite party, no settlement could be arrived at or hoped for. Therefore, my idea is that the great secret of settling cases lies in the absence of insistence on the part of the man who is seeking settlement, either that he is right or that the other man is wrong, but he comes down to a fair, frank, business proposition, and he says in effect—"Let us abandon the law, let us see what we can do for these parties, to get them together."