

Another rule accordingly was taken out (*Swinfen v. Swinfen*, 26 *Law J. Rep. C. P.* 97), in answer to which Mrs. Swinfen made an affidavit setting out all the facts. Fortunately for her, Crowder, J., happened to be sitting this time, and he held distinctly that the mere relationship of counsel and client did not give a general power to compromise, and that there was no special authority shown, but on the contrary an emphatic repudiation. The other judges held to their previous views, but the practice of the Court being to confirm rules for attachment only when the judges were unanimous, the rule fell through, and the widow escaped as by fire.

The heir, who evidently had more confidence in the verdict already obtained than in the result of a fresh trial, went to Chancery with a supplemental bill for a decree for a specific performance of the compromise (*Swinfen v. Swinfen*, 27 *Law J. Rep. Ch.* 35). And now a fresh actor appeared upon the scene, in the person of Kennedy, a provincial barrister practising at Birmingham, who had taken up the forlorn widow's cause, and who proved a champion very different from Thesiger. The Master of the Rolls (Romilly), in an able and exhaustive judgment, rejected the compromise, taking the same view as Crowder, that counsel had no power to give estates away at his own discretion. He instanced with approval a case within his own knowledge where a great advocate had in open Court refused to consent to a compromise actually agreed to by his client, on the ground that the client did not understand the sacrifice he was making; and, refusing the specific performance prayed, he ordered a new trial.

This judgment was the first crumb of comfort that had fallen to the widow's lot, but was, of course, far from pleasing to the heir, who appealed only to get an excoriation from the Lord's Justices (*Swinfen v. Swinfen*, 27 *Law J. Rep. Ch.* 69), Knight Bruce observing that the heir's attempt was only a *pis aller*, and varying the Master of the Roll's decision in the widow's favor so far as to give her costs of the suit.