hold tenement to the use of the plaintiff by a stranger in satisfaction of that £20 and acceptance thereof by the plaintiff. Croke, J., in his report, tells us that the judgment was given in favour of the plaintiff, but, in Rolle's Abridgment, the judgment is stated exactly the other way, to have been for the defendant, and that the plea was good. The case, therefore, is not of much authority, but in Comyn's Digest[10] it is quoted in support of the statement that satisfaction from a stranger will not suffice for a plea of accord and satisfaction. The opinion given in Fitzherbert receives strong support from Coke upon Littleton[11] where we read as follows:—

"But if any stranger *in the name of the mortgagor* or his heir (without his consent or privity) tender the money, and the mortgagee accepteth it, this is a good satisfaction, and *the mortgagor or his heir agreeing thereunto* may re-enter into the land; omnis ratihabitio retro trahitur et mandato acquiparatur. But the mortgagor or his heir may disagree thereunto if he will." Further support is given by Lord Parker, C.J., who, in the course of his judgment in *Hawkshaw* v. *Rawlings* (1717),[12] observed: "Although payment by a stranger be not a legal discharge yet acceptance in satisfaction is."

In *Edgcombe* v. *Rodd*, (1804),[13] both Ellenborough, C.J., and Lawrence, J., treated *Grymes* v. *Blofield* as deciding that satisfaction from a stranger is no satisfaction in law, but it is clear that judgment was given for the plaintiff in that case mainly on the ground that the agreement pleaded by the defendants was illegal, as stifling a prosecution for a public misdemeanour, and thereby impeding the course of justice, and that the defendants had given no consideration.

An important decision was given in *Welby* v. *Drake*, (1825).[14] This was an action of assumpsit against the defendant as the drawer of a bill for £18.3.11 which had been returned

(10) 5th edition, vol. 1, p. 203. Accord (A. 2).
(11) 206b.
(12) 1 Stra. 23.
(13) 5 East. 294.
(14) 1 C. & P. 557.