

fraudulent, (b) if he has without fraud untruly represented that he had authority when he had not, and (c) also when he innocently misrepresents that he has authority when the fact is either (1) that he never had authority, or (2) that his original authority has determined by reason of facts of which he has not knowledge or means of knowledge."

Lastly, in the recent case of *Simmons v. Liberal Opinion, Ltd.*, damages for libel to the tune of 5,000l. were awarded to the plaintiff. At the trial it appeared that the defendants were not registered either under the Industrial and Provident Societies Act, 1893, or under the Companies Act, and in fact had no legal entity. An application was made for an order that the plaintiff's costs should be paid by the solicitor for the defence on the ground that he, by entering appearance and conducting the defence, impliedly warranted that he had a client, whereas, as a matter of fact, he had no client recognized by the law. The solicitor, giving evidence, stated that he had been properly instructed by responsible persons interested in "*Liberal Opinion*," and that he assumed that he was acting for a duly registered company, and did not become aware that such was not the case until the trial. Mr. Justice Darling declined to make the order, but the matter has since been brought before the Court of Appeal, and they have reversed the decision in the court below, relying on the above-mentioned case of *Yonge v. Teynbee*. The contention that the solicitor had some persons as clients for whom he was authorized to act was brushed aside on the ground that, if such was the case, appearance should have been entered in the action in their own names, instead of in the name under which they carried on business, as required by Ord. XLVIIIa. r. 5.

Thus a new terror is added to the already onerous liabilities and duties of solicitors. Our readers will forgive us for writing at this length, but we feel that the principle involved is one of extreme importance to the legal profession, and the result of these far-reaching decisions must be fully realised. We cer-