

if the settlement was not contrary to the client's instructions, no action would lie, while, if it was, it was not binding on the client, who accordingly suffered no damage. But the Court considered the client entitled to £150 damages, and Kelly, C. B., and Piggott, B., at p. 114, expressed the opinion that the settlement was binding upon him.

In some of these cases the settlement in question was made by a solicitor, and in others by counsel, but there seems to be no reason for making any real distinction between the two. If any is to be made, the courts, at least in England, might lean more strongly towards a settlement made by a solicitor, since against him the client would have a remedy in damages, while against counsel he would have none. But perhaps the point has no substantial importance, though in *Hackett v. Bible*, 12 P.R. 432, the Chancellor indicated an opinion that the solicitor's authority in this respect is the wider of the two.

It would appear, therefore, that the judgment of the Court of Appeal in *Neale v. Lady Gordon-Lennox* was an inevitable tribute to principle and authority, which only some very exceptional state of facts would have justified them in refusing to pay. Nevertheless, counsel for the plaintiff boldly appealed from that judgment to the House of Lords. It will be desirable to glance at the circumstances which led him to do so, before discussing the result.

The situation was that, having brought an action for slander against her aunt, the plaintiff, at the opening of the trial, had given a written authority to her counsel, Sir Edward Clarke, to consent to a reference of the action to a barrister, on the condition that all imputations against her should be withdrawn by the defendant. A memorandum providing for the reference was prepared and signed by Sir Edward Clarke and by Mr. Rufus Isaacs, (as he then was), who appeared for the defendant, and a juror was withdrawn. But the memorandum contained no withdrawal of the slanderous statements complained of, and no announcement of any such withdrawal was made in