

from our report, the learned judges of the Court of Appeal unanimously reversed his decision, holding that, although there may be cases where the circumstances are such as to render a going over to the enemy highly improper, yet no general rule against that course exists. Each case has to be treated on its own facts, and any real mischief to be guarded against considered—*e.g.*, that the solicitor cannot clear his mind of confidential information obtained from his former client. What naturally enough gave rise to the notion which not unusually prevailed that some such general rule tied the hands of solicitors in this respect was the report of the case of *Earl of Cholmondeley v. Lord Clinton*, 19 Ves. 261. The unqualified nature of the marginal note to that report is quite a sufficient excuse for anyone being misled. It runs thus: "An attorney or solicitor cannot give up his client and act for the opposite party in any suits between them." That wide and general proposition of law would conduce to the supposition that the decision of Lord Eldon, L.C. there was not based on the particular facts of the case, but was of universal application. The authoritative explanations, however, of that decision which the learned Lord Chancellor vouchsafed in the subsequent cases of *Beer v. Ward*, Jac. 77, and *Bricheno v. Thorp*, Jac. 300, serve to demolish that justifiable first impression. What also was laid down by Vice-Chancellor Hall in *Little v. Kingswood Collieries Company*, 47 L. T. Rep. 323; 20 Ch. Div. 733, at p. 740, was with equal readiness capable of being disposed of. Although not formally reversed by the Court of Appeal when the case came before it, the decision of the learned Vice-Chancellor plainly did not meet with their approval. In the opinion of Sir George Jessel, M.R., indeed, he had gone further than had been done in any previous case. Two of them in Ireland were cited as instances—namely, *Hutchins v. Hutchins*, 1 Hogan 315, and *Biggs v. Head*, Sausse & Scully 335. With the decisions in *Earl Cholmondeley v. Lord Clinton* (*ubi sup.*) and *Little v. Kingswood Collieries Company* (*ubi sup.*) thus displaced from the position which they were believed to hold, the Court of Appeal in *Rakusen's* case (*ubi sup.*) had a clear course open for the conclusion at which