

until they were collected, or could be collected, and assured the complainant that no issue should be made of execution on the said judgment until he could have time to collect the debts so assigned and transferred to the plaintiffs at law." "That relying on these assurances of the attorney, he, the complainant, did not require the said judgment to be stricken out, as he had a right to do."

Now these averments, which constitute the substantial equity of the bill, have not been, and probably in the very nature of things they could not be, positively denied by the answer, and the effect of the argument, therefore, has been to show that the attorney, in making such an arrangement, (if he did make it,) transcended his authority, and that his clients are not bound by it.

But it will be at once perceived that this is a very different question from that touching the power of an attorney to receive a bond, or anything else but money, in payment of a debt due his client, without his assent. The question here has reference to the power of an attorney over the conduct of the cause, and it is believed to be indisputable that his authority in this respect is co-extensive with that of his client. No one will deny that an attorney may agree not to demand a judgment, or may stipulate for a *cessat executio* upon a judgment, when rendered, and that any violation of his agreement, in either of these particulars, will give the opposite party the same title to relief as if the agreement was made with the express authority of his client.

It was decided by the Court of Appeals, in the case of *Henck vs. Todhunter*, 7 H. & J., 275, "that by the law and the practice of the Courts of this State, a party might appear either *in propria persona* or by attorney; and whenever the appearance of an attorney is entered on the record, it is always considered that it is by the authority of the party, and whatever is done in the progress of the cause by such attorney, is considered as done by the party, and binding upon him;" "and whether the attorney is faithful to his trust or not is a