

solicitor to pay the defendant's costs but his decision was reversed by the Court of Appeal, 110 L.T. 94. The Master of the Rolls said in his opinion "there is no impropriety at all in a solicitor's merely conducting a speculative action, for if it were improper for a solicitor to do so, many poor people would be unable to get their legal rights." A few months before Lord Chief Justice Russell said "it was perfectly consistent with the highest honor to take up a speculative action in this sense, viz., that if a solicitor heard of an injury to a client and honestly took pains to inform himself whether there was a bona fide cause of action, it was consistent with the honor of the profession that the solicitor should take up the action. It would be an evil thing," he said, "if there were no solicitors to take up such cases because there was in this country no machinery by which the wrongs of the humbler class could be vindicated. Law was an expensive luxury and justice would very often not be done if there were no professional men to take up their cases and take the chance of ultimate payment; but this was on the supposition that the solicitor had satisfied himself by careful inquiry that an honest case existed."

In such an action it would be perfectly fair that a solicitor, considering the risk involved, should be remunerated upon a somewhat higher scale than that ordinarily allowed. To guard against abuse, all agreements stipulating for more than the usual costs should be in writing and approved by some competent official of the Court at the commencement of the business, otherwise they should be unenforceable.

(8) "He should report promptly to his client the receipt of any monies or other trust property and avoid the comingling with his own, or use of trust money or property, ~~without the knowledge or consent~~ of his client."

(9) "He is entitled to reasonable compensation for his services but he should avoid charges which <sup>either</sup> overestimate or under-value the service rendered. When possible he should adhere to established tariffs. The client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge or even none at all."

(10) "He should avoid controversies with clients regarding compensation so far as is compatible with self-respect and with the right to receive reasonable recompense for services. He should always bear in mind that the profession is a branch of the administration of justice and not a mere money getting <sup>occupation</sup> ~~occupation~~."

Many of the applications to strike solicitors off the rolls would be unnecessary if all would observe the advice contained in canon 8. The mingling of client's money with his own has led to the downfall of many solicitors without any premeditated wrongdoing on his part, and the danger of such a course cannot be too forcibly impressed upon every young practitioner.