

result of the account of the personality? What steps have been taken towards a sale of the realty? Whether it is likely that the estate will prove sufficient? But above all, the cause of the apparently unreasonable delay which has arisen in the causes. Before visiting parties with the consequences of improper delay, the court is bound to see that the charge has been explicitly made against the respondents; and in a suit of this character the court ought to receive a clear and satisfactory explanation of the laches of which the creditors themselves or their solicitors have, at least apparently, been guilty. The remedy for delay was with themselves. They might have applied for the conduct of the suit. Why has not that been done?

Some points, too, of considerable magnitude were raised in the course of the argument, as to the liability of Mr. *Boulton* for the defaults of Mr. *Turner*, who, as it is alleged, must be regarded as his agent throughout those irregular proceedings. But I do not find any where in these papers such explicit allegations as would be absolutely necessary to warrant the court in coming to any conclusion respecting the motives by which these respondents have been actuated in the conduct of these causes, or to fix them with liabilities growing out of constructive agency not averred. This summary jurisdiction is, no doubt, both beneficial and necessary. But it must not be abused. Solicitors have a just claim to the protection of the court in the discharge of their onerous and delicate duties; and it is the sacred duty of those to whom this large discretionary power is committed, to take care that those who invoke that power shall furnish an explicit statement of the case intended to be made, before proceeding to fix upon solicitors extraordinary liabilities, or suffering their motives to be impugned. I have not lost sight of the fact, that the literal adherence of the petitioner to the rule of court to which I have referred, may have betrayed him into some of the difficulties in which he is placed, but I am of opinion that it cannot have been the intention of that rule to exempt a petitioner from the necessity of furnishing a respondent with the fullest notice of the case intended to be made against him. Some of the alle-

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Judgment.