

able. Williams, and Moulton, L.JJ., dissented and state the grounds of their dissent in very forcible and vigorous judgments. It is unfortunate that the real merits of the case were thus prevented from being discussed, inasmuch as the action of the plaintiff and her solicitor seems to have been, in the circumstances, perfectly justifiable and not in any real sense an improper interference with the due administration of justice.

UNQUALIFIED PERSON ACTING AS SOLICITOR—MONEY IN POSSESSION
OF UNQUALIFIED PERSON ACTING AS SOLICITOR—SUMMARY
JURISDICTION OVER SOLICITORS—MOTION FOR PAYMENT INTO
COURT—ESTOPPEL.

In re Hurst and Middleton (1912) 2 Ch. 520. This was a summary application against a person not a solicitor to compel him to pay money into court which he had obtained possession of in the following circumstances. A debenture holder's action was brought against a limited company in which the property covered by the debentures was sold under an order which directed the purchase money to be paid into court. The purchase money was received by one Jones as agent for Evans, the plaintiff's solicitor. Jones was associated in business with Evans, who paid him for the use of his offices and shared with him the profits of business introduced by him; Jones paying the necessary disbursements. Among the business introduced by Jones was the debenture holder's action. All payments and receipts including the money in question, passed through Jones' banking account, on which Evans had no authority to draw. Proceedings to recover the purchase money from Evans having proved abortive, a summary application was made against Jones to compel him to pay it into court. On the hearing of the motion it was objected that the court had no summary jurisdiction over Jones. Eve, J., held that as he had assumed the privileges of a solicitor, and carried on business as an officer of the court, he was amenable to its summary jurisdiction; but the Court of Appeal (Farwell and Kennedy, L.JJ.), reversed his order, holding that Jones not having obtained possession of the money in question by representing himself to be a solicitor, he was not liable to the summary jurisdiction; that a general acting as a solicitor was not sufficient to found jurisdiction. *In re Hulm v. Lewis* (1892), 2 Q.B. 261, was distinguished, because there the party had obtained the money in question by representing himself to be a solicitor; as to whether that case was correctly decided the court seems to indicate some doubt.