

CONTEMPT—STRIKING BARRISTER'S NAME OFF ROLL—IRREGULARITIES WITHOUT FRAUD—ABUSE OF PROCESS.

*In re Taylor* (1912) A.C. 347. This was an appeal by a barrister from an order of the Superior Court of Sierra Leone striking him off the roll of barristers for alleged contempt of court and improper practices. The appellant was retained by a client who claimed to have been assaulted by shooting by one Wright, and he commenced an action accordingly in the Circuit Court. He then made an offer of settlement which was declined and he then applied to arrest the defendant on civil process, which was refused; he then went with his client before a magistrate and obtained a warrant for the arrest of Wright on a criminal charge of shooting with intent to murder. He did not conceal anything, but the magistrate had no jurisdiction to act without the fiat of the governor; on the accused being brought before the magistrate the appellant asked for an enlargement to enable him to get the governor's fiat in order to give the magistrate jurisdiction. This was refused, and the accused was discharged. A summons was then issued by the acting Chief Justice calling on the appellant to shew cause why he should not be committed for contempt of court in having procured the arrest of Wright, and on the hearing of the summons the appellant was adjudged to have been guilty of contempt of court. It also appeared that the appellant in another case had been retained to defend three persons, and for the purpose of the defence had issued a subpoena directed to two specified witnesses, but subsequently, after service, finding that these persons knew nothing about the matter he struck out their names and substituted two other names and caused the subpoena so altered to be served on them. Proceedings were taken against the appellant on a charge of forging the subpoena served on the latter two persons. On the charge coming on for trial no plea was entered, but the accused admitted his guilt and submitted to a fine of £20. A proceeding was then instituted to strike him off the rolls for contempt of court and forgery, founded on the above-mentioned matters when the order appealed from was made. The Judicial Committee of the Privy Council (Lords Macnaghten, Mersey, and Robson) reversed the order, being of the opinion that the facts above-mentioned constituted neither contempt of court nor forgery. That the alteration of the subpoenas having been made without any fraudulent intent was at most a mere irregularity, and that the laying of a criminal charge after an arrest on civil process had been refused could not be properly regarded as a contempt of court.