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THE AUTHORITY OF A SOLICITOR TO RECEIVE MONEY IN CONVEYANCING BUSINESS.

VINEY v. CHAPLIN.

The question of a solicitor's authority to receive his client's money in conveyancing and other non-litigious business, is not one on which there has been much discussion in the Courts of this province. The reason for this, doubtless, is that matters of fact, rather than matters of law, are involved in what one of the judges has called "the long list of cases in which one of two innocent parties must suffer owing to the fraudulent conduct of the solicitor employed to transact their business." It may be remarked in passing that it is somewhat surprising that the list is not longer than it is, when one considers the immense amount of business transacted by solicitors which involves the receipt and application of clients' money; and the profession as a whole may justifiably be proud that the confidence so generously reposed in its members has so seldom been abused. It is well, however, that there should be no mistake as to the principles which govern such matters in our Courts, and which are laid down in such cases as *Gillen v. R. C. Episcopal Corporation*, 7 O.R. 146, *McMullen v. Polley*, 13 O.R. 299, and *In re Tracy*, 21 A.R. 454. These principles are very clearly and concisely stated in a recent case from another province (*Foreman v. Seeley*, 2 N.B. Equity 341).

The following quotation from the judgment of Barker, J., in that case, is undoubtedly good law in Ontario, as well as in New Brunswick:—"In the absence of legal proceedings taken for the purpose of enforcing a mortgage security, there is nothing in the mere relation of solicitor and client which carries with it any authority to the solicitor to receive payment of either interest or principal due his client on a mortgage. The question is one sim-