

1849. the strict and watchful supervision of the court over its officers, is generally acknowledged. But the duty of a solicitor by no means ends there; as an officer of the court, in an important manner assistant in the administration of justice, he owes a duty to the court itself. (a) He also owes a duty to those to whom he is opposed. He must not make the rules and practice of the court a means of oppression. They have been devised for the furtherance of the ends of justice, and the solicitor who allows his zeal for his client to induce him to convert them to any other purpose, so far from being regarded as discharging his duty, is justly chargeable as guilty of a great wrong. In relation to an abuse of that sort Lord *Eldon* uses this language: "I hold an abuse of the rules of court to be a very great offence, especially in an officer of the court." *Van Sandau v. Moore*. (b) If the rules of the court must not be abused, *a fortiori*, solicitors must not be permitted to employ its process for any improper purpose. When an application to commit for breach of an injunction, by one who had not been served with the writ, but had notice that it was ordered, was resisted, on the ground that it would be in the power of a solicitor, by asserting that a writ had been issued, to inflict serious injury, Lord *Eldon* said, "The answer I give to that objection is, that many acts are authorised by law that may be very injurious; and the only protection against such injury is the heavy punishment that awaits such an act; as the solicitor so intimating, without foundation, that an injunction had been granted, would unquestionably be liable to be struck off the roll, to make satisfaction to the party injured, and to an indictment for so doing."—*Kimpton v. Eve*. (c) In another case, where an attorney, who had given an undertaking to enter an appearance, failed to do so, by which the plaintiff lost a trial, Mr. Justice *Williams* ordered the attorney to pay into court the amount claimed by the plaintiff.—*Morris v. James*. (d) And it is too clear to require the citation of authority, that this court must have the power to punish, as for a contempt, those who are guilty of contravening its decrees, although not expressly enjoined by its process. Such persons

Crooks
v.
Crooks.

Judgment.

(a) *Re Elsam*, 3 B. & C. 597.

(c) 2 V. & B. 352.

(b) 1 Russ. 441.

(d) 2 Jurist, 842.

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