

STRIKING ATTORNEYS OFF THE ROLL.

amount of colour displayed suggests the thought of a Barrister appearing in Court in a velveten coat, a red flannel shirt and a white tie. We suppose such an advertisement is the only means by which this firm can acquire business. With these things before us we are hardly in a humour to call attention to an Impudent Invader who "is prepared to do all manner of conveyancy at charges lower than anyone in Town," to say nothing of collecting and posting accounts, &c. He also indulges in a *N.B.*—"Legal advice free of charge." This last part of the advertisement is the only redeeming point. Legal business in his town must be rather brisk, in consequence of this liberality on his part.

"STRIKING OFF THE ROLL."

A good deal of attention has lately been directed to the penal jurisdiction which the Courts exercise against their own officers, in divesting them of their privileges, and degrading them from their professional position. We propose shortly to consider the cases in which attorneys and solicitors will be struck off the rolls of the Courts, as being unworthy of the confidence of the public.

The fiftieth general Order in Chancery indicates that the solicitor may be prohibited from practising for malpractice or misconduct as a solicitor, or other sufficient cause. By the Attorneys Act, (Rev. Stat., cap. 140) attorneys or solicitors acting as agents for unqualified persons are liable to be struck off the rolls (sec. 25), and by the next section it is enacted that either of the Superior Courts of Law, or the Court of Chancery may strike the name of any attorney or solicitor off the roll for default by him in payment of money received by him as attorney or solicitor.

The subject may be conveniently dealt with under this broad classification that the solicitor becomes amenable to the summary jurisdiction of the Court when he retains money obtained by him in his professional capacity, or where he misconducts himself in his office of solicitor.

In the first place, then, he is liable to be struck off the roll if he makes default in the payment of money directed to be paid on a summary application. In *Stephens v. Hill*, 10 M. & W., 28, 32, Lord Abinger adverts to the origin of this practice, by referring to *Strong v. Howe*, 1 Strange, R. 621, and says ever since that time, applications of a similar nature have been very common, in all cases where an attorney in his professional capacity has received money, for which though he might be made accountable in a civil action, the Court will compel him to do summary justice, without putting the client to the necessity of bringing one. Indeed, it would seem to be essential that the client should make a summary application for the payment of the money improperly withheld, because, if he first sues for the amount and recovers judgment, it is too late then to apply to have the defendant struck off the roll. It is said that the character of solicitor is merged in that of judgment debtor, and that obligations of a different character arise by virtue of the judgment. This was expressly held in *Re Corbet Davis*, 15 W. R., 46; 15 L. T. N. S., 161; 1 W. N., 321. In order to the exercise of this summary jurisdiction, it is requisite that the money should be received by the solicitor by virtue of his professional employment, or as a consequence of his professional character. This point was much discussed in *Re Keys*, 13 C.P., 283; see also *Anon.*, 12 C. L. J., 204.

Where a solicitor is appointed a trustee under a will or other instrument, it is assumed that his professional character