

lest, in being silent, I should be regarded as affirming the regularity of proceedings about which I feel great difficulty, and upon which my learned brother who pronounced the decrees now feels considerable doubt. Whether it was competent to *William Crooks* to institute the suit commenced in 1840? Whether, on the hypothesis of such a right, he would be entitled to an injunction of the character granted in that suit? (It forbid all creditors from proceeding to acquire a lien by judgment or otherwise upon the lands of the testator.) Whether an injunction should have issued, restraining creditors who had obtained judgments and issued execution before the institution of the suit in this court? These are questions, all of which admit, to say the least, of serious doubt. But assuming it possible to answer all of them in the affirmative, then it does seem very clear that no special injunction should have been issued. Nay, in the first-mentioned suit, the practice of the court would not warrant such an injunction, even upon a decree to account. It could only properly issue upon final decree. (a) These points, as I mentioned, are not now before us. The petitioner has been restrained for a period of nearly ten years, we must not refuse him relief because the plaintiff's proceedings have been unwarranted. We must give him such relief as the facts seem to us to warrant, upon the supposition that every thing heretofore has been rightly constituted. The observation has, however, a material bearing upon the merits in one respect, for it may, we think, be affirmed with certainty that the power of the court has been carried to the utmost verge in favour of the plaintiff.

In disposing of this petition upon the merits, I gladly acknowledge the spirit of candour and fairness with which the matter was argued by the learned counsel for the respondents, yet it seems to me, that the arguments adduced to us would tend to restrict the duty of solicitors within much narrower limits than reason would warrant, and in a way highly prejudicial to suitors. The confidential nature of the relationship which subsists between the solicitor and his client is felt by all; the absolute necessity that exists for

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Judgment.

(a) *Drewry on Inj.* 108, and following pages, and the cases there cited.