

PRIVY COUNCIL.

IN THE MATTER OF F. W. QUARRY.

[On appeal from the High Court for the North-Western Provinces.]

Act XVIII of 1879, Legal Practitioners Act, s. 13.

A pleader's professional misconduct having amounted to "reasonable cause," within the meaning of 13 of the Legal Practitioners Act, XVIII of 1879, for suspending him from practice, their Lordships declined to interfere with the decision of the High Court as to the punishment, it not being clearly shown that the quantum awarded was unreasonable and excessive.

APPEAL from an order (3rd December 1889) of the High Court.

The appellant, who in August 1871, had obtained a certificate under the Pleaders Act, XX of 1865, and had practised as a pleader at Mussoorie for some years, had been professionally concerned on behalf of the Delhi and London Bank, through their agent at that place, until the latter had ceased to employ him. After his employment by the Bank had ceased, a correspondence commenced between him and a suitor against whom the Bank had taken proceedings to recover a debt. It was alleged in the Court below that this correspondence showed unprofessional conduct on his part. The result was his suspension from practice for twelve months under s. 13 of the Legal Practitioners' Act, XVIII of 1879.

Mr. J. H. A. Branson, for the appellant, argued that the correspondence was open to a construction more favourable to him than that which the High Court had placed upon it. Even if that construction was correct, the sentence of suspension was in excess of what the circumstances required.

Their Lordships' judgment was delivered by LORD WATSON.

LORD WATSON.—The appellant, Mr. F. W. Quarry, was heard last Saturday on an application to stay the execution of an order of the High Court of the North-Western Provinces pending an appeal at his instance, and their Lordships on that occasion directed the petition to stand over, and allowed the appellant to be heard to-day on the merits of his appeal.

Present: LORD WATSON, SIR B. PEACOCK and SIR R. COUCH.

J. C.
P. C.
1890.
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The letters produced appear to their Lordships to afford ample evidence, under the hand of the appellant, that, in his professional capacity, he was guilty of grave improprieties which the Court could not overlook when the matter was regularly brought under its notice. Such conduct, in the opinion of their Lordships, amounts to "reasonable cause" for suspending a certificated pleader within the meaning of s. 13 of the Act XVIII of 1879.

That being so, the only question which remains for consideration is, whether the learned Judges of the High Court have erred in visiting the offence with twelve months' suspension from office. It must be borne in mind that the Court which awarded that penalty were in a much better position than this Board to estimate the degree of punishment which, in the whole circumstances of the case, and in the interests of the profession and of the public, ought to follow such misconduct on the part of one of its pleaders. Their Lordships cannot, in a case like the present, interfere with the decision of the Court below unless it is clearly shown that the *quantum* of punishment was unreasonable and excessive. Notwithstanding the able and temperate argument of Mr. Branson, they are unable to come to that conclusion, and they will accordingly humbly advise Her Majesty that the appeal ought to be dismissed.

Solicitors for the appellant :—Messrs. *W. Carpenter and Son*,
Appeal dismissed.

CIVIL REFERENCE.

1890
July 10.

Before Sir John Edge, Kt., Chief Justice.

PIRBHU NARAIN SINGH (PLAINTIFF) v. SITA RAM AND OTHERS
(DEFENDANTS) *

Court-fee—Mortgage—Redemption—Decree for redemption conditional on payment of a certain sum—Appeal by mortgagor—Court-fee payable on memorandum of appeal—Act VII of 1870 (Court Fees Act), s. 7, ch. ix.

Where a mortgagor sues for redemption on the allegation that the mortgage debt has been satisfied, and a decree for redemption is passed on payment of a certain

* Reference under s. 5 of the Court Fees Act.