

*Judgement of the Lords of the Judicial Committee
of the Privy Council on the Appeal of F. W.
Quarry, from the High Court of the North-
Western Provinces, Allahabad ; delivered July
5th, 1890.*

Present :

LORD WATSON.

SIR BARNES PEACOCK.

SIR RICHARD COUCH.

[*Delivered by 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.

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 section 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 12 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.