

*Judgement of the Lords of the Judicial Committee  
of the Privy Council on the Petition of A. M.  
Dillet for special leave to Appeal from British  
Honduras, delivered 20th March 1886.*

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**Present :**

LORD BLACKBURN.  
LORD MONKSWELL.  
LORD HOBHOUSE.  
SIR RICHARD COUCH.

This is a petition for special leave to appeal in a case of rather an unusual kind ; and it requires some statement to make the case intelligible.

By an order of the Supreme Court of British Honduras, made in the matter of Abraham Mallory Dillet, a solicitor of the Supreme Court, on the 23rd June 1884, it was ordered that the said Abraham Mallory Dillet should on Monday, 30th June 1884, appear and answer upon oath the various matters set forth in the affidavits of William Meigh Goodman, Thomas Graham, and Richard Cato, in the said matter respectively duly filed.

These affidavits related to the conduct of Abraham Mallory Dillet on the 17th June 1884. In substance they disclosed that Mr. Graham was, on the 17th June 1884, sitting as Judge of a petty Debtors Damages Court. The sitting had begun at 11 a.m.

Mr. Goodman, who was Attorney General for the Colony, was conducting a case before Mr. Graham, and was opposed by Mr. Bristowe, a solicitor. When Mr. A. M. Dillet came into

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Court, Mr. Graham, in his affidavit, says, "I noticed that Mr. A. M. Dillet was apparently under the influence of drink." Mr. Dillet interfered, and "after some words with Mr. Goodman, objected to Mr. Goodman asking leading questions and called my attention." He states that, after some discussion as to whether Mr. Dillet was retained or not, Mr. Dillet left the Court. Mr. Graham further says, "Mr. A. M. Dillet's conduct and demeanour throughout were unbecoming a solicitor and professional man, and appearing as he did under the influence of drink, his temper seemed to be excited and uncontrollable, so that I, as Judge of the Court, had more than once to call him to order, and twice I got up from the Bench and threatened to adjourn the Court."

The Court was, in the ordinary course, adjourned from 12 to 3 o'clock. After it resumed Mr. Graham saw Mr. A. Dillet come into Court with a whip in his hand and take his seat opposite Mr. Goodman. But, apparently on the persuasion of Mr. Bristowe, he left the Court.

Mr. Goodman in his affidavit gives nearly the same account of what passed in Court as that given by Mr. Graham; and states that on his leaving Court at 12 o'clock and going to his own chambers he found a note in Mr. Dillet's handwriting addressed to him. It was in the following terms:—

"Sir, you are an impertinent fellow. If you continue your rudeness by me I shall thrash you.

"Your obedient servant,  
"A. M. DILLET."

Richard Cato, the crier of the Court, in his affidavit states that about 2.30 p.m. on the 17th June 1884 Mr. A. M. Dillet came to him. He says, "I saw Mr. A. M. Dillet was intoxicated and had a riding whip in his hand. He then

“ said to me, ‘ Cato, I want you to take a message  
 “ ‘ to the Attorney General. Tell him, with my  
 “ ‘ compliments, I wish to see him.’ ”

Cato brought back the answer that Mr. Goodman would not see Mr. Dillet, and Cato swears that Mr. Dillet then said, “ He does not wish to  
 “ see me. I want to thrash him, and if he comes  
 “ here I will thrash his damned hide.”

It seems obvious that on such affidavits the Supreme Court had jurisdiction to order Mr. Dillet, a solicitor, and as such the officer of the Court, to answer the matters in them, and on hearing his answers to adjudicate on the conduct of the solicitor.

A. M. Dillet made a long affidavit. It has been now returned from the colony and is to be found at p. 124.

It contains many statements in the technical sense of the word impertinent, and does not in any way improve his position. It is difficult to doubt that on those affidavits the Supreme Court might, if they had adjudicated on them, have properly come to the conclusion that A. M. Dillet had been guilty of misconduct as a solicitor, and passed such a sentence as would be adequate to that misconduct.

But that course was not taken. The Attorney General filed, an information containing one count, charging A. M. Dillet with perjury in having sworn, in answer to the affidavits of Goodman and Graham stating that he appeared under the influence of drink, “ I positively say I was  
 “ not so.”

And a second count imputing perjury in swearing “ As to the affidavit of the aforesaid  
 “ Richard Cato, I deny that I was intoxicated as  
 “ alleged.

The information was tried before the Chief Justice, and after a long trial the jury, on the 6th

September 1884, returned a verdict of guilty, and sentence of six months' imprisonment was pronounced.

After the imprisonment had been undergone, the following order was made :—

“In the Supreme Court of British Honduras, 1885.

“In the matter of Abraham Mallory Dillet, a solicitor of this Honourable Court.

“Upon the motion of Frederick Hardyman Parker, Acting Attorney General of British Honduras, and upon reading the affidavit by him made and filed herein, it is ordered that the said Acting Attorney General have leave to serve Abraham Mallory Dillet, a solicitor of this Court, with notice of motion for 11 am. 27th March instant, before this Honourable Court for an immediate order absolute that the said Abraham Mallory Dillet be struck off the roll of practitioners of this said Court as a solicitor thereof, on the ground that the said Abraham Mallory Dillet was tried and convicted of a misdemeanour, to wit, of perjury at the sittings of this Honourable Court for criminal business, August term 1884, and was thereupon sentenced and committed to six months' imprisonment in the gaol of Belize; and that the said Abraham Mallory Dillet do pay the costs of and incidental to this application and the proceedings consequent thereon. Dated at Belize, this 26th March 1885. By order.”

The affidavit consisted only of a verification of the certificate of the conviction.

Mr. Dillet, in an affidavit sworn on the 27th March admitted personal service on him of a notice on the 26th day of March, about 1 p.m., and stated that he verily believed the whole proceedings from beginning to end in the matter of his trial for perjury were contrary to law.

He, before this Board, verbally stated to their Lordships that he was in Court on the 27th March and heard the Chief Justice make the order as moved for, but having sailed for England on the ensuing day never saw the formal order.

It was solely on this ground that the order proceeded; there never has been any adjudication on the order to answer the matters in the affidavits.

A conviction for a grave offence is a ground for justifying the conclusion that the person convicted is not a proper person to be a solicitor. See *ex parte* Brounsall, 2 Cowp., 829, *in re* King, 8 Q. B. 129.

No appeal against the striking the petitioner off the rolls can be of use, unless it is open on it to the Appellant to show that the conviction was obtained in such a manner that it ought not to have this effect against him.

When this petition was before this Committee in 1885, they reported to Her Majesty as their opinion that the petition, together with certain extracts from the charge of the Chief Justice as reported in the "Colonial Guardian" should be referred to the Chief Justice of Honduras, in order that he might make such observations on the petition and the allegations contained as he may think fit, and that His Honour the Chief Justice ought to be directed to return such observations to the Registrar of the Privy Council, in order that the same may be laid before this Board and considered by their Lordships.

These have now been returned.

After considering them, their Lordships think that there is ground for inquiry as to whether the Chief Justice did not, more especially if he spoke to the purport stated in the extracts B and C, even after giving effect to his obser-

vations, obtain the verdict of the jury in such a way that it ought not to be considered satisfactory and conclusive against the petitioner, in which case the order striking him off the rolls on the ground on which alone it was made should not stand.

In the *Falkland Islands Company v. the Queen*, 1 Moore, N.S., 312, it is said, "it may be assumed that the Queen has authority by virtue of her prerogative to review the decisions of all colonial Courts, whether the proceedings be of a civil or criminal character, unless Her Majesty has parted with such authority. But the inconvenience of entertaining such appeals in cases of a strictly criminal nature is so great, the obstruction which it would offer to the administration of justice in the colonies is so obvious, that it is very rarely that applications to this Board similar to the present have been attended by success."

In this statement of the general practice their Lordships agree. They are not prepared to advise Her Majesty to make this conviction for perjury an exception if it were not made the sole foundation for the subsequent order of 27th March 1885.

Their Lordships do not think that the petitioner has made out any one of the first twelve grounds of objection stated in his petition, and they do not advise that he should be allowed to appeal on any of those twelve grounds. Nor are they to be taken as considering it as established that the summing up of the Chief Justice really was as reported in the "*Colonial Guardian*." But they think, after considering the observations of the Chief Justice, Mr. Dillet ought to be permitted on appeal to show, if he can, that on the grounds stated in his 13th reason the conviction was obtained in a manner so unsatis-

factory that the conviction alone ought not to be conclusive as a ground for striking him off the rolls.

Their Lordships will humbly advise Her Majesty that the petitioner be at liberty to appeal against the order of the 27th March 1885, striking him off the roll, and also to the extent above stated, and no further, against the conviction for perjury.

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