

In the matter of K, a Proctor of the District Court of
Batticaloa.

1900.
Sept. 12.

Proctor—Appearing in a case, being drunk—Conduct unbecoming a proctor.

It is conduct unbecoming a proctor to appear before a Court to conduct a case while being drunk, and such conduct will render him liable to be struck off the roll of proctors or be suspended from practice.

THE District Judge of Batticaloa having reported to the Supreme Court that Mr. K, a Proctor of his Court, appeared before him, when sitting as Police Magistrate, on the 11th July, 1900, and was found to be drunk, the Supreme Court ordered the said proctor to show cause why he should not be struck off the roll of proctors for conduct unbecoming a proctor, in that being drunk he appeared to conduct a case, &c.

Sampayo appeared for the said proctor before the Collective Court (BONSER, C.J., and MONCREIFF, J., and BROWNE, A.J.) and read the following affidavit sworn to by the said proctor:—

“ 1. I am a Proctor of the District Court of Batticaloa, having been admitted as such in the month of November, 1892.

“ 2. On the morning of the 14th August, 1900, I was served by the Fiscal of the Eastern Province with a notice directing me to appear in person or by counsel on the 24th August, 1900, before

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the Hon. the Judges of the Supreme Court and show cause why I should not be struck off the roll of proctors for unprofessional conduct unbecoming a proctor, in that being drunk I appeared to conduct a case in the Police Court of Batticaloa on the 11th day of July, 1900.

“ 3. I have been for the past several months suffering so badly from dyspepsia and insomnia, that I am now very weak and in poor health and spirits. I placed myself under both native and European medical treatment, about which, if required, reference could be made to Dr. Chinniah, resident surgeon of the Government hospital, and Dr. Chellappah, a private practitioner, both residing in Batticaloa. I also tried English patent medicines with no tangible relief, under medical advice. I have been for some time past taking a glass of brandy shortly before my meals.

“ 4. On the 11th July, 1900, I was so weak, nervous and prostrate that I had no intention of attending Court that day. About 10 o'clock that morning I received a message from my brother-in-law, Advocate N., who had been ill and staying about three miles away from the town, requesting me to appear on his behalf for the complainant in case No. 14,711, Police Court, Batticaloa, and either apply for a postponement or, if that was not granted, to examine any witnesses for the defence which set up an *alibi*, the prosecution having, prior to that date, been closed and charge of theft framed against the accused.

“ 5. As it was too late to make any other suitable arrangement to watch the interest of the complainant in the said case No. 14,711, Police Court, I made up my mind to go to Court. Being nervous and weak, as stated above, I took two glasses of brandy instead of one, which I have been in the habit of taking, in order, as I thought, to steady my nerves, and having had no appetite whatever I went to Court without my breakfast.

“ 6. While in Court, a woman to my knowledge very poor, begged of me to appear for her in a maintenance case No. 14,743, Police Court. which she had instituted against her husband for obtaining an order for maintenance for herself and her five children, saying that her husband had threatened to get the case dismissed on certain points of law.

“ 7. As I was in sympathy with her and her children, who were produced before me, I consented to appear for her in the said case without payment of any fee out of mere charity.

“ 8. This latter case No. 14,743 was the one first taken up, and I appeared for the applicant and obtained an order of maintenance for the payment of the sum of Rs. 4 per mensem.

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" 9. During the progress of the above case No. 14,743, it is true that I fell down from the chair, but I think I did so from exhaustion and nervous debility. I recovered myself at once and got an order of payment for the sum of Rs. 4 per mensem as stated above.

" 10. Thereafter case No. 14,711 was taken up, and I said that I appeared for the complainant, but the Magistrate said that he found from the report of the secretary that I had been drunk, and asked me to leave the Court.

" 11. I at once complied with the order of the Magistrate, and from the proceedings of the above two cases it would be seen that I did not misconduct myself.

" 12. I deeply regret that the incident should have occurred. I have apologized to the Magistrate, Mr. Vaughan, personally, and fully explained the circumstances hereinbefore set out. I beg to repeat my apology to him for the seemingly unbecoming conduct (which, without any intention on my part, would appear to have given offence), and to your Hon. Court; and I hereby undertake and promise that I shall not give occasion for any similar occurrence in the future."

The Supreme Court, having heard counsel, directed that Mr. Proctor K be suspended from the practice of his profession for a period of three months.

