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Statement of the case.

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attorney, as to justify very summary proceedings for his suspension or removal from office; but even then he should be heard before he is condemned.\* The principle that there must be citation before hearing, and hearing or opportunity of being heard before judgment, is essential to the security of all private rights. Without its observance no one would be safe from oppression wherever power may be lodged.

That mandamus is the appropriate remedy in a case like this to restore an attorney disbarred, where the court below has exceeded its jurisdiction in the matter, was decided in *Ex parte Bradley*, reported in the 7th of Wallace. It would serve no useful purpose to repeat the reasons by which this conclusion was reached, as they are fully and clearly stated in that case, and are entirely satisfactory.

A peremptory mandamus must issue, requiring the judge of the court below to vacate the order disbarring the petitioner, and to restore him to his office.

MANDAMUS AWARDED.

Mr. Justice MILLER dissented.

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NOTE.

## SAME CASE.

[On Appeal.]

An appeal does not lie to this court from an order of the District Court disbarring an attorney. The remedy of the party, if any, is by mandamus. See the case as reported, *supra*.

APPEAL from the District Court for the Western District of Arkansas.

Before the application for a mandamus was made to this court, as above reported, the petitioner, Robinson, had appealed

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\* *Ex parte Heyfron*, 7 Howard's Mississippi Reports, 127; *People v. Turner*, 1 California, 148; *Fletcher v. Daingerfield*, 20 Id. 430; *Beene v. State*, 22 Arkansas, 157; *Ex parte Bradley*, 7 Wallace, 364; *Bradley v. Fisher*, 13 Id. 354.

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Syllabus.

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from the order of the District Court disbarring him. The record being filed, he moved that the case be advanced on the calendar for hearing.

Mr. Justice CLIFFORD, after stating the facts respecting the order disbarring the appellant, delivered the opinion of the court as follows :

The petitioner moves the court to advance the case. Cases involving great hardships are frequently brought here for revision, and in such cases it is competent for the court to advance the same on motion. Still the motion must be denied, as it is well-settled law that neither an appeal nor a writ of error will lie in such a case. Hence it was held in the case of *Ex parte Bradley*, that mandamus from this court to a subordinate court was a proper remedy to restore an attorney at law, disbarred by such subordinate court, for a contempt committed by him before another court, as in such a case the court issuing the order disbarring the attorney had no jurisdiction to pass the order.

Whether the present case can be distinguished from the case cited will not now be decided, but the court is of opinion that the remedy of the party, if any, in this court, is not by an appeal.\*

MOTION DENIED.

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RYAN ET AL. v. UNITED STATES.

1. Sureties on a bond for the transportation of tobacco from one district to another, in the condition of which, the number of boxes and pounds of tobacco are given, and the kind of tobacco described, are responsible for the delivery at the proper place of the tobacco, and not the boxes in which it was supposed to be, but never was.
2. The fraud of the principal in filling the boxes with other substances than tobacco before they left his warehouse, does not release the sureties from this obligation.
3. Nor does the carelessness of the inspecting officer, though it made the fraud of the principal in the bond easier of accomplishment, release the sureties on his transportation bond.

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\* *Ex parte Bradley*, 7 Wallace, 364.