

success. If this condition persists it will mean that the legal profession will in the future be recruited largely from the sons of the wealthy, a condition far from desirable, and one which tends rapidly to the establishment of a caste system. The solution of the problem, if problem there be, is somewhat difficult. It is not to be found in the reduction of wages or in the increase of fees. It lies rather, as does the solution of many of our problems, in the cultivation of an ideal; in the increase of the belief that learning is worth while for its own sake, that service and not acquisition is the law of life, and that professional position is worth effort and sacrifice not for its financial rewards but for the unequalled opportunity which it offers to serve the common good. When the man who maintains the nation's justice in peace receives something of the honor paid to him who maintains its honor in war the bar will never lack for worthy candidates, however poor its financial reward may be.—*Law Notes.*

CONFIDENTIAL COMMUNICATIONS.

The present state of the law with respect to the communications which are privileged from disclosure on the witness stand is not wholly logical. The rule of privilege rests wholly on public policy, and the doctrine is that the public welfare requires that a man shall be able in confidence to talk with his wife and to seek legal, medical and spiritual counsel. The theory seems a sound one, despite the vigorous effort of Mr. Wigmore to minimize it in some respects, but if it is to be admitted, there are other occasions of confidence which stand in like reasons. If a man confesses his sins to a priest, the communication is privileged, but if he follows the divine injunction to go into his closet and shut the door and pray to his Father which is in secret, a listener outside the closet door may repeat the prayer in court. *Woolfolk v. State*, 85 Ga. 69. Some of the great fraternal Orders play a large part in our social organization and establish for many men not only the most confidential personal relation but the most potent religious influence in their lives. Certainly public policy requires the maintenance of that fraternal tie, yet it has been held that a communication made in reliance on the Masonic obligation is not privileged. *Owens v. Frank*, 7 Wyo. 467. A striking illustration of the denial of a privilege which is demanded by every consideration of reason is found in the case of *Lindsey v. People*, 181 Pac. 531 (abstracted elsewhere in this issue), wherein it was held by a divided court that Judge Lindsey