

ELEMENTS OF JURISPRUDENCE—RECENT ENGLISH DECISIONS.

lection." We concur in the admitted imbecility of the trustees of the profession in this matter, but perhaps they might summon sufficient energy to take up a collection for those whose interests they neglect.

WE are glad to have received the third edition of Mr. Holland's well-known work on Jurisprudence.* In it the author tells us he has throughout taken account of the development both of positive law and of legal theory in England and other countries during the last three years. The book has acquired far too excellent a reputation to need any special words of commendation now. It is impossible for any lawyer to read it without getting his ideas upon the fundamental principles of law very much systematized and made more clear and exact. The whole field of law is traversed by the author, and is divided and subdivided in such method as, in his view, best exhibits the scientific order of legal ideas. The work is, and has been, since its first publication, a leading text-book on the curriculum of the jurisprudence school at Oxford, and we would submit to the Benchers of the Law Society that it might advantageously be included among the books required to be read on the final examinations. Sir Henry Maine's works are of very different scope and object, dealing with the historical development of legal ideas and institutions, on which Professor Holland touches but slightly. Holmes on the Common Law again occupies a field of labour more akin to that of Sir Henry Maine than of the work before us. Amos' Systematic View of the Science of Jurisprudence, indeed, deals with the relations between legal ideas, but we

* "The Elements of Jurisprudence," by Thomas Erskine Holland, D.C.L., Clinbele Professor of International Law and Diplomacy, and Fellow of All Souls College, Oxford. Third edition. Clarendon Press, 1886.

fancy no one would compare the mental benefit to be derived from the perusal of the two works respectively. Austin is discursive, and, moreover, fragmentary and incomplete, and we know of no worker in the same field who has produced anything so valuable and able as these Elements of Jurisprudence by Professor Holland.

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The *Law Reports* for January comprise 16 Q. B. D. pp. 1-116; 11 P. D. pp. 1-13; 31 Chy. D. pp. 1-119; there are not, however, many cases requiring notice.

SOLICITOR AS WITNESS—PRIVILEGE—HOW FAR SOLICITOR BOUND TO DISCLOSE CLIENT'S NAME.

Commencing with the cases in the Queen's Bench Division the first to be noted is *Bursill v. Tanner*, 16 Q. B. D. 1. In this case judgment had been signed against a married woman, and an inquiry directed whether she was possessed of any separate estate. The solicitor to the trustees of her marriage settlement was called as a witness by the plaintiff on this inquiry, and stated that the deed of settlement was in his possession as solicitor to the trustees, but he objected to state the names of the trustees, or produce the deed, on the ground of professional privilege. Smith, J., had made an order in Chambers overruling the solicitor's objections. The solicitor appealed to the Divisional Court, which affirmed Smith, J., and the present decision is upon a further appeal by the solicitor to the Court of Appeal. The Court of Appeal affirmed the Court below. Cotton, L.J., says:

The privilege only extends to confidential communications. . . . In my opinion the names of the trustees did not constitute such a communication. . . . There is also another ground for compelling the disclosure of their names. The solicitor claims this privilege as that of his clients. He must then state the names of the persons for whom he claims the privilege.

As to the production of the deed, Lord Esher, M.R., says:

Though there may be no case that exactly decides the point, yet many cases seem to assume that