

The Legal News.

VOL. I. DECEMBER 28, 1878. No. 52.

OUR FIRST YEAR.

With the present number we bring our first volume to a close. The time has not been a favorable one for the inauguration of new enterprises, and this has had its effect upon the success of the *LEGAL NEWS*. We have, however, attained a circulation as extensive as we ventured to expect would be reached within the first year of existence. The volume is a large one, and was issued at an extremely low price for a legal publication, the object being to bring it within the means of a large circle of readers. In this we have succeeded to a considerable extent, but we regret that we cannot say the same as to the advertising patronage which the publishers hoped would be extended to a journal of the character and circulation of the *LEGAL NEWS*. The absence of such support has made the journal unremunerative both to the publishers and the editors. We trust that this will be remedied during the coming year. We appeal with confidence to our readers to aid us in bringing the journal under the notice of those whom it does not reach at present. And we would further ask them to give us that class of advertisements which they control, and which would be especially appropriate to the *LEGAL NEWS*. This is the first attempt in Canada to give the profession a newspaper peculiarly their own, and while the publishers cheerfully undertake the burden for another year, it will ultimately depend on the profession whether the work is to be continued or not. It will be our aim during the coming year to add to its usefulness and value, and if our readers second our exertions, we feel confident of success.

TELEGRAPHIC MESSAGES.

We have observed a notice of a recent decision by an English Judge, holding that telegraphic messages are privileged communications. We shall refer to the case later, when the full report is before us. It has been the practice in the courts of the Province of Quebec

to order the production of telegrams. We may refer to the case of *Leslie v. Hervey*, in 1870, before Mr. Justice Mackay, and to the authorities there cited: 15 L. C. Jurist, pp. 9, 10, 11. The Court held that telegrams which have passed between a principal and his agent are not privileged communications, in a suit in which that principal is a party. Mr. Justice Keogh, recently deceased, while trying the Dublin Election Petition in 1869, compelled the manager of the Magnetic Telegraph Company to produce the messages that were dispatched during the election by the various persons engaged in it.

The London *Law Times* remarked thereon: "In strict law this is permissible. Telegraph messages are not privileged communications, even in the hands of the Telegraph Company. But it is a very important question whether they ought not to be made such. What are they, after all, but letters without an envelope? The same communication sent through the post office would be practically privileged in the transit. If the postmaster were to break the seal and read it, he would not be permitted to give evidence of its contents. The telegraph clerk is only as a postmaster to whom a paper is confided, which the necessity of the case demands that he should read and preserve. It is necessary to the public security that messages should be held in as strict confidence by the officials as letters. No harm could possibly come of conferring upon them, when delivered to the company, and while in the possession of the company, the privilege of strict secrecy; or, if an occasional inconvenience should arise, the benefits would vastly exceed the evil of such a provision."

FISET v. FOURNIER.

We have several communications with regard to the judgment in this case, and in particular an interesting letter from Mr. Charles Pacaud, of counsel for the plaintiff. In this letter Mr. Pacaud ably supports the view that the prescription acquired had been renounced to by the defendant. But strange to say, Mr. Pacaud does this by reference to the old law and authorities, and without citing *Walker & Sweet* or the other decisions since the Code. As the matter has been settled by positive authority,