

professional privilege, (2) as disclosing the party's evidence, (3) as being criminatory or penal, and (4) as being injurious to public interests. As to the first ground, which is of vital importance to the legal practitioner, this privilege does not extend to any person except a legal professional agent or any persons who may act for such agent or under his directions. Others have claimed the privilege, but have failed. Thus a patent agent cannot have the privilege (*Moseley v. Victoria Rubber Company*, 55 L.T. Rep. 482), neither a medical man nor a clergyman (*Russell v. Jackson*, 9 Hare 387), nor a pursuivant of the Herald's College: *Slade v. Tucker*, 43 L. T. Rep. 49. The reasons upon which the privilege is founded are given in *Greenough v. Gaskell*, M. & K. 103, where Lord Brougham states: "It is founded on a regard to the interests of justice which cannot be upholden and to the administration of justice which cannot go on without the aid of men skilled in jurisprudence, in the practice of the Courts, and in those matters affecting rights and obligations which form the subject of all judicial proceedings. If the privilege did not exist at all, everyone would be thrown upon his own legal resources. Deprived of all professional assistance, a man would not venture to consult any skilful person, or would only dare to tell his counsellor half his case"; and Lord Justice Turner in *Russell v. Jackson*, 9 Hare, at p. 391, approves of the rule as laid down by Lord Brougham, and states: "This, then, being the foundation of the rule, the Court, when called on to apply it, must, of course, have regard to the foundation on which it rests, and not extend it to cases which do not fall within the mischief it was designed to prevent." For further cases as to professional privilege the practitioner may refer to *Reece v. Trye*, 9 Beav. 319; *Kennedy v. Lyell*, 48 L. T. Rep. 455; *Re Strachan*, 72 L. T. Rep. 175, and *Reg. v. Bullivant*, 82 L. T. Rep. 493.

Proceeding to the question of what evidence a party need not disclose, it may be stated, as a general proposition, he need not disclose the evidence of his case, or the facts of or the way he intends to make out the same; but, as distinguished therefrom, he may be compelled to discover the nature of his case or such facts upon which he may rely to support the same: *Eade v. Jacobs*, 37 L.T. Rep. 631; *Bolckow v. Fisher*, 47 L.T. Rep. 724;