sage, under penalties more or less severe. The provision of our statute runs thus: "Any operator of a telegraph line, or any person employed by a telegraph company, divulging the contents of a private despatch, shall be guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a period not exceeding three months, or both, in the discretion of the court before which the conviction is had:" Con. Stat. Can. c. 67, s. 16.

Mr. Justice Willes made short work of the objection in a case before him at Nisi Prius. A telegraph clerk having refused, under instructions from his superior officer, to produce private telegrams, or to answer questions concerning them, his Lordship said, "The only persons who can refuse to answer questions are attorneys, and of course counsel, who would stand on the same footing for a stronger reason. I do not enter into any question, whether another class is or is not privileged; I do not choose to introduce matter that is doubtful; but, with the exception, perhaps, of people in government offices as to matters of state, and counsel and attorneys, I do not know of any class that is privileged. It is quite clear that telegraph companies are not privileged." And then, addressing the witness, he proceeded: "If you did not produce those papers, everybody connected with the telegraph company, who could lay his hand on them, would be subject to be brought here, and to be punished for not producing them." The telegram was then read: *Ince's Case*, 20 Law Times, N. S. 421, May, 1869. Another case, to the same effect, of colonial authority, being the decision of the Chief Justice of Newfoundland, is to be found in 8 Jur. N. S. Part ii. p. 181. The Chief Justice, after referring to an analogous case of *Lee qui tam* v. *Birrell*, 3 Camp. 337, said: "I do not entertain a doubt that the communications or messages through the telegraph offices are not in law privileged communications; and that when the operators are compelled to attend a judicial proceeding, they are bound to disclose the contents of such messages; and that in so doing, they do not violate any oath of secrecy they have taken (that they will not *wilfully* divulge, &c.), or subject themselves to any prosecution under the statute." The rule is the same in the United States: *Henisler* v. *Freedman*, 2 Parsons, 274; as well as in the Province of Quebec: *Leslie* v. *Harvey*, 15 L. C. Jur. 9, where it was also held that such messages are not privileged. In truth, the wonder is that any one should ever have supposed that a disclosure of telegraphic messages by a witness in a court of justice, should expose him to a penalty under the statute for divulging the secrets of the office.

COMMUNICATIONS BETWEEN CLIENT AND LEGAL ADVISER.

A correspondent writes us in the following terms:

"Sir,—I would like to have the question, as to the right of gentlemen of the legal profession to be held exempt from divulging in a court of justice their knowledge of their client's conduct in criminal matters, fully discussed in your journal. My proposition is that they are not exempt and that they ought not to be exempt."

The question proposed is not so accurately put as to enable us to determine precisely what is meant. But whatever is meant the discussion would be an unprofitable one, in this sense: that all that can be said upon such a matter has been said long ago, and the law thereupon is fixed beyond a peradventure. It is a well-established rule, that all communications passing between a client and his legal adviser (be he attorney, solicitor, or counsel) in the course, and for the purpose of professional business, are privileged. If the communication is made, not as between client and professional adviser, nor in the usual course of business, or for a fraudulent or illegal purpose, then it is not protected. It is difficult to condense the law on this subject into a few sentences, but it may be found written at large in any modern text-book on discovery or evidence. For example, Wigram, Kerr, Taylor, or Russell on Crimes.

We only discuss subjects taken up by the text-books, where those text-books seem to have come to erroneous or uncertain conclusions, or where there has been some recent alteration of the law, or where it is desirable to agitate for a change of the law, or for the purpose of making a *resumé* of cases upon some point not fully handled in such treatises. In the present instance, no fault can be found with the law; it is eminently reasonable. Suppose the rule were otherwise, then it would be impossible for lawyers to obtain information so as to enable them to give advice or conduct proceedings. No doubt something may be said as to the advisability