

even any person believed by him to be a solicitor and consulted by him as such.

But the solicitor is not at all bound to keep all his client's secrets.

The rule is this—where legal advice of any kind is sought from a professional legal adviser in his capacity as such, the communications relevant to that purpose, made in confidence by the client, are at his instance permanently protected from disclosure by himself or by the legal adviser, unless the client waives the protection. Every word of this rule must be borne in mind—there is nothing superfluous. In the first place it is to be observed that the client may at any time waive the privilege—the solicitor cannot then set it up—it is not at all for the solicitor's advantage or protection, but the client's.

There is no privilege where the advice is sought for the purpose of committing a crime or violating the law. If a client wanted advice as to how he could safely (say) suppress a will, raise money on a forged will or other forged document, or forge a document of any kind—or if he wished to evade his duty as a trustee or get around the succession or income tax—or if he wished to dispose of his property in fraud of creditors, there would be no privilege. "The privileged relation of attorney and client can exist only for lawful and honest purposes," and the solicitor "may be required to disclose whatever act was done in his presence towards the perpetration of the fraud" or crime.

What is to be kept secret is something that comes from the client either directly or through agents, interpreters, etc. Anything told to the solicitor by third parties, however much for the client's advantage, must be revealed—and anything which the solicitor finds out himself by enquiry of any kind in the same case; of course he will not be allowed without the client's consent to tell what he said to his client in the way of advice, etc.

The communication must be confidential and made for the purpose of legal advice—the mere relation of solicitor and client does not raise a presumption of confidentiality, and "the moment confidence ceases, privilege ceases." For example, the presence of third parties in no way interested may destroy the privilege,