

arose whether the privilege extended to documents volunteered to the professional adviser, and not produced as the result of inquiries by him or otherwise by his own intervention. The Court properly declined to draw any distinction between the two cases, and it would undoubtedly be a difficult matter in many instances to decide whether evidence was properly volunteered or whether it was not more or less indirectly due to the operations of a solicitor or a counsel. For example, counsel might make a speech in which he suggested the possibility of the existence of certain facts, and a correspondent might volunteer information in regard to it. This would be to some extent obtained by the counsel, and similarly a solicitor might make inquiries of one man and another might hear of it and volunteer information. The rule, therefore, laid down embraces all documents sent to a professional adviser in his professional capacity, but it excludes documents sent to the party himself. Such documents do not seem to come within the principle of the privilege. When they are sent to the party himself, they are not part of the fighting apparatus of the cause, but are part of the facts of it, and the action taken by the party on such a communication might be very material to the issue in the cause. It may be said that the distinction is somewhat fine, and asked whether, if a man acts as his own solicitor, he has the privilege? The answer is that he has not, as the privilege only arises when there is the relation of solicitor and client which it is the object of the law to protect. If a party should make himself a sort of assistant to his solicitor for the purpose of obtaining evidence, in such a case there would be privilege, especially if the solicitor acted for several parties.

The moral to be drawn from the decision is, in the first place, that the affidavit supporting a claim of privilege for letters of this class should set out facts showing that the communication was made to the adviser in his professional capacity; secondly, persons who have information to give in regard to pending suits may feel that their information, if sent to the proper quarter, will be confi-

dential, and will not immediately be exposed to the gaze of the opposite party. This state of the law cannot fail to encourage persons possessing information to give it, and it may encourage them so far that when they give it they add their names. The decision seems therefore to do something in a small way for the elucidation of truth and the advancement of justice.—*Law Journal*.

CONTEMPT OF COURT.

On August 31, in the case of *Jonas v. Long*, a motion was made to commit Mr. George Johnson, a solicitor, of 16 Union Court, Old Broad Street, for assaulting a solicitor within the precincts of the Court. It was stated that a summons was heard on August 16, and, after leaving the judge's room, Mr. Johnson, in the passages of the Royal Courts, used strong language to Mr. Robinson, the solicitor on the other side, and put his hands up to him in a threatening attitude. Two acts of contempt were complained of—namely, an assault or improper conduct in the presence of the judge, and conduct to intimidate and obstruct the course of justice within the precincts of the Court. *Kirby v. Webb*, a case before Mr. Justice Chitty, referred to in these columns on July 16; *The Republic of Costa Rica v. Erlanger*, 36 L. T. 333; and *Ex parte Wilton*, 1 Dowling, N. S. 805, were referred to.—Mr. Justice Kekewich said that the acts that constituted the contempt should appear on the face of the order. The order would recite the particular facts in the affidavit, and would go on, "the Court being of opinion that these facts constitute a contempt of Court," &c. The applicant was, in his lordship's opinion, entitled to the order in the absence of the respondent; if he had anything to say he could move to discharge it.—*Law Journal*, (London.)

BIGAMY AND ONUS OF PROOF.

At Liverpool, on August 10, before Mr. Justice Day, the case of *Regina v. Macquire*, was tried. It appeared that in August, 1885, the prisoner made the acquaintance of Amelia Boadicea Gillmore, who was a widow,