

It has been urged that the materials, or the information obtained for the brief, should have been obtained at the instance or at the request of the solicitor; but I think it is enough if they come into existence merely as the materials for the brief, and I think that phrase may be enlarged into (merely for the purpose of being laid before the solicitor for his advice or for his consideration.)"

"*Cotton, L.J.*—"Privileged only extends to communications with legal advisers, or in some way connected with legal advisers; communications with a most confidential agent are not protected if that confidential agent happens not to be a solicitor."

"Après avoir exposé les motifs qui rendent secrètes les communications entre un avocat et son client, exposé que j'ai déjà rapporté plus haut, le juge Cotton continue:

"It was conceded on behalf of the defendant, that if the documents had been obtained or prepared at the instance and by the instruction of the solicitor, they would be privileged, though not prepared by the solicitor himself, and the contention is, in fact, that there was no request beforehand by the solicitor that this information should be obtained. I am of opinion that that would be an unsubstantial distinction. . . . That, I think, is the true principle, that if a document comes into existence for the purpose of being communicated to the solicitor with the object of obtaining his advice, or of enabling him either to prosecute or defend an action, then it is privileged, because it is something done for the purpose of serving as a communication between the client and the solicitor. . . . The fact that one of the documents was not actually laid before the solicitor can in my opinion make no difference; the object of the rule and the principle of the rule is that a person should not be in any way fettered in communicating with