judges could not decide the case in the light of the evidence whose admissibility was disputed, but must decide as if they did not know what the effect of that evidence was. He insisted that, as the case was stated by the Recorder, nothing appeared except that the witness was a solicitor, and had been professionally consulted by the defendants before the commission of their crime. This being so, he urged, no questions ought to have been asked as to the nature of their communication, until the prosecution had established a reasonable suspicion, on independent grounds, of fraud on the part of the accused; which he submitted that the case stated did not show to have been the fact. Whether or not his main proposition is good law, it seems plausible enough to the lay mind; and it may pretty safely be assumed that, when the detailed judgments of the Court come to be given, it will appear that they do not concur in his assertion that in this case no such grounds of suspicion had been shown as he declared to be necessary to rebut the presumption of privilege. The judgments will be awaited with great interest, as they will form the leading authority upon a subject of the first importance; and it is to be hoped that they will, as far as possible, establish the principles which regulate the privilege allowed to communications made by accused persons to their solicitors upon a permanent and intelligible footing.—*St. James Budget*, 5th July, 1884.

FRANCE AND CHINA.

The recent relations of France and China are without exact parallel since the existence of international law was first recognized. Naval battles have been fought before now, and forts bombarded, without declaration of war. England herself has created more than one precedent for that. Reprisals as bold, though perhaps more susceptible of justification than the seizure of Keelung, have been carried out again and again by many nations. But we know of no instance where elaborate hostile operations have been carried on between two sovereign powers, neither of whom admits that a state of formal war exists between them. The contention put forward on behalf of the French government, that its late operations on the river Min are compatible with a "state of reprisals" and nothing more, is still more anomalous. Reprisals, as hither understood, may have included the "seizure of pledges," and possibly even the *quasi* hostile occupation of territory. But the term has never yet been allowed in international law to cover regular battles, involving immense slaughter, and terminating in the destruction of an arsenal, a fleet, and numerous forts. As well might it be called a reprisal if a French army had beseiged and captured Pekin, and dictated its own terms in the Chinese capital. When the English government bombarded Alexandria, and subsequently prosecuted a formal campaign, ending in a pitched battle, it was regarded in many quarters as rather a bold euphemism to describe the operations as "a measure of police," and deny them the character of formal war. But technically the distinction was justified by the fact that the English operations were authorized by the lawful ruler of the country, against whom the enemy was in more or less formal rebellion. In China, on the other hand, two sovereign powers have been in collision. It, of course, rests primarily with the parties themselves whether or not their relations are to be considered those of belligerents. Either is at liberty, when it suits his convenience, to substitute a state of formal for one of irregular hostility, by a formal declaration of war. At present both France and China have evident reasons for deferring that step. In the event, however, of a repetition of such proceedings as those on the Min, it is far from improbable that delicate questions affecting the rights of third parties will be raised, which will require the relations of the two principals to be decided by the rules of international law and those only. Moreover, it may be added that, though they are in a minority, many eminent authorities have doubted the justifiability of hostile acts unpreceded by declaration of war. Grotius himself appears to adopt the opinion of a great Roman jurist that "enemies are those who have publicly declared war on us, or we on them—the rest are thieves or robbers." The most eminent French authority, De Vattel, is on the same side. If there is any foundation for a recent statement that the Chinese government has set a price upon the heads of Frenchmen, the Chinese would seem to be of a similar opinion. In denying to China the right to formalities, which whether necessary or not, have been commonly observed between civilized powers, much has undoubtedly been done to impart undue ferocity to the strife. On every ground, therefore, a continuance of the present irregular relations of the two governments is to be deprecated.—*Law Times.*