ble, and a fraud in this Court. *Chetwynd* v. *Lindon*, 2 *Ves.* 450.

145 If, however, it should in any manner appear by the *proceedings, or be shewn, that the answer would criminate, or subject him to a forfeiture, he cannot be compelled to give it; and this privilege extends not only to the broad and leading fact; but to any fact which may furnish a step in the prosecution; and is likewise so applied as to protect a husband or wife from being compelled so to answer as to criminate the other. *Wrottesley* v. *Bendish*, 3 *P. Will.* 238; *Cartwright* v. *Green*, 8 *Ves.* 405; *Claridge* v. *Hoare*, 14 *Ves.* 59; *Parkhurst* v. *Lowten*, 2 *Swan.* 214; *McIntyre* v. *Mancius*, 16 *John.* 592. And although one may avail himself of this privilege, when he can safely do so, by demurrer, or plea; *Bea. Pl. Eq.* 278; yet he is under no obligation to take that course, for it may be, that he could not demur; because, that might be to admit the facts to be true. *Honeywood* v. *Selwin*, 3 *Atk.* 276. But the claiming of this privilege never creates a defence against relief in this Court; therefore, as in case of usury, or forgery, if proof can be made of it, the Court will let the case go on to a hearing; but will not force the party, by his own oath, to subject himself to punishment for it. *Brownsword* v. *Edwards*, 2 *Ves.* 246; *Singery* v. *Attorney-General*, 2 *H. & J.* 490.

Again, if the defendant has obtained his knowledge of the facts, concerning which the bill requires him to answer, as an attorney, or solicitor; and, he so avers in his answer, it will be deemed conclusive and sufficient. The policy of the law has established it as the privilege of a client, that no facts which he communicates to his attorney or solicitor as such, shall be disclosed upon any occasion without his permission. The Court, before which an attorney or solicitor is called, will not suffer him to divulge the secrets of his client; and therefore, a plaintiff cannot be allowed to draw forth such communications, either by placing the attorney in the situation of a mere witness, or of a defendant to his suit. *Wright* v. *Mayer*, 6 *Ves.* 281; *Parkhurst* v. *Lowten*, 2 *Swan.* 194; *Greenhough* v. *Gaskill*, 8 *Cond. Cha. Rep.* 394; *Wilson* v. *Rastall*, 4 *T. R.* 753.

Again, if the documentary evidence, called for by the bill, be of a public nature, which the defendant holds as the keeper of such public records, which are open to all, and exemplifications of which may be obtained by any one, on paying the legal fees; and it is not alleged in the bill, that he had hindered any person from searching, or refused copies on payment of his fees, his answer, that he doth not know any thing that is prayed in the bill, but as an officer, will be deemed sufficient. *Delove* v. *Bellamey*, 2 *Eq. Ca. Abr.* 66.

146 *And again, if the bill makes a mere witness a defendant he need not demur, or plead; but if he answers and disclaims all interest whatever in the matter in controversy his answer is conclusive and sufficient; because, having thereby reduced himself