

ARNOLD *ET AL.* V. CHESEBROUGH *ET AL.*

*Circuit Court, E. D. New York.*

July 16, 1886.

ATTORNEY AND CLIENT—PRIVILEGED COMMUNICATIONS.

A *subpcena duces tecum* will not be issued to compel the production by an attorney of a letter given him by his client as a paper material to his defense, which the attorney declines to deliver on the ground of privilege, no reason appearing why such process cannot be served on the client.

In Equity. On motion for a *subpcena duces tecum*.

*George Norris*, for plaintiffs.

*Bliss & Schley*, for defendants.

BENEDICT, J. The certificate of the examiner and the motion of the plaintiff present the question whether the attorney of the defendant Charles Augustus Chesebrough can, by a *subpcena duces tecum*, be compelled to produce a letter written by one Blasius M. Chesebrough, which the attorney received from his client as one of the papers material to his defense in this action; the attorney declining to produce the letter upon the ground of privilege, and there being nothing in the case to show it impossible to serve a *subpcena, duces tecum* upon the defendant, from whom the attorney, received the letter. Upon this ground, my opinion is that the attorney cannot be impelled to produce the letter.