

as approved by the late Chancellor in *Winder vs. Diffenderfer*, 2 *Bland*, 194; and as was sanctioned by Lord Hardwicke, in *Valiant vs. Dodemead*, 2 *Atk.*, 524.

I am not, therefore, disposed to disturb it. It has been said, that the privilege of not disclosing these confidential communications, being the client's privilege, if he is silent, the witness has not a right to make the objection. That the silence of the client, when the question is propounded, is an implied waiver of the objection.

In answer to this, it may be said, and I think well said, that when the witness makes the objection to the question, he must be understood as making it in behalf of the client, and not on his own behalf; and, therefore, when the witness declines answering the question upon the ground referred to, and the client or the party representing him stands by and does not release the witness from the obligation not to reveal the information, he must be understood to approve the objection, and to insist upon his privilege.

It is therefore ordered, that the demurrer of the witness to the fourth interrogatory propounded to him on the part of Edward Lloyd and others, be ruled good, and that the witness shall not be required to answer that interrogatory. But it is further ordered, that the demurrers of the same witness to the 5th, 7th and 8th questions of the parties be overruled, and that the witness be required to answer those questions.

[Other proceedings were then had, and several exceptions to the testimony were taken by both parties, none of which it is deemed material to state, and the cause set down for final hearing at the December term, 1848, when, after argument by counsel, the Chancellor delivered the following opinion :]

**THE CHANCELLOR :**

The late Jacob Gibson, by his will, executed on the 29th of November, 1817, and proved on the 13th of January, 1818, makes the following provision for his wife, Rebecca Gibson, in lieu of, and in full satisfaction for, her dower and thirds, in his real and personal estates :