

sumes it is intended, and for aught he knows, may be used either by the testimony of others, or proof of deponent's declarations, to prove the said conversation which he has already objected to declaring. If the conversation can be proved by others, the witness has nothing to do with that proof. If his testimony is to be connected in any way with that of other persons, it would, in his view, be a breach of professional confidence; and, therefore, as well as for the reasons heretofore stated, he declines to answer this interrogatory.

*8th Interrogatory.* Was or was not the conversation alluded to in your first protest or demurrer, held in the presence and hearing of other persons? If yea, who were the persons present?

*Demurrer to the 8th Interrogatory.*

The said witness declines to answer this interrogatory for the reasons stated in his demurrer to the 7th interrogatory.

These demurrers were set down for hearing, and after argument by counsel, the following opinion was delivered, and order passed, by the Chancellor, on the 10th of November, 1848.]

THE CHANCELLOR :

The application of the admitted rule, that communications which a client makes to his legal adviser for the purpose of professional advice or aid, shall not be disclosed, is submitted to the court in this case upon certain interrogatories propounded to his excellency, Governor Thomas, after argument by counsel. The general rule is not denied, and indeed stands upon such firm grounds of public policy, and is so well fortified by authority, that it would be impossible to contest it.

Upon every such communication made by a party to his counsel, attorney or solicitor, the seal of the law is placed, and remains forever, unless removed by the party himself for whose protection the rule was established. But although the rule is thus inflexible in the cases to which it applies, there are, what are sometimes called exceptions to it, though these exceptions are rather apparent than real, and will, I think, be found upon