him, open to the consideration of the jury in weighing his testimony, and we believe these circumstances usually receive all the consideration to which they are entitled.

As to the effect of this practice upon the character of the bar, we think the evil will work its own cure. Attorneys, as well as counsellors, of standing and character, will never, except in extreme cases, present themselves before a jury, as witnesses in their own causes on litigated questions, and in such cases only, because of some unforeseen necessity. These gentlemen of the bar, who habitually suffer themselves to be used as witnesses for their clients, soon become marked, both by their associates and the courts, and forfeit in character more than will ever be compensated to them by success in such client's controversies.

Our opinion as to the competency of the attorney in general, is snstained by the authorities in this country, so far as they have spoken on the subject. Most of them are to be found in Cowen and Hill's Notes to Philips' Ev. 95. 97. 110. 111. 1528. The Supreme Court assumed the law to be so in Chaffee v. Thomas, 7 Cow. 358. and in Jones v. Savage, 6 Wend. 658. (See to the same effect, Phillips v. Bridge, 11 Mass. 242. Slocum v. Newby, 1 Murphy (N. C.) 423. Geisse v. Dobson, 3 Whart. 34.

There is a further reason why the decision of the court below rejecting Evans was erroneous. Neither attorneys or counsellors are recognized or known as such, in justices' courts. Evans was there merely as the agent of the plaintiff below, and the character of his agency was not affected by the fact that he was an attorney and counsellor at law. Any person not a lawyer could have advocated the plaintiff's cause in that court, and the objection to him would have been equally valid on the score of public policy, so far as that argument is applicable to inferior courts. The cases in the bail court, (Stone v Bacon, and Dunn v. Packwood,) are scarcely an authority for the ruling below, be-