we are prepared to concur with him in many of his arguments and anticipations. But when we test the objection to the attorney by any established principle in the law of evidence, we find no good ground for rejecting him. Thus he is not interested in the event of the suit. There are many cases, doubtless, in which the compensation of such attornies is, by agreement, to depend upon the result; and in those there is a direct interest which excludes the attorney, as it would exclude any one who had bought a contingent share of the matter in controversy.

There is no reason for excluding the attorney on the ground of privilege or of confidence, as between him and the adverse party. This argument is especially aimed at the proof of admissions made by such party to the opposite attorney. There is certainly much less danger of a party's admitting away his rights to a hostile attorney, than there is of his making statements to an intimate friend which may be prejudicial to his cause. But the friend may always be compelled to disclose the most confidential statements. Moreover, testimony of an attorney of such admissions, made to him by the opposite party, affecting a really doubtful or litigated point, are always regarded with extreme suspicion and distrust by both courts and juries. It suffices, however, as to this argument, to repeat, that no privilege or confidence exists in the communications between an attorney and the adverse party, growing out of the character or situation of the former, as an attorney.

As to the ground of public policy, it does not appear to us so cogent as to warrant the introduction of a new exception in the law of evidence.

Aside from its bearing upon the bar itself, it is not stronger than it is in many cases of bias and partiality arising from social relations and family ties, which are of daily occurrence among witnesses. In all such cases, the position of the witness, and his connection with the party calling