Evans, has being incompetent and interested in the event of the suit. The justice sustained the objection, and excluded him from testifying. Judgment was given for the defendant, and Little, the plaintiff, removed it to this court.

D. Evans, for the plaintiff in error, cited Phillips v. Bridge, 11 Mass. 242. Reid v. Colcock, 1 Nott & McCord, 592. Newman v. Bradley, 1 Dallas, 241. Miles v. O'Hara, 1 Serg. & Rawle, 32. Boulden v. Hetel, 17 ibid. 312. Slocum v. Newby, 1 Murphy, 443.

L. F. Therasson, for defendant in error, cited Stones v. Byron, 1 B. C. R. 248. S. C. nomine Stone v. Bacon, 11 Lond. Jur. R. 44, and 1 Penn. Law Journ. (N. S.) 429. Dunn v. Packwood, 1 B. C. R. 312, S. C. 11 Lond. Jur. R. 145, and 1 Penn. L. J. (N. S.) 431. Also the work last cited at page 405.

By the court—SANDFORD, J.—The recent cases to which we were referred, in which the English Bail Court decided that an attorney could not be heard as a witness in a cause in which he acted as counsel on the trial, came under our observation last summer, and we were soon after pressed at *nisi prius* to exclude attornies from being witnesses on the authority of those decisions. The chief justice and myself acting without consultation or comparison of views, severally held the objection to be untenable. We have now, with the aid of our brother Vanderpoel, fully considered the question, and we entertain no doubt but that the attorney, in such a case, is a competent witness. There is an able and interesting article on the subject in the july number of the Pennsylvania Law Journal for 1847, (1 Penn. Law J., N. S. 485,) in which the exclusion of the attorney is vindicated on the ground of public policy. The degradation of the character of the bar, and the probable injury to the course of truth and justice, in some cases, by means of attornies and counsellors testifying in the suits which they are conducting, are strongly portrayed by the author; and