

N. B. Superior Court,

Before the Honorable THOMAS J. OARLEY, Chief Justice,
and Justices VANDERPOEL and SANDFORD.

LITTLE v. McKEON.—*June Term, 1848.* (1)

Competency of attorney to give evidence.

An attorney is a competent witness for the party in whose behalf he is conducting a suit. So of a counsellor for the party for whom he is advocating a cause.

The objection to an attorney or counsellor appearing as a witness in such cases, rests upon his bias and favor towards his client. It goes to his credit, not to his competency.

The practice of attorneys and counsellors testifying for clients in suits in their charge is reprobated. It is an evil which will work its own cure in the loss of character of those indulging in it.



Certiorari to one of the assistant judges. The suit in the court below was brought by Little against McKeon. Little appeared by David Evans and declared in trespass. Issue was joined, and the cause proceeded to trial. In the course of the trial Evans was sworn as a witness for Little, and being examined by McKeon's attorney, testified that he was an attorney and counsellor at law, and counsel for Little in the suit then on trial. McKeon then objected to

(1) The New York Legal Observer.