

Case No. 17,229.

WASHINGTON v. FOWLER.

[4 Cranch, C. C. 458.]¹

Circuit Court, District of Columbia.

March Term, 1834.

COMPETENCY OF WITNESS.

A witness is not incompetent because he feels himself bound in honor to indemnify the party

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who calls him as a witness in case the judgment should be against him, if he has made no promise to indemnify him, nor is bound in law so to do.

Debt on the auctioneer's bond of Moses Poor, the defendant being his surety. Judgment having been rendered against Mr. Poor, and the defendant having given him a release, the defendant called him as a witness, and upon cross-examination he answered that he felt bound in honor to indemnify the defendant if judgment should go against him, but had not promised or in any manner bound himself so to do. Whereupon the plaintiff's counsel objected, and contended that the testimony of Mr. Poor should be rejected as incompetent on account of that honorable feeling.

But THE COURT (nem. con.), upon the authority in 4 Starkie, 746, overruled the objection.

See, also, Corporation of [Washington v. Webb](#), at November term, 1834, S. P. (not reported).

¹ [Reported by Hon. William Cranch, Chief Judge.]