

Full Court.]

REX v. FRANK.

[May 12.

Criminal law—Evidence of accomplice—Corroboration.

Case reserved under ss. 1014, 1015, Crim. Code by the junior judge of the County Court of Wentworth.

The accused was tried before him, on the charge of unlawfully conspiring with one Morden to defraud the Hamilton Steel and Iron Company by falsely increasing the weight of scrap-iron sold by the accused to the company. The case stated that the principal evidence against the accused was given by Morden, that the learned judge believed his evidence, and was of opinion that it was sufficient to convict without corroboration. It further appeared that the judge was of opinion that Morden's evidence was corroborated in material particulars, and there was some evidence in support of this view. Two questions were submitted by the learned judge: 1. Had I the power to convict the prisoner on the evidence of an accomplice alone? 2. If not, was there sufficient corroborative evidence?

Held, that an accomplice is a competent witness, and there is no rule or statute which requires that his evidence must be corroborated. The consequence is inevitable that if credit be given to his evidence it may be sufficient of itself to convict the accused and no corroboration is necessary. The first question was therefore answered in the affirmative, the second calling for no answer. See *In re Meunier* (1894), 2 Q.B. 415; *The King v. Tate* (1908), 2 K.B. 180; *The King v. Warren* (1909), 2 Crim. Cas. 194, 25 Times L.R. 633; *Regina v. Beckwith* (1859), 8 C.P. 274.

DuVernet, K.C., for prisoner. *Cartwright*, K.C., for Crown.

HIGH COURT OF JUSTICE.

Riddell, J.]

SCHWENT v. ROETTER.

[May 6.

Gift—Money in bank—Transfer to joint credit of donor and daughter—Death of donor—Right of survivor—Claim of executor of donor.

Interpleader issue. John Schwent and his wife Magdalena had money deposited in a bank at Dunnville to their joint credit. On the 27th April, 1908, the wife died. John Schwent, on May 22nd, 1908, delivered a document to the bank in these words: