

infant sons carry interest from the death of the testator for the purposes of their maintenance, and directed the retention and setting apart by the executors of the sum of \$8,000 to provide for the payment of \$4,000 each to the said infants when they attain 25 years of age, and the payment out of the interest or income to accrue upon the said sum, of a certain sum annually to their mother for their maintenance; but direction given that the question of the proper amount to be allowed, having regard to the income from the infants' shares in the residue should be now settled by the Master, unless otherwise agreed upon.

Where there is a general provision for maintenance and no amount specified, there seems to be no absolute bar to recourse, if necessary, to interest upon a contingent legacy. Much less where there is no express provision of any kind. The amount of the allowance in such cases must be governed by a consideration of the circumstances and due regard to such other sources or funds as may be properly resorted to for maintenance.

Aylesworth, K.C., for plaintiff. *Tolingsbee*, for adult defendants. *H. Cronyn*, for Official Guardian.

From Falconbridge, C.J.K.B.]

[Jan. 23.]

REX V. MARTIN.

Murder—Criminal law—Joint trial of two persons for—Confession of one implicating the other—Admissibility—Caution to jury—Addresses to jury—Right of reply—Counsel representing Attorney-General—Crim. Code, ss. 592, 661 (2).

Upon the joint trial of two accused persons for murder, a statement or confession of one, which tended to incriminate the other, was admitted in evidence, the jury being cautioned that it was evidence only against the one who had made it.

Held, properly admitted.

Semble, that in order to the admissibility of a statement made by an accused, having regard to s. 592 of Crim. Code, it need not appear that it is a full acknowledgment of guilt so as to be a confession in the strictest sense of the term. If it connects or tends to connect the accused, either directly or indirectly, with the commission of the crime charged, it cannot be excluded on the ground that it is not a plenary confession.

Held, that under s. 661(2) of the Code, the Crown represented by counsel acting on the instructions of the Attorney-General had the right of reply, although no witnesses were examined for the defence.

Rulings of FALCONBRIDGE, C.J.K.B., upheld.

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