does not call for an answer. Whether or not the observations made by counsel for the Crown in his address to the jury were a contravention of the terms of sub-sec. 2 of sec. 4 of the Canada Evidence Act, 1893, or whether, if this question was the only one submitted, the prisoner would be entitled to the benefit of the objection, need not be determined. But it may not be out of place to observe that remarks of the kind, coming as they undoubtedly do very close to, if not infringing upon, the line of prohibition, should be avoided, and that in every case where no evidence is adduced on behalf of the prisoner, the utmost care should be observed to avoid any reference which could by possibility be regarded as a remark by way of comment on the failure of the prisoner to avail himself of his statutory right of testifying in his own behalf.

The first question will be answered in the affirmative as to the first branch and in the negative as to the second branch.

The second question will be answered in the affirmative.

The third question is not answered.

And there will be a new trial.

SCOTT, LOCAL MASTER. MARCH 13TH, 1906.

MASTER'S OFFICE.

MURPHY v. CORRY.

Interest — Solicitor's Bill — Compensation for Services — Quantum Meruit.

Plaintiffs asked to be allowed interest on the amount found to be due to them by the judgment reported ante 363.

C. J. R. Bethune, Ottawa, for plaintiffs.

W. J. Code, Ottawa, for defendants.

THE MASTER:—Defendants contend that Re McClive, 9 P. R. 213, lays down the principle that in the case of a claim for the amount of a solicitor's bill interest will in no case be allowed unless a demand in writing is shewn to have been