

The facts surrounding this case suggest that the charge of vagrancy is laid, and the remand granted, because the magistrate and police officials disapprove of the bail granted upon the more serious charge. It is obvious that, if this is so, such conduct cannot be too strongly condemned.

STANDARD BANK OF CANADA V. BRODRECHT—MIDDLETON, J.—
OCT. 13.

Bank—Customer—Account—Compound Interest—Proceeds of Security—Costs—Reference—Report—Appeal.—Appeal by the defendant from the report of CHISHOLM, Co.C.J. of Waterloo, as Special Referee. The defendant was a customer of the plaintiffs for many years; and this action was brought to recover the amount of his overdrawn bank account. The defendant asked for an account; and at the trial the action was referred. The findings of the Referee were all in favour of the plaintiffs; the report was that \$1,024.50, the amount claimed by the plaintiffs, was the true amount due. Several questions were argued on appeal. First, it was said that the plaintiffs had charged compound interest at the rate of 6½ per cent. per annum, with monthly rests. Counsel for the plaintiffs stated that attention was not drawn to this matter upon the reference, and that he did not attempt to defend the mode of computation. The difference was said to be \$107. Appeal allowed as to this; the amount to be checked.—Second, there was a controversy as to the proceeds of a certain promissory note, which it was said that the plaintiffs had received or should have received. As to this, the learned Judge refused to interfere, the evidence being contradictory, and the Referee having seen and heard the witnesses.—Third, it was said that costs were improperly charged against the defendant without taxation. The learned Judge, having looked at the bills of costs, said that there was nothing in them to justify any interference; and a moderation should not be directed where no beneficial result would follow.—Appeal dismissed save as to the interest. Costs to be paid by the defendant, but \$20 to be deducted from the plaintiffs' costs in view of the defendant's success in that one regard.—Judgment for the plaintiffs upon the report as varied. J. A. Seellen, for the defendant. R. S. Robertson, for the plaintiffs.