

pression "the referring of causes under the Common Law Procedure Act" is not restricted to causes which have been begun by writ of summonses.

*Watson*, for plaintiffs.

*Aylesworth*, for defendant.

MacMahon, J.]

[Feb. 10.]

REGINA v. DALY.

*Criminal law—Conviction for vagrancy—Nature of offence.*

The Act, R. S. C. c. 157, s. 8 (f), provides that "all persons who cause a disturbance in any street or highway by screaming, swearing, or singing, or by being drunk, or by impeding or incommoding peaceable passengers are loose, idle or disorderly persons within the meaning of this section." The defendant was convicted and committed for that he "unlawfully did cause a disturbance in a public street by being drunk, and then was a vagrant, loose, idle, and disorderly person within the meaning of the Act respecting vagrants."

The evidence disclosed that the defendant was drunk, and that he was guilty of impeding and incommoding peaceable passengers, but it negatived his causing a disturbance in the street by being drunk.

*Held*, that no offence of the nature described in the conviction and commitment was committed by the defendant, and an order was made for his discharge.

*Delamere*, for the Crown.

*Morson*, for the defendant.

Armour, C. J.]

[Feb. 15.]

BECKETT v. GRAND TRUNK RAILWAY CO.

*Judgment—Date of entry—Rules 326, 327, 527 (b).*

Although by rule 527 (b) judgment is not to be signed in cases tried by a jury till the time thereby prescribed, yet when signed, the entry of it, if the Divisional Court pronounces no different judgment from that of the trial judge, ought to be dated as of the day on which it was pronounced by the trial judge.

Rule 326 applies to all cases whether tried by a judge, jury or otherwise, in which the judgment is pronounced by the court or a judge in court, and rule 327 applies to cases in which the judgment has not been pronounced by the court or a judge in court.

Where the judgment pronounced by the trial judge upon the verdict of a jury was varied by a Divisional Court,

*Held*, that judgment should be entered as of the date on which the Divisional Court pronounced judgment.

*Folinsbee*, for the plaintiff.

*Aylesworth*, for the defendants.

Chy. Divisional Court]

[Feb. 21.]

GALL v. COLLINS.

*Costs—Taxation—Solicitor's lien on fund—Locus standi of attaching creditor—Solicitor's negligence—Discretion of taxing officer—Certificate of taxation.*

G., a judgment creditor of W. A. C., garnished a fund recovered by J. W. C., suing as the assignee of W. A. C. G. disputed the validity of the assignment from W. A. C. to J. W. C., and an issue was directed to be tried between G. and J. W. C. as to the portion of the fund which would remain after satisfying the claim of the solicitor of J. W. C., who had a lien upon the fund for his costs incurred in the recovery of it. Upon appeal from the taxation of these costs, before the trial of the issue,

*Held*, that G. had the right to be represented upon the taxation and appeal, as in one event he had an interest in the reduction of the solicitor's bill, and there could not be two taxations, one as against J. W. C. and the other as against G., if he succeeded in the issue.

The Court refused to interfere with the discretion of the taxing officer in allowing certain costs to the solicitor of proceedings which had been set aside in the action as irregular, and as to which G. alleged negligence and want of skill.

An informal certificate of taxation was written at the end of the bill of costs, showing