

The sole authority relied on is a decision of Hunter, Chief Justice of British Columbia, *The King v. Sheehan*, 14 Can. Crim. Cas. 119, 120 (1908), which, however, I am not disposed to follow. In the present case, the money found on the defendant was derived from begging on the cars and in the streets, and he has also been convicted, under a by-law of the town of Kenora, of the offence of begging in the streets, and sentenced to 20 days' imprisonment (now expired). The argument is, that he has been punished for begging, has expiated his offence by serving his time, and is now lawfully in possession of the money. A conviction for both offences, *i.e.*, that of begging in the streets against a by-law, and that of being a vagrant under the Criminal Code, is not inconsistent. The one is addressed to a particular act; the other, to a manner of life. If the defendant has no visible means of maintaining himself, in the ordinary sense of the phrase (except by begging), and if he leads an idle, wandering life in that employment, and is not able to give a good account of himself, one cannot but feel that he is within the mischief against which the statute is directed. Begging is one of the ingredients of vagabondage—the old time collocation was, "rogues, vagabonds, and sturdy beggars." I would not give effect to such a reading of the Act as this: that a man unlawfully engaged in gambling or begging, who is possessed of a few dollars collected from that source, is to be treated as meeting the requirements of the statute as one who has an employment and is in possession of visible means of maintaining himself. His means and his employment and his maintenance are all attributable to his disreputable life, and the more he bestirs himself in this pursuit the greater nuisance he becomes.

*M. Lockhart Gordon*, for defendant. *J. R. Cartwright*, K.C., for the Crown.

#### DISTRICT COURT OF KENORA.

*WHITE v. SANDY LAKE LUMBER CO.*

*Woodman's Lien for Wages Act.*

*Held*, that railroad ties sawn in a sawmill out of logs do not come within the provisions of the above Act.

[KENORA, Dec. 14, 1911—Chapple, D.C.J.]

Action brought to recover the sum of \$259.24, being the amount due by defendants to plaintiff for "work manufactur-