

estopped from denying such membership: *In re Railway Time Tables Publishing Co., Ex p. Sandys*, 42 Ch. D. 112.

T. W. Griffiths, for the contributories. *T. F. Battle*, for the liquidator.

Province of Nova Scotia.

SUPREME COURT.

Full Court.] THE KING v. SWEENEY. [Feb. 5.

Constable—Powers to arrest on view—Employment by private corporation—Loitering about streets—Sufficiency of charge—Magistrate—Jurisdiction to try and convict—Town by-law—Variation from statutory provision.

Defendant was arrested by a constable of the town of Glace Bay charged with loitering on the streets of the town after midnight and refusing to go home or get off the streets after having been warned that he was violating the law and that he would be arrested if he persisted in doing so.

Held, that the offence was one for which the constable was justified in arresting without warrant, and that defendant having been lawfully brought before the stipendiary magistrate of the town by arrest, on view it was unnecessary that there should have been any warrant or information to give him jurisdiction to deal with the case.

Also, that the fact of the constable having been employed and paid by a private corporation for the protection of their property did not disqualify him from performing his duty in making the arrest or affect the jurisdiction of the magistrate, who was not called upon to inquire into the authority of the officer, but to sit in judgment upon the offence for which he arrested the accused.

The town council framed a by-law in respect to loitering (among other offences) in which the provisions of the statute were duplicated but a lesser penalty was imposed.

Held, that this fact would not stay the hand of the magistrate, who would be governed by the explicit terms of the statute, and who appeared to have proceeded under the statute and not under the by-law.

Held, also, that the charge as entered by the constable "loiter-