

Province of British Columbia.

SUPREME COURT.

Clement, J.]

REX v. TAYLOR.

[May 8.]

Certiorari—Obstructing thoroughfare—Nuisance—Municipal by-law dealing with—Validity—Quashing conviction.

The applicant was convicted on a charge of being one of a congregation of persons in a public place, and refusing to separate therefrom on the request of a constable, acting in pursuance of the provisions of a municipal by-law governing public places.

Held, 1. The applicant had been guilty of creating a nuisance, and that he had been properly convicted.

2. The trial having been had on the merits, s. 103 of the Summary Convictions Act, R.S.B.C. 1897, c. 176, as enacted by s. 4, of c. 69 of 1899, cured any defect in the original proceedings.

Bird, in support of the motion. *Kennedy*, for the municipality, contra.

Full Court.]

[May 20.]

CROMPTON v. BRITISH COLUMBIA ELECTRIC RY. CO.

Statute—Construction of—Statutory limitation of actions—Private legislation.

The statutory exemption as to limitation of actions, provided by s. 60 of the Consolidated Railway Company's Act, 1906, does not enure to the benefit of the British Columbia Electric Railway Company's operations in the city of Victoria.

The doctrine that private legislation must be strictly construed against the company or corporation obtaining the same, applied.

Aikman, for appellant. *A. E. McPhillips*, K.C., for respondent company.

Clement, J.]

REX v. TAYLOR.

[May 7.]

Certiorari—Conviction—Motion to quash—City by-law—Public highway—Obstruction—Persons congregating in street.

Motion to quash conviction for obstructing public street.

Held, a city being given by the legislative power to prevent public nuisances, a by-law to prevent persons congregating on