

to place the poles in question through the petitioner's wires to permit the company respondent to install its service on Orleans Ave.; but on the contrary the same end could have been obtained by several different modes of construction not affording the inconvenience and dangers above indicated.

4. It is impossible to permit the superplacing of an aerial line of wires charged with electricity over another line, belonging to a different company, without at the same time authorizing one of the two lines to make use of the apparatus of the other company, or establishing a method of joint use of the same apparatus.

5. This Court has not the power to order this kind of partnership, or to create a servitude upon the wires and apparatus of the other company.

The application of the respondent was dismissed with costs; and the Dominion Light, Heat & Power Co. was ordered to pay the Crown a fine of \$100, and to remove the wires and poles installed on Orleans Ave. through the wires of the Company respondent, within fifteen days from the present judgment and that in default, the company petitioner was authorized to do so at the expense of the respondent—the whole with costs.

Province of Nova Scotia.

SUPREME COURT.

Full Court.]

DIMOCK v. GRAHAM.

[Jan. 31.]

Municipal elections—Preparation of lists—Striking off parties in arrears for taxes—Procedure—Names inadvertently omitted—Evidence on trial—Improper rejection of.

The list of voters prepared under the provisions of the Nova Scotia Franchise Act, R.S. 1900, ch. 4, is prima facie the list to be used (R.S. 1900, c. 71, s. 71, as amended by N.S. Acts of 1907, c. 56, s. 1), in the holding of town elections for mayor and councillors, but is to be corrected by striking out therefrom "by scoring with red ink" the names of persons who are in arrears for taxes.

The only evidence as to whether a person is so in arrears or not is the rate book and where the town clerk finds there the