

NOVA SCOTIA.

SUPREME COURT.

APPEAL.

FULL COURT.

JANUARY 31st, 1911.

DIMOCK v. GRAHAM.

Municipal Election—Councillor—Voters' List—Removal of Names—Irregularity—R. S. N. S. ch. 71, sec. 71—Acts of 1907, ch. 55—Construction.

Appeal from the judgment of the County Court Judge for District No. 7, dismissing a municipal election petition.

J. M. Cameron, in support of appeal.

L. A. Lovett, K.C., contra.

GRAHAM, E.J.:—This is an appeal from a Judge of the County Court for District No. 7, dismissing an election petition in respect to the return of a councillor for one of the wards of the town of Glace Bay. The ground, among others, was an alleged irregularity of the town clerk in the preparation of the voters' list. He scored in red ink from the list a number of persons whose names it is claimed should have been left on.

It is helpful to look at the provision of the statute as it was before it was repealed and then at the substituted provision.

R. S. ch. 71, sec. 71, of the Towns Incorporation Act was as follows:—

“Every person resident or rated upon property within an incorporated town shall be qualified to vote at an election for mayor or councillor, who

(a) Is a British subject of the full age of 21 years or upwards (and is registered upon the list of town voters in force at the time of such election), including women on such list, and

(b) Unless by law exempt from taxation, has been rated upon the previous year's assessment, and has fully paid his