

It was also objected that one hundred persons were allowed to vote who were not legally entitled to vote.

Held, that more than 75 of these persons might be duly qualified voters, for all that was shewn was that they did not possess the qualifications credited to them by the assessment roll, whereas they might be possessed of other sufficient qualifications, and in that event would be entitled to vote; but, even if all of them were disqualified, it was not shewn that their being allowed to vote was the result of any evil intent, and deduction even of one hundred votes from the majority (476) would not affect the result; and this objection was overruled.

Finally, it was objected that the voters were confused or misled by the colour of the ballot papers being similar to that used for voting upon another by-law at the same time and place. One was scarlet, the other pink. Each ballot had printed on its face a statement of its purport and effect.

Held, that no person of ordinary intelligence, exercising ordinary care, could mistake one for the other; and this objection was also overruled.

Order of MABEE, J., quashing the by-law, reversed.

F. E. Hodgins, K.C., and *J. W. Frost*, for town corporation.
Haverson, K.C., and *W. H. Wright*, for applicant.

Province of Nova Scotia.

SUPREME COURT.

Graham, E.J.] THE KING v. REYNOLDS. [Oct. 24.

Criminal law—Obstructing highway—Indictment insufficient.

Defendant was indicted in the following terms: "For that he on the 16th day of July, in the year 1906, and on and at divers other days and times before that date unlawfully and injuriously did and he does yet continue to obstruct the highway the same being a public highway of the district of the municipality of East Hants by erecting fences on and across the said highway, and thereby did commit and does continue to commit a common nuisance endangering the comfort