

rated in any ward for the necessary qualification may vote once in each ward for each alderman or councillor to be elected for the ward: sec. 158 (3).

And, throughout, the general common law rule of one vote where a poll is demanded is taken for granted. The very term "poll" implies the singular, for the poll is the numbering the polls of the electors who may tender their votes, taking their votes individually and separating them from those who have no votes: see Heywood's County Elections, p. 354. And at common law a freeholder could not poll twice at the same election for Knights of the Shire: see p. 425 et seq.

The appellant, however, places special reliance on sec. 355.

Sections 353 and 354 deal only with one class of by-law to be voted on, namely, that for contracting a debt. They deal with the qualification required in order to entitle a person to vote, and they provide that he or she must be a ratepayer (not an elector as in the preceding sections), and a freeholder, or a leaseholder for a term extending for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable, who has covenanted in his lease to pay all municipal taxes in respect of the property leased.

Sections 356 and 357 also deal with by-laws for contracting debts, and it is significant that in all these sections ratepayers are spoken of. The distinction between by-laws to be voted on by electors and by-laws to be voted on by ratepayers is further emphasized by sec. 365, which prevents the clerk of the municipality from giving a casting vote. The language used is, "where the assent of the electors or of the ratepayers or of a proportion of them is necessary to the validity of a by-law. . . ." The legislature has thus shewn that it had in mind the two classes of by-law, viz., those to be voted on by electors generally, and those to be voted on by ratepayers, a more limited class.

Turning then to sec. 355, we find that it speaks of ratepayers, and deals with their rights of voting. It is clearly not intended to regulate voting generally. If it were not in the Act, its absence would not prevent any elector from voting on a by-law. It says that certain electors, i.e., ratepayers, may under certain circumstances vote in more than