

date of first publication, (5) and stating the day, hour and place where the vote will be taken. Care must also be taken to see that the first publication gives room for the month to expire and yet not to be more than five weeks before the vote.

After the day for voting has been fixed the clerk must have the ballots printed in the form given in 8 Edw. VII. c. 54, s. 10. The head of the municipality must also, at the time and place named in the by-law, appoint in writing two persons to attend at the final summing up by the clerk and one person to attend on behalf of each side at each polling place. Such person must, before appointment, sign a declaration before the head of the municipality in the form given in sched. "K." to the Municipal Act that he is interested in promoting or opposing the by-law.

The taking of the vote is conducted in the usual way. The voters are those entitled to vote at municipal elections: *Re Croft and Peterboro* (1890) 17 A.R. 1, and each elector has one vote: sec. 158, and *Re Sinclair v. Owen Sound*, supra.

"Electors" are defined in the Municipal Act (3 Edw. VII. c. 19, s. 22, s-s. 5) as the persons entitled for the time being to vote at any municipal election or in respect to any by-law, resolution or question. Those answering that description are detailed in ss. 86, 88, 89, 92, 93, while s. 355 is applicable where the ward system prevails but is not effective to give a double vote. It relates solely to voting on money by-laws: see *Sinclair v. Owen Sound* (1906) 12 O.L.R. 488, (1906) 13 O.L.R. 447. (1907) 39 S.C.R. 236.

The voters' list is the one referred to in s. 148 and following sections. The provisions of s. 348 are meaningless as they appear at present, having regard to the amendment 8 Edw. VII. c. 48, s. 4, unless they provide a list of those income voters whose names appear on the last revised assessment roll—which and possibly those who, having disfranchised themselves, may be different from that on which the voters' list is based—become entitled to vote under section 38. See views quoted and expressed in *Re McGrath and Durham* (1908) not reported.

Deputy returning officers and poll clerks may vote if they