received (sec. 115 of the then Election Act referred to in the judgment corresponds with sec. 200 of our present Municipal Act).

It seems to me, however, that that case and the present are not quite analogous.

There the statement was relied upon to shew how the witness voted so as to ascertain whether he voted for the respondent or not. And the fact as to how he voted was an issue upon which the election depended, either in part, or, it might be, in whole, if the vote of this witness would decide the election. How this relator voted is not in issue here except so far as it is a side issue raised on the argument.

If the voluntary statements of relator, both before and after these proceedings were commenced, that he had voted for respondent be received to shew that he has now no status here, I cannot accept his statement on cross-examination that he did not so vote, as a sufficient rebuttal.

The admission that he had voted for the respondent was evidently made before he became aware of the effect of such an admisison, and I have no doubt that after he became aware of it, he tried to repair the mischief he had done. I am not trying in this case the question as to whom the relator voted for, or I might perhaps have to consider whether it would be right to refuse to allow the relator's oath to outweigh his oral statements to the contrary. All I can say at present is that I consider the denial on oath is not evidence. The question was put in contravention of sec. 200, and so I am bound to reject the answer whether on oath or not.

If I am not to accept as evidence the statements of the relator previous to the matter coming up for adjudication, I am at some loss (as I stated above) as to how the knowledge how a relator voted was obtained, in those cases where the fact that he so voted was held sufficient to take away his status. If I were now driven to decide upon it, I should say the relator now is disqualified. I will, however, leave this point in medio, as I prefer to decide the question on its merits.

The next point to be considered is as to the qualification of the respondent: and, first, is the respondent assessed as a freeholder or a leaseholder? The roll shews "F" opposite his name, shewing that he is a freeholder: see the Assessment Act, R. S. O. 1897 ch. 224, s. 13 (4). The assessor has also placed the assessment of $2,000 in the column headed "Total value of real property."

It becomes unnecessary, therefore, to consider whether, as the railway company are assessed for "the entire property of