laid down in Cruso v. Bond, 9 P.R. 111 (at a later stage see report in 1 O.R. 384).

It was also said that in the earlier case of Regina ex rel. St. Louis v. Reaume, 26 O.R. 462, it had been decided that sec. 225 did not bear this interpretation, and that this case was not cited in the Burnham case. But it is not to be supposed that this latter case was unknown to the late Mr. Justice Street, and it is clear that this decision does not conflict with his. All that was decided by the St. Louis case was that where different respondents are attacked in the same proceeding and on the same ground, the section in question does not require that the same judgment must be given as to all. There, as in all the other cases that I can recall, where there was more than one respondent, there has been one main ground of attack against all. When separate grounds have been considered, the present objection was not taken, or, if taken, was not pressed, nor was it ever necessary to decide it. See Rex ex rel. Cavers v. Kelly, 7 O.W.R. 280, where this point as to sec. 225 is mentioned; Rex ex rel. Moore v. Hamill, 7 O.L.R. 600; Rex ex rel. Armour v. Peddie, 9 O.W.R. 393; Rex ex rel. Seymour v. Plant, 7 O.L.R. 467; Rex ex rel. Black v. Campbell, 18 O.L.R. 269; Rex ex rel. Milligan v. Harrison, 16 O.L.R. 475; Rex ex rel. O'Shea v. Letherby, 16 O.L.R. 581.

It is also to be observed that in the present case the recognisance provides only for "such costs as may be adjudged and awarded to the said defendants against the relator." This may be held to mean jointly only, and not to be enforceable in favour of one only. It follows the form given in Biggar's Municipal Manual (1900), p. 240, which seems to favour the construction of sec. 225 submitted by Mr. Godfrey. In some cases the recognisance is made in favour of the defendants "or any of them;" but it is not clear that there is any authority for this change.

However that may be, it seems better to follow the decision in the Beamish case, and leave it to the relator, if dissatisfied, to have this point settled on appeal, so that it may be made clear what sec. 225 really means.

At present, in my opinion, the motion must be confined to such grounds of objection (if any) as are common to both parties, and in which they jointly participated, assuming that this can be done. Otherwise the motion must be dismissed with costs. This would not prevent new proceedings being taken if brought within the statutory period, which has still at least a week to run.