The learned trial Judge having assessed the damages at $1,500, judgment should be entered for the plaintiff for that amount, with costs of the action and of this appeal.

BRITTON, J.:—I agree in the result.

SUTHERLAND, J.:—I agree.

MASTER IN CHAMBERS. FEBRUARY 4TH, 1911.

REX EX REL. WARNER v. SKELTON AND WOODS.

Municipal Elections—Quo Warranto Application—Parties—Joinder of Respondents—Grounds of Objection Common to Both—Municipal Act, 1903, *sec.* 225—*Form of Recognisance.*

Motion by the relator, in the nature of a *quo warranto*, to void the election of the two respondents as reeve and councillor respectively of the village of Mimico.

The attack was based on various grounds as against the two respondents; but not on the same grounds in all respects.

On the motion coming on for hearing, J. M. Godfrey, for the respondents, objected that the proceeding was irregular, and asked that the motion should be dismissed.

E. Meek, K.C., for the relator.

THE MASTER:—Mr. Godfrey relied on the construction of sec. 225 of the Municipal Act, 1903 (9 Edw. VII. ch. 19), given by Street, J., in Regina ex rel. Burnham v. Hagerman and Beamish, 31 O.R. 636. It is there laid down, for clear and distinct reasons, in a considered judgment, that it is only where a joint offence or ground of disqualification is alleged that there can be a joinder of respondents. While holding that the respondents were both duly qualified, the learned Judge is careful to add at the close: "The motion must therefore, *upon all grounds*, be dismissed with costs."

It cannot, therefore, be said that the decision on the point in question was merely obiter. Even if it were, such a considered and definite expression of opinion could not properly be disregarded by me. To do so would be a violation of the principle