The persons interested who contributed the money relied upon their nominee, Ritz, duly prosecuting the motion intrusted to him, and if he betrays that trust, the Court seized of the motion is not helpless to do justice in the premises.

True, in a creditor's suit the creditor who files a bill may before decree dismiss it and another creditor is not allowed to intervene, because he does not rely on the diligence of the acting creditor, and it is open for him to begin proceedings in his own name. But the points of difference here are plain: because it is too late to initiate another motion on account of the three months' limit; and because all the contributories relied upon Ritz acting promptly and uprightly (see Handford v. Storie, 2 Sim. & Stu. at p. 198, Canadian Bank of Commerce v. Tinning, 15 P. R. 401, Atlas Bank v. Mahat, 23 Pick. 492); and because those thus defrauded have made actual contribution to the expenses of the litigation.

[Macdonald v. City of Toronto, 18 P. R. 17, referred to.]

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The Court should grant the relief asked. . . . The terms will be as stated by my brother Meredith.

MEREDITH, J.:—The application was made at the instance and upon the behalf of nine ratepayers. Ritz was but one of them, and, with his concurrence, his name only was used in the proceedings. Some time afterwards he was bribed to discontinue them, and desired to do so, and has done all he was asked to do, by those who bribed him, to carry out his corrupt bargain; but the application was still pending when the order appealed against was made.

In these circumstances the Court is not powerless to prevent the bribed defeat of the ratepayers' right to apply to quash the by-law. Ritz, as their agent, could be restrained from such a breach of confidence and trust. A simple and ready injunction is the order proposed: see Payne v. Roger, Doug. 407; Leigh v. Hunt, 1 B. & P. 447; Doe v. Franklin, 7 Taunt. 9; Hicks v. Beith, 7 Taunt. 48; Morell v. Newman, 4 B. & Ad. 419. They may, and ought to be, empowered to continue the proceedings in Ritz's name, on the usual terms of indemnifying him against costs. They should also undertake to speed the hearing of the application, and should, at the end of the litigation, pay the respondents' costs of the motion below and of the appeal, which, by reason of the new material used, put it, for the purpose and in the circumstances of the case, in the same position as an original motion.

STREET, J.:—I concur.