

If I may be permitted to state so, the language used by his lordship is similar to that used by me while this motion was being argued, and in ignorance of this judgment, and I have, therefore, no hesitation in adopting his decision.

The motion will, therefore, be refused. Costs to the plaintiffs in the cause.

MACMAHON, J.

SEPTEMBER 10TH, 1902.

CHAMBERS.

RE RITZ AND VILLAGE OF NEW HAMBURG.

*Parties—Summary Application to Quash Municipal By-law—Countermand—Motion to Add or Substitute New Applicant.*

Motion by John F. Katzenmeier for an order allowing him to be added as an applicant upon a pending summary motion to quash by-law number 259 of the village of New Hamburg, or substituting him for Charles Ritz, the original applicant.

On a petition signed by more than two-thirds of the rate-payers, the council of the village was empowered by 2 Edw. VII. ch. 52, to pass a by-law authorizing the municipal corporation of the village to grant a bonus to the New Hamburg Manufacturing Company, not exceeding \$10,000, and to issue debentures for an amount not exceeding \$10,000, payable during a period not exceeding twenty years.

A by-law was passed by the council in May, 1902, granting the bonus and authorizing the issue of debentures for the sum mentioned and interest thereon.

Ritz, on the 15th August, gave notice of motion to quash the by-law on various grounds appearing in the notice.

On the 26th August Ritz served on the village corporation a notice countermanding the notice of motion to quash; when the countermand was served the time for making a fresh application to quash had expired. (R. S. O. ch. 223, sec. 380.)

Katzenmeier had, on the 22nd August, issued a writ against the corporation of New Hamburg, on which was indorsed a claim for an injunction to restrain the corporation from paying over the \$10,000 to the New Hamburg Manufacturing Company, but no motion was made for an interim injunction; and on the present motion his consent to his