

1892 GRAND TRUNK RAILWAY CO. v. COUNTY OF
 *Nov. 8, 9. HALTON.

Railway Co.—Bonus—Bond—Condition—Breach.

1893
 *Feb. 20. APPEAL from a decision of the Court of Appeal for Ontario (1) affirming the judgment of the Divisional Court in favour of the plaintiffs.

The action was brought by the County of Halton to recover a bonus paid to the Hamilton and North-Western Railway Co. in aid of their road, the company having executed a bond in favour of the county one of the conditions of which was that the bonus should be repaid "in the event of the company, during the period of twenty-one⁴ years, ceasing to be an independent company." Four years after the company became merged in the Grand Trunk system, and on the trial it was held that it had ceased thereby to be an independent line. Judgment was accordingly given in favour of the county which was affirmed by the Divisional Court and the Court of Appeal.

The Supreme Court affirmed this decision for the reasons given in the Court of Appeal, and held that the county was entitled to recover the whole amount of the bonus as unliquidated damages under the bond.

S. H. Blake Q.C. and *W. Cassels* Q.C. for the appellants.

Robinson Q.C. and *Bain* Q.C. for the respondents.

*PRESENT :—Strong C.J. and Fournier, Taschereau, Gwynne and Patterson JJ.