

Mattson, Chief of Police and Tax Collector of the plaintiffs, by any act of fraud or dishonesty on his part in the discharge of his duties in these two capacities.

The action was tried before Britton, J., without a jury, at Ottawa.

W. M. Douglas, K.C., and J. E. Thompson, for the plaintiffs,
G. H. Watson, K.C., and T. F. Slattery, for the defendants.

BRITTON, J.:—The bond contains a great many conditions, and the breach of these is put forward by the defendants in their statement of defence as relieving them from any liability under their bond.

On or about the 19th May, 1904, Mattson made an application in writing to the defendants for a bond as an officer of the plaintiff corporation. The then Mayor of Arnprior, at the request of the defendants, sent to them a statement dated the 10th June, 1904, agreeing to be bound by the statements and answers to questions therein, and agreed that the answers to the questions submitted in that statement were to be taken as conditions precedent and as the basis of the bond applied for or any renewal or continuation thereof or any other bond substituted in place thereof.

A bond was issued by the defendants in favour of the plaintiffs dated the 16th June, 1904, for \$5,000.

On the 30th May, 1905, a new bond for the same amount was made by the defendants in favour of the plaintiffs; and the defendants contend that all the statements which were the foundation of the first bond continued as the foundation and basis of the bond last-mentioned. There was no application in writing, by either Mattson or the plaintiffs, for the new bond; no representations of any kind by them. If any were made by Mattson, they were made without the knowledge and consent of the plaintiffs. No continuation notice was sent by the defendants to the plaintiffs at or about the time of expiry of the first bond.

The liability on the last bond—the one sued upon—was from the 10th June, 1905, to the 10th June, 1906, subject to continuance or renewal. It was continued by certificate on the 28th May, 1906, to the 10th June, 1907; and by certificate of the 11th July, 1907, to the 1st June, 1908. (This was a mere clerical error, "1st" instead of "10th.") It was further continued on the 10th June, 1908, to the 10th June, 1909, and by certificate of the 4th June, 1909, to the 10th June, 1910, and by certificate of the 14th June, 1910, to the 10th June, 1911.