

1856. 10s. 3d.; and the interest that has been since running would bring it at present so nearly to the 5000*l*., if not indeed beyond it, that we shall not depart much from the fact, if, for the convenience of round numbers, we speak of the sum in question as 5000*l*., which the plaintiffs assume in their bill.

Bowen
v.
City Toronto

If the defendant had not yet received his contemplated profit, and had occasion to call in the aid of a court of equity to compel the performance by the contractors, or the railway company, or the city, of some engagement or duty, in order that he might be put in possession of his 5000*l*.; and if the question to be determined was whether he should receive the assistance of the court for that purpose or not, we might perhaps feel no reluctance, and find no difficulty in holding that the transaction was one which a court of equity should do its utmost to discountenance, and that the defendant might therefore properly be left to take his chance of his remedy

Judgment, at law.

There might even be found no difficulty (though that would require more consideration) in going further, and restraining the party by injunction from suing at law upon any such contract. I am not prepared to say that a court of equity would certainly find themselves warranted upon the evidence before us in thus interposing; but we must bear in mind that the probable effect of such a course would be simply to prevent the plaintiff from receiving his expected gain, though according to circumstances it might possibly leave him in a worse position; in which case the propriety of restraining the party from pursuing his legal remedy might be thought to require more consideration.

The defendant, however, in the case before us is under no necessity for applying for the aid of any court. The transaction is ended; he has received his expected profit,

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