HODGINS, J.A.   JANUARY 3RD, 1917.

*RE TOWN OF ALLISTON AND TOWN OF TRENTON.

*Municipal Corporations—Bonus to Manufacturing Business—
By-law—Motion by Another Municipal Corporation to Quash
—Injurious Affection—Municipal Act, R.S.O. 1914 ch.
192, sec. 285—"Business Established elsewhere in Ontario"—
Sec. 396 (c) of Act—Ownership of Business—Identity—Com-
pany—Practical Control.*

Motion by the Corporation of the Town of Alliston to quash
by-law 1157 of the Town of Trenton, passed on the 31st August,
1916, granting a bonus of $11,000 to the Benedict Manufacturing
Company of Syracuse, New York, in respect to a silver plated
ware business to be carried on in Trenton.

The motion was heard in the Weekly Court at Toronto.
W. A. J. Bell, K.C., for the applicants.
I. F. Hellmuth, K.C., and A. Abbott, for the Corporation of
the Town of Trenton, respondents.

HODGINS, J.A., in a written judgment, said that he allowed
an affidavit to be filed on behalf of the applicants alleging, under
sec. 285 of the Municipal Act, R.S.O. 1914 ch. 192, that they
were injuriously affected; as the learned Judge thought they were.
    A business was already in existence in Alliston, under the
name of the Benedict Proctor Manufacturing Company; and it
was said that, this being a business "established elsewhere in
Ontario," sec. 396 (c) of the Act prohibited any bonus being
granted by the Trenton corporation such as was contemplated.
    Both counsel agreed that clause (c) deals with the ownership,
and not the character or species of the business, and submitted
the question as depending wholly on the identity or otherwise
of the two concerns in point of proprietorship. The case was
therefore to be disposed of on that assumption, giving "owner-
ship" and "proprietorship" their largest meaning.
    The applicants alleged that the Alliston company was a
branch or subsidiary concern of or was controlled by the Syracuse
company.
    The business had not yet been removed to Trenton; it still
existed in Alliston; and, if the professions of the respondents