

Thus we have advanced one step towards the solution of the problem. B, bribes because C. bribes, or because, if he did not C. would.

To prevent bribery, therefore, we must remove the motive for it.

That motive is the desire of B. to beat C. If it can be so contrived that B. shall not beat C. by bribery, B. will not bribe.

Now, this is not merely practicable, but we can make it the interest of B. not to bribe, by making his bribery not only worthless to himself, but actually a means by which C. may beat him.

The process is simple. If B bribes, let his election be avoided, and let C., if next upon the poll, take his place, unless he, too, has been guilty of bribery, in which case the third should be preferred, and so on.

This would, in the first place, insure at every election one pure candidate at the least, and the danger to the rest would be so extreme that they would be deterred from risking it.

And, to strengthen this inducement, subsidiary legislation should facilitate the detection of bribery. Confession should exonerate from consequences; all should be competent and compellable witnesses, and *ipso facto* discharged from punishment.

If, after this removal of inducement to give bribes, there should be found constituencies who will not vote without them, on a sufficient petition alleging this, let a commissioner go to the place and make inquiry judicially, and let all who are convicted of having taken bribes be *disfranchised for life*, but subjected to no other penalty. This is so appropriate to the offence that no person would hesitate to impose it.

Thus the corrupt elements would be gradually extirpated from the constituencies.

But we look with infinitely greater confidence to the removal of the inducement to give, by the knowledge that detection would not merely snatch away the prize, but hand it to the opponent.—*Law Times*.

## MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW.

### NOTES OF NEW DECISIONS AND LEADING CASES.

**LARCENY—EMBEZZLEMENT.**—A porter was employed by the vendor of goods to deliver them to the vendee, but had no authority to receive the money for them. The vendee, however, voluntarily and without solicitation paid the porter for the goods. The porter came back to the vendee and pointed out that he had been paid short, and received the balance. He subsequently converted the money to his own use.

*Held*, (Lefroy, C. J., dissentiente) that a conviction for larceny was not sustainable.—*Reg. v. Wheeler*, 14 W. R. 848.

**OBSTRUCTIONS TO FLOW OF WATER—MUNICIPAL CORPORATION.**—A city is not liable in an action at law for an injury to a private person by the obstruction of the flow of the water of a stream, caused by an increase of the surface wash from the streets into the same, if such increase is only the natural result of the growth of the city; or by the emptyings of the sewers into the same, if these are no greater than would otherwise have been carried in by surface washings, and are not sufficient to exert any appreciable effect on such person; or by a bridge constructed by a railroad corporation, under the authority of its charter; or by a bridge constructed by the city, if the bridge when built was sufficient to allow the free flow of the water as the stream then was, or with such changes as were likely to be produced by natural causes alone, although it has proved insufficient for this purpose, with such changes as have been produced by the exercise by a railroad corporation of its chartered rights, or by the wrongful acts of individuals: *Wheeler v. City of Worcester*, 10 Allen; 5 Am. Law Reg. 575.

**INSOLVENCY—PLEADING—ADMINISTRATION.**—A voluntary assignment to an official assignee under the Insolvent Act of 1864 (sec. 2), is not valid unless accepted by the assignee.

Every material allegation in a bill should be positive; and an allegation that, so far as the plaintiffs know, an assignee had not accepted the assignment executed by an insolvent, was held insufficient: *Yarrington v. Lyon*, 12 U. C. Chan. Rep. 308.

**BANKRUPTCY ACT, 1861, s. 86—DEBTOR'S OWN PETITION FOR ADJUDICATION OF BANKRUPTCY—NO ASSETS.**—The mere fact that a debtor has no assets is, in the absence of fraud, no reason against his obtaining an order of discharge upon his own petition.—*Ex parte Ensby*, 14 W. R. 849; 2 U. C. L. J., N.S.

### SIMPLE CONTRACTS & AFFAIRS. OF EVERY DAY LIFE.

#### NOTES OF NEW DECISIONS AND LEADING CASES.

**BANKER'S LIEN—SPECIAL CONTRACT—ASSIGNMENT OF MARGINAL RECEIPTS.**—Where a bank, on discounting bills for a customer, places part of the money to a separate account, giving him "marginal receipts" for the money retained, and the customer afterwards assigns these marginal receipts to a third party, the bank are only entitled to a set-off for any sums actually due and payable to them up to the date of notice of