

*Held*, that he must be considered to be an agent of the respondent, and that the respondent was liable for any corrupt practice committed by him.

The only personal charge which was pressed against the respondent was on account of his having paid money for the hire of teams to bring voters to the Court of Revision of the Voters' List, held shortly before the election took place, and after the respondent had declared himself a candidate. He had treated this expenditure as part of his election expenses in furnishing the statement of such after the election.

*Held*, that although this payment, not being included in the list of permitted expenditures under section 216 of the Election Act, was forbidden by that section, yet it was not a corrupt practice within the meaning of section 214.

Remarks as to the nature of the report necessary to be made by the court under section 248 of the Election Act as amended by Statute 55 Vict., c. 12, s. 11, in order to save the election.

*Semble*: It is very questionable whether even a single act of bribery can be treated as of a trivial or unimportant character.

*Howell, Q.C.*, and *Wilson* for the petitioner.

*Hagel, Q.C.*, and *Phippen* for the respondent.

KILLAM, J.]

[April 25.]

ATCHESON v. MUNICIPALITY OF PORTAGE LA PRAIRIE.

*Municipal law—Liability for damages—Ditch constructed along highway between two municipalities—Unauthorized work.*

This was an action against the defendants to recover damages for improper and negligent construction of a ditch, whereby the plaintiff's lands were overflowed with water and his crops damaged. The plaintiff's lands were in an adjoining municipality, and the ditch was constructed along the highway between the plaintiff's lands and the defendants' municipality. The provisions of the Municipal Act relating to highways between adjoining municipalities require the joint action of the two in any work upon the same, and no such action had been taken. The council of the defendant municipality had not passed any resolution or by-law or motion providing for the construction of the ditch in question. The municipality was divided into two wards, the east ward and the west ward, and the evidence showed that there was a committee of the council for each ward, and that these committees decided upon the expenditures of the appropriations for public works in their respective wards, the appropriations being divided proportionately to the assessments of the respective wards. There was no evidence of any by-law, rule, or resolution of the council adopting such a course of procedure, except two resolutions, each authorizing the treasurer to pay out moneys for ward appropriations on the orders of the chairmen of the ward committees. There did not appear to have been any direct authority from the council to the committee in connection with the work in question, nor any formal report upon it by the committee, and the ditch appeared to have been constructed wholly by authority of the committee of the west ward. Two payments were proved to have been made by the council to men who dug the ditch, and for the work in question. These