

1856. and this suit was brought against him in March, 1853,

Bowes
v.
City Toronto
not in the first instance by the City as plaintiffs,
but by certain inhabitants of the city suing in their
own names, on behalf of themselves and the other in-
habitants.

By leave of the City Council, afterwards obtained, the
city was substituted as plaintiffs in the room of the orig-
inal plaintiffs.

Judgment. The alleged ground of the suit is, that the defendant
being Mayor, and a member of the Council, or governing
body of the corporation, and as such, bound to consult
the interest of the city, and to give them his assistance
and advice, free from any bias of personal interest, he
had, by his private dealings with other parties in cer-
tain transactions which are specified, placed himself
in such a position that his interest conflicted with his
duty to the Corporation; that, instead of making use
in those transactions of whatever information and in-
fluence he possessed for the benefit of the city, and in
such a manner as to obtain for it the most advantage-
ous terms, he made use of them wrongfully for his
own private gain, thereby acquiring a benefit to him-
self, which he might and ought to have procured
for the city, or gaining for himself a sum of money
which might and ought to have been saved to the
city by the disinterested use of the knowledge which he
possessed, and by his employing on behalf of the city, in-
stead of for himself, the influence and credit which he de-
rived from his official position; and that the council, ig-
norant of his having any personal pecuniary interest in
the measures which he proposed for their adoption, were
influenced by his judgment and advice, believing it to
be unbiassed, and were thus drawn into measures which
were injurious to the city. The bill sets forth the par-
ticular transactions referred to, and shows that they re-
sulted in the corporation consenting to assume a liability