

respects, of the courts of justice, while the former is not. We know also, that it is a maxim in regard to the Parliament of a country, that its public acts can never be impugned by surmising that they have been passed under any corrupt or undue influence. But, without being prepared to admit that this principle does not apply in any degree to the legislative measures of municipal bodies, I see other reasons which lead me to doubt at present whether the sound equitable principal which seeks to prevent, in all cases between agents and their principals, or trustees and their *cestuis que trust*, the acquisition of any interest which may conflict with their duty, can be applied to public bodies so indiscriminately as we are desired to apply it.

1856.

Bowes
v.
City Toronto

I say this, however, without meaning to express any opinion as to what conclusion certain circumstances of misconduct in this, or in any other case, may authorise a court of equity to come to, in regard to the validity of a particular transaction, by which a member of a municipal council has acquired property that may raise in him an interest in opposition to his duty. That is quite another question. Judgment.

I only say that I do not yet feel myself justified by any case or authority I have met with in holding, that a member of a municipal council in purchasing, after they have issued, debentures which he concurred by his vote in authorising to be issued, has made a purchase which cannot be allowed to stand.

Whether such a purchase should be held valid in a case in which the councillor making it had stipulated with the person to whom the debentures were expected to be issued for certain terms of evident advantage to himself, before the measures which required the issue of the debentures had been passed, and when he himself has afterwards proposed and advocated the mea-