

1856.
Bowes
v.
City Toronto

The imposition of particular duties of customs, or the abolition of them, or the encouragement of any branch of trade, can hardly fail to be an object of great and direct interest to many merchants who in Parliament vote upon such measures or even propose them. Railways and canals have not been promoted in England or in this country wholly by the votes of persons who could have no private interests which might conflict with their public duty, or who had not acquired rights and interests with the express view of being benefited by those improvements which they were publicly advocating, and while the question of their being undertaken and sanctioned by the Legislature was not yet determined.

It would be a very slowly progressing country, I apprehend, in which all public enterprises and improvements should be left to be suggested and advanced by those who neither had, nor believed they had, any personal pecuniary interest in pushing them forward, or who, while they were intrusted with the public duty, acquired no interest which could be affected by the course which they might publicly take on such occasions as I now allude to.

Doubtless wherever there is a conflict of interest and duty, there is much danger of abuse—much inconvenience indeed, to use no stronger term, of which the public is constantly feeling the effects; but this cannot be avoided, I fear, without confining men in their transactions within a narrower field than has been found practicable.

It may be said that there is great difference in principle between the supreme legislature of the country and these municipal corporations, although the latter have very important legislative authority within their respective municipalities. We know that the latter are subject to the supervision and control in many

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