1856.

Bowes v. City Toronto

But when we come to corporations created for purposes of government, and having large legislative powers to be exercised in their locality, I find the difficulty increased in applying as an universal rule the maxim I have cited, though I have no doubt it has been most properly applied in every case in which I have seen it announced.

The same consideration of public policy which could be urged in the case of municipal corporations could be urged with greater force in regard to members of the supreme legislature of the country.—"That he who is intrusted with the business of others cannot be allowed to make such business an object of interest to himself," seems a wise and reasonable rule; but it is, I apprehend, rather unguardedly expressed, if it was intended to be applied to persons intrusted with the interests of others in all situations, and under all circumstances, and without reference to the description of transaction or conduct by which they may make their dealing with the business of others an object of interest to themselves.

Judgment.

Take, for instance, the case of members of the supreme legislature sanctioning by their votes a loan to be raised upon public securities; they are certainly not disabled from purchasing such securities when they are fairly in the market; though there is nothing impossible in their being actuated by the prospect of a pecuniary gain in sanctioning the measures which led to the creation of the securities.

In the location of county towns, and county gaols and court-houses, it would be absurd to expect that the votes of the legislators upon such questions should be always free from expectations of private gain. It cannot be denied, that the prospect of a particular advantage is constantly observed to produce an eagerness in promoting one measure or another of this kind, and sometimes an equal eagerness in opposing it.