

—*Gifts by candidate—Payments to canvassers.*]—A candidate for a municipal office, though not required by law to make his payments through a special agent, is not absolved from keeping a vigilant watch upon his expenditure; and a candidate who, on the eve of a hotly contested election, places a considerable sum of money in the hands of an agent capable of keeping part of it for himself, and spending the rest improperly or corruptly, who never asks for an account of it, gives no directions as to it, and exercises no control over it, must be held personally responsible if it is improperly expended.

And where money given to agents by the candidate was in fact used in bribery;

Held, that the presumption that the candidate intended the money to be used as it was used became conclusive in the absence of denial on his part.

Gifts by a candidate to one who is at the time exerting his influence in the candidate's behalf are naturally and properly open to suspicion; and in the absence of any explanation, such gifts must be regarded as having been made for the purpose of securing or making more secure the friendship and influence of the donee.

In the election in question every member of certain committees was paid a uniform sum of \$2 nominally for his services as a canvasser, but apparently without regard to the time he devoted to the work, and without inquiry as to whether he had in fact canvassed at all.

Held, that these payments were corruptly made and constituted the offence of bribery as defined by subsec. 2 of sec. 209 of the Municipal Act.

Under the circumstances above referred to and other circumstances of the case, the defendant was found

personally guilty of acts of bribery, and to have forfeited his seat as mayor of the city of Ottawa. *Regina ex rel. Johns v. Stewart*, 583.

8. *Duty of erecting and maintaining "bridges over rivers"*—"Stream"—"River"—*R. S. O. ch. 184, sec. 535.*]—Section 535 of the Municipal Act, R. S. O. ch. 184, provides that "It shall be the duty of councils to erect and maintain bridges over rivers forming and crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county."

The question in this action was, whether the bridges over Doty's Creek, Kettle Creek, and Caddy's Creek, each of which is a stream crossing a boundary line between two township municipalities, were "bridges over rivers," within the meaning of the enactment.

At Doty's Creek, the span of the bridge was 67 feet; at Kettle Creek 31 feet 9 inches; and at Caddy's Creek, 9 feet. The evidence shewed that at Caddy's Creek a culvert would have been sufficient, while to cross the two other creeks bridges were necessary.

Held, that the bridges over Doty's and Kettle Creek were "bridges over rivers," within the meaning and intention of the statute, and that the duty of erecting and maintaining them rested upon the county council, but that the bridge over Caddy's Creek was not such a bridge.

McHardy v. Ellice, 1 A. R. 628, applied, notwithstanding changes in the statute, and followed. *Township of North Dorchester v. County of Middlesex*, 658.

9. *By-law—Bonus to manufactory*—51 Vic. ch. 28, secs. 1, 16—*Regis-*