

That consideration as to the wide discretionary power of the commissioner suffices to answer the objection now raised, that the party whose conduct as a public officer is under investigation should not be first called. That is a matter entirely for the commissioner, who will rule upon the questions and direct the course and scope of the examination. He is not to be under the supervision of any Court as to his manner of getting at such legal and permissible evidence as he may deem requisite for a full investigation. He is appointed for that purpose, and I know of no authority, nor was any cited, to restrain him from discharging that duty within the bounds of his commission.

The authorities are the other way: the last is *Lane v. City of Toronto*, 7 O. L. R. 423, 3 O. W. R. 269, where Mr. Justice Britton refused to interfere by injunction with the conduct of an inquiry such as this in regard to the admission or rejection of evidence or the examination of witnesses. To the same effect is *In re Godson and City of Toronto*, 16 A. R. 452, which was affirmed by the Supreme Court, 18 S. C. R. 36, where the Court was asked to intervene by way of prohibition, but the reasoning of the Court (particularly in the judgment of Hagarty, C.J.O.), applies with equal force to relief by way of injunction.

Lastly, the Court is asked to remove the County Court Judge and appoint an "unbiased, impartial commissioner," as the Judge (now made defendant) cannot now make the investigation "in a judicial spirit." The status of the County Court Judge in the discharge of these functions is defined in *In re Godson and City of Toronto*. His duties are, to take evidence, and to return the evidence, with a report of the result of his inquiries, to the council by whose action he was appointed. His report may supply information and material upon which the council may decide to take action, but any such action is wholly within their discretion. He has no power to pronounce judgment imposing liability on anybody; he merely makes preliminary inquiries, gathering together and presenting in compact form such information as will enable the council to deal with the whole matter as they shall be advised. All he has to do as the outcome of his commission is to report to the council the result of the inquiry and the evidence taken thereon. It is the evidence taken which governs, and that speaks for itself. The com-