

facts of the case, also the law of the case as above stated, asking the discharge of these Constables, and desiring the Council to refer my Petition to the Recorder of our city, in order that he might take evidence *under oath*, and certify it to them, so as to enable them to judge of the reasonableness of such my request. The following is a copy of that portion of my said Petition, namely :—

"I have therefore to request you, that you *will* do me the justice of ordering an *investigation* to be had into this affair, *under the 382d section of chapter 54 of the Consolidated Statutes of Upper Canada*, so as that thereafter upon the return of the evidence which will under such an examination be taken, you can judge of the reasonableness of my demand for the dismissal from office of these Constables."

The following is section 382 above referred to, namely :—

"In case the Council of any city, at any time passes a resolution requesting the Recorder of the city, to *investigate* any matter to be mentioned in the resolution, and relating to a supposed *malfeasance*, breach of trust, or other *misconduct*, on the part of any member of the Council, or *officer of the Corporation*, or of any person having a contract therewith, in relation to the *duties* or obligations of the member, officer, or other person, to the city; or in case the Council of any city sees fit to *cause inquiry to be made into or concerning any matter connected with the good government of the city, or the conduct of any part of the public business thereof*, and if the Council at any time passes a resolution requesting the Recorder of the city to make the enquiry, the Recorder *shall* enquire into the same and shall for that purpose have all the powers of Commissioners under the Consolidated Statutes of Canada, respecting inquiries concerning Public matters; and the Recorder shall with all convenient speed, report to the Council the result of the enquiry, and the evidence taken thereon."

That section clearly shews that my request to have my Petition referred to the Recorder, was a proper request, as being a case precisely pointed at by that section, and which could not otherwise be properly enquired into; the Recorder having by that section specially given to him power to summon witnesses, and compel their attendance, and power to examine them *under oath* and he is *thereby made the officer* of the City Council, and placed under their control.

The Council however virtually refused to refer my Petition to the Recorder, by their reference of it to the Police Commissioners. The examination into the matter *under oath*, was thus again got rid of, as will be seen by reading the Mayor's letter hereinafter copied. The Police Commissioners are not the *officers* of the City Council, and are wholly independent of the Council, being a