

THE  
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BOYD, C.

NOVEMBER 25TH, 1907.

WEEKLY COURT.

CHAMBERS v. WINCHESTER.

*Municipal Corporations—Investigation of Conduct of Municipal Officer—County Court Judge Appointed by Council to Conduct Inquiry—Powers of Commissioner—Municipal Act, 3 Edw. VII. ch. 19. sec. 324—Scope and Method of Inquiry—Proceedings Open to Public—Examination of Witnesses and Parties—Discretion of Commissioner—Injunction—Removal of Commissioner—Alleged Bias—Ex Parte Proceedings—Jurisdiction of High Court—Status of Officer Accused of Misconduct as Plaintiff in Action.*

Motion by plaintiff for an interim injunction to restrain the defendant (the Judge of the County Court of York), as persona designata, from investigating certain charges against plaintiff as park commissioner for the city of Toronto, and from calling or hearing evidence of any witnesses in connection with the investigation who had previously attended under subpœna before defendant, and been examined by defendant ex parte and in camera, and from referring to or adducing in evidence and allowing the same to be used in evidence against plaintiff, etc., and to remove defendant from the conduct of the investigation as commissioner, and for the appointment by the Court of an unbiassed, impartial commissioner in place of defendant, on the ground that the defendant could not now make an investigation in a judicial spirit, as required by the statute.

T. C. Robinette, K.C., and W. W. Vickers, for plaintiff.

J. S. Fullerton, K.C., and W. E. Raney, for defendant.