

city council. The commissioner is not, pro hac vice, a judicial person—he decides nothing affecting the legal rights of the plaintiff, and he is not, therefore, within the ambit of judicial, quasi-judicial, or administrative officers, who become disqualified by interest or bias: *Regina v. London*, 71 L. T. 638.

Even were a plain case clearly established of unfair dealing, that would not, in my opinion, suffice to attract the jurisdiction of this Court. By analogy to proceedings in the case of a royal commission (as distinguished from a statutory), the application for redress, where, for any sufficient reason, the commissioner becomes unworthy of confidence, should be directed to the appointing power—which in this instance is the municipal council. That body may, if it pleases, in a proper case, suspend or dissolve the resolution under which the present commissioner acts. See Todd's *Parliamentary Government*, 2nd ed., vol. 2, p. 441.

I refuse the application for an injunction with costs. I have a very strong opinion that the plaintiff has no locus standi, because the Court is without jurisdiction, but upon an interlocutory application I do not dismiss the action.

MABEE, J.

NOVEMBER 25TH, 1907.

TRIAL.

GORMLEY v. BROPHY CAINS LIMITED.

*Chattel Mortgage—Seizure under—Action by Mortgagor for Conversion and Trespass—Sale of Mortgaged Goods—Business Continued as Going Concern—Payment of Rent to Save Distress—Statement of Demand and Costs—R. S. O. 1897 ch. 75, sec. 15—Account—Interest—Costs.*

Action by Olive Adelaide Gormley, trading under the firm name of Gormley & Co., against the defendants, for the recovery of damages for alleged wrongful and illegal conversion of goods and chattels, "for illegal and improper proceedings," and for trespass to goods, lands, and property.

G. H. Watson, K.C., and R. J. Slattery, Arnprior, for plaintiffs.

Hamilton Cassels, K.C., for defendants.

MABEE, J.:—On 6th February, 1906, the plaintiff gave the defendants a chattel mortgage as collateral security for