

to govern or limit the exercise of this discretion. If, however, the power to dismiss is based upon considerations of public policy, and is intended to be a protection to the public interest, does it not follow that it must be exercised so as not to contravene public policy or conflict with the public interest. In reason the answer would be "yes"; and any one would say that a servant of the Crown who had faithfully performed the work and duties of his office should not in the public interest be dismissed. Whatever the right answer may be, the question does not seem to have been considered in the cases cited, and we may conclude that, if an answer had been given under the existing state of the law, it would have been in the negative so far as the strict legal right is concerned.

But what of the exceptions which prove the rule? Can they only be created by statute, or do they arise from the nature of the office held by the servant? And what nature of office is taken out of the rule? It must always be remembered that the Crown, i.e., the public interest, has alone any rights in the matter. The public servant is in himself entitled to no consideration; he is under an obligation, but has no rights. That is the principle underlying the engagement of a civil servant, as established by the authorities. Therefore it would be no reason for withholding the power to dismiss, that the servant, either from the nature of this employment or the circumstances of his condition, would suffer great and exceptional hardship from his dismissal.

But it may be inferred from the reasons of the decisions, if not from the decisions themselves, that if it is peculiarly in the interests of the public that the services of certain officials should be retained, such officials should not be dismissed by the Crown. That is equivalent to saying that the pleasure of the Crown is the same thing as the convenience of the public. How to define the exception and carry it into practice is the difficulty.

It is evident that an old and well tried and valuable servant would not be dismissed by his master without cause; if the master still had employment for such a servant, it would