

a trust is expressed as to the application of revenue, this court has jurisdiction to compel a due application."

So in the Chipping Sodbury case, before Lord Lyndhurst, the master had a school-house and residence, and certain moneys had been contributed to provide a residence, and it was sought to eject him therefrom.

Where services are wholly in the nature of personal service, the court will not interfere to restrain the removal of an officer. The last case on this subject is *Muir v. Himalaya Tea Company*. (13 L.T. & S., 589.) Wood, Vice-Chancellor, says:—"Assuming the construction of the deed most favorable to plaintiff, that he was an irremovable agent on the terms of his taking the shares, still what could the court do? It could not act on the contract in equity in favor of the plaintiff, as the duties of an agent were in the nature of personal service, and, as such, incapable of being enforced in equity; and so the court could not enforce the fulfilment of the agreement on the agent."

The strongest case in favor of plaintiff is that of *Daugars v. Rivaz*, decided in 1860 by Sir John Romilly, Master of the Rolls (who argued unsuccessfully for the plaintiff in Whiston's case, 7 Hare). (181 Beav.) Daugars was Pastor of the French Protestant Church in London, and being dismissed by defendant, the elders and deacons sought to be restored. King Edward VI. had incorporated a church for foreign Protestants, the corporation being a superintendent and four ministers. After some years the Germans and French separated into different congregations. The charter did not provide for the government and distribution of the funds. The French Church had two ministers, and was governed by a consistory of the two ministers and the elders and deacons.

The Master of the Rolls says:—"On examining the rules it appears that two funds have been created and now exist—one dedicated for the support of the poor, and the other for the maintenance of the ministry and other church matters. * * * Wholly apart from the charter of incorporations, a fund exists for the support of the ministry of the church. * * * It appears that the funds of the institution are under the control of the governing body, and the defendants have practically the power of withholding from plaintiff the emoluments assigned to and accepted by him. This constitutes a trust which they have to perform, and which they are bound to perform in favor of the person who fills the office of pastor. And assuming the plaintiff to be wrongly deposed, I am of opinion the relations of trustee and *cesti que trust* does exist between the elders and deacons and the pastor."

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