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e correct.

But, looking to the terms of Queen Elizabeth's Patent, we think the office in question is in its original creation determinable at the sound discretion of the governors, whenever such discretion is expressed; and that it is, in all its legal qualities and consequences, not a freehold, but an office *ad libitum* only."

He subsequently declares that whatever tenure was created by the charter, the governors had no power to make bylaws altering it.

As to corporate offices, it had long been asserted on Baggs' case "that there can be no power of amotion unless given by charter or prescription." Lord Mansfield, in *Rex v. Richardson* (1 Bur. 539) says:—"We think that from the reason of the thing and from the nature of corporations, and for the sake of order and government, this power is incident as much as the power of making by-laws."

But the chief difficulty with us is, whether the office of the plaintiff is in itself of that public character which warrants the interference of either a court of law or equity, beyond the investigation of any claim for pecuniary damages from a wrongful dismissal.

Queen's College had no public endowment or foundation. It has a royal charter of incorporation—a power to grant degrees, but no right of visit or inquiry was reserved to the crown.

The case cited of *Gibson v. Ross* (7 Cl. & F. 250), in the House of Lords, expressly decides that the mere fact of being incorporated by charter did not make the Tain Academy other than a private institution. The Lord Chancellor (Cottenham) says:—"It has been decided that when individuals establish a school to be maintained from private funds, the regulations under which public schools are conducted are not to be deemed applicable to them. A public schoolmaster is a public officer, and as such he cannot be dismissed without an assigned and sufficient cause. But it is clear that in the case of a private trust this rule does not apply. * * Then arises another question, namely, one relating to the effect of an incorporation. I asked, in the course of the argument, whether there was any line of distinction drawn between the case of a private establishment, the members of which had been incorporated, and a case in which no such incorporation had taken place, and I could not find that any such distinction had ever been adopted. If so, then I am sure that your lordships would not for the first time introduce a distinction;