

convinced that it was necessary that the professors should leave the University, had attempted to have them go without being actually dismissed and without unnecessary publicity, and with a generous allowance both as to leave and to salary. The action of the Board at this time was conceived in goodwill and would have enabled these gentlemen to leave the service of the University without damage to their reputations and without injury to the institution. The Board had arranged to permit them to resign, and to have a long leave of absence with pay, but the spirit in which these overtures were made was not understood, as we think, unfortunately for all parties concerned.

A Necessary
Course

The facts disclosed in this exhaustive inquiry of twelve days, prove that the course taken by the President and the Board was necessary. A state of affairs in the University had been created such as made it impossible that these men should remain any longer in the service of the University. There is no room for doubt on this point, and, indeed, the professors themselves have given public recognition to this fact, for at the close of the hearing they filed their resignations, to take effect in case the court should decide to reinstate them in their positions.

Merits of
Individuals

At this stage we wish to refer to the words of Hagarty, C. J., in *Weir v. Mathieson supra* at p. 162:

"The Court anxiously avoided all intermeddling with the merits or demerits of individuals in the unfortunate disputes that have resulted in this litigation.

"It is sufficient to say that, wherever the blame rested, a state of things was disclosed most injurious to the best interests of Queen's College.

We are anxious to carry out the benevolent directions of the last section of the royal charter, which enjoins on courts of justice that its language 'shall be construed and adjudged in the most favorable and beneficent sense for the best advantage of our said college.'"

Acting on the same principle, we are of opinion that the recommendation of President Murray and the proceedings of the Board of Governors in dismissing Professors MacLaurin, Hogg and MacKay and Mr. Greenway, were regular and proper and necessary in the best interests of the university, and that neither the President nor the Board of Governors