

that any service for the Crown, civil or military, might be terminated at pleasure.

Lord Herschell speaks of exceptional cases "where it has been deemed to be more for the public good that some restriction should be imposed on the powers of the Crown to dismiss its servants," and of exceptional cases "where there is some statutory provision for a higher tenure of office." It is not clear whether Lord Herschell intends to make a distinction between cases of officials excepted by statute and cases of officials excepted by the nature of their office apart from statute. Kay, L.J., concurred, and the petition was refused. The judgments proceeded upon the general ground that it would be against public policy and detrimental to the public interest to restrict the power of the Crown to dismiss its servants. It may be noted that their Lordships made particular reference to an unreported decision of the House of Lords, in *Dr Hohse v. Reg.* which appears to have been an emphatic endorsement of the doctrine that the Crown may dismiss at pleasure.

*Shenton v. Smith*, (1895) A.C. 229, was a case of military service and may be passed over.

The latest case bearing on the subject is *Gould v. Stuart*, (1896) A.C. 575. (See post p. 68.) Though the decision turns upon the construction of the New South Wales Civil Service Act, the principle is again affirmed, and held to apply to New South Wales, that in a contract for service under the Crown, civil as well as military, there is imported into the contract a condition that the Crown has the power to dismiss at its pleasure, but it is important to notice that Sir Richard Couch, who delivered the opinion of the Court, seemingly to bring himself in accord with Lord Herschell's utterances in *Dunn v. The Queen*, qualifies the rule by the words "except in cases where it is otherwise provided by law." Like his monitor, he leaves us in doubt as to his meaning, whether he means by "law" statute law or common law.

To recapitulate. From an examination of the English authorities it is clear that, as a general rule, the Crown may dismiss its servants at pleasure, and there seems to be nothing