

annual sums of money, and is not of the nature of a trust, the execution of which it is within the jurisdiction of this court to enforce, but the observance of which, according to the statutes of the founder, is to be regulated and enforced, and adequately provided for by the authority of the Visitor, then this breach of duty, whatever it may be, ought to be redressed by the Visitor, and not here. * * * * The College has, no doubt, a very important duty to perform with reference to the school, and the performance of that duty may be enforced by proper authority; but, unless it be a duty founded on a trust which this court can execute, the performance of this duty is not to be enforced here. * * * The revenues of the College belong to the College for its own use, subject, indeed, to the performance of all duties incumbent on the College to perform, but not subject to any trust to be executed in this court. * * * Though there is sufficient proof of the duty and obligations, there is not, in my opinion, evidence of a trust, as the word trust is understood in this court."

The Vice-Chancellor speaks of the Plaintiff, in this case, as "not being a member of the collegiate body." I do not at present see that it would have affected his decision had the master of the school been, by the statutes, a member of the Chapter.

In the case before us the Plaintiff is certainly a member of the body corporate. The charter is curiously comprehensive: it declares that certain ministers and laymen named, "and all and every other such person or persons as now is, or are, or shall, or may at any time hereafter be ministers of the Presbyterian Church of Canada, in connection with the Church of Scotland, or members of the said Presbyterian Church, in such connection, and in full communion with the said Presbyterian Church, shall be and be called one body corporate and politic," &c., &c. The Plaintiff is certainly one of the body corporate; he is also a member of the College Senate; but he is outside the governing body of Trustees, to whom the management of the property and revenues are alone entrusted.

All the cases cited seem distinguishable.

In *Dummer v. Corporation of Chippenham*, the defendants held rent charges for the support of a free school, and brought ejectment against plaintiff, the Master, they having dismissed him, as he said, corruptly, on political grounds, and not on the grounds assigned by them. He asked discovery from the corporations named individually, and a demurrer to his bill was overruled. Lord Eldon says:—"Defendants are entrusted, in

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