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As to the tenure of office, the charter gives no express directions on this point, and Vice-Chancellor Esten says that "the trustees have power to appoint for life, or for a term of years, or during pleasure."

Apart from any implication of law arising from the nature of plaintiff's office under the charter, we see nothing in the evidence of any contract for any engagement of plaintiff beyond a general hiring, which the law would probably hold to be a yearly hiring, determinable, as such, in the usual manner.

The charter gives full powers to the trustees to regulate the number, residence and duties of the professors, the management of the revenues and property of the college, and the stipends, &c., of the professors, officers and servants thereof, and also from time to time to vary and alter their statutes.

Section 15 enacts, that if any complaint respecting the conduct of the principal, or any professor, master, tutor, or other officer of the college, be made to the trustees, they may institute an inquiry, and in the event of any impropriety of conduct being duly proved, they shall admonish, suspend, or remove the person offending, as to them may seem good. (Sec. 16). Provided always, that the grounds of such admonition, reproof, suspension or removal, be recorded at length in the books.

Section 25 provides, that five trustees, lawfully convened, shall be a quorum for dispatch of business, except for the disposal and purchase of real estate, or for the choice or removal of the principal or professors, for any of which purposes there shall be a meeting of at least thirteen trustees.

If the effect of these clauses be to prevent the removal of a professor, except for impropriety of conduct, &c., the view of the late Vice-Chancellor, as to a power to appoint during pleasure, can hardly be sustained.

The sections, no doubt, allow such a complaint to be made, and an inquiry and a power of correction or removal; and it is further clearly provided, that a professor cannot be removed except at a meeting of at least thirteen trustees.

If the effect of the charter be, that the tenure of office of a professor is for life, subject to removal only for expressed impropriety of conduct, then it seems to me that the trustees could not lawfully appoint, during their own pleasure, as my brother Spragge points out at page 399 of his judgment. (See also Darlington School case, 6 Q. B. 682; and per Lord Lyndhurst, 8 Law Journal, 10.)