

the Legislature to protest against a measure for the modification of a public endowment? If the Council of King's College have been invested with franchises, they are of a public nature, and they as well as the endowment to which they are attached, are held in trust for the benefit of the whole community. There is an obvious distinction between private property vested in individuals as such, and property vested in individuals in the character of public Trustees, and therefore held by them only for the public benefit. There can be no claim on behalf of these Trustees in their own persons, for the University was erected into a Corporation purely for public purposes. Now a Corporation is an ideal being—a legal fiction—an incorporeal shadow endowed with vitality and power solely by the creation of the law for the purpose of holding rights in trust for the public interest. If any of its Trustees are in the enjoyment of a life-rent, there is to that extent a personal right, but otherwise there is simply a Trust which must be held and exercised for the public benefit.

But as all Trusteeship pre-supposes confidence between the parties, when that confidence is lost, the office of Trustee may be recalled. For the Trustee can have no personal interest in the estate in virtue of his office, and therefore the interest is solely in the parties for whose benefit it is held. In the present instance the beneficiary right is vested in the public, who must therefore be possessed of the power to remove their Trustees. The resumption of the endowment would in fact be nothing more than the removal of the Trustees, even were that endowment to be applied to other than Academical purposes.

The distinction between the right to private property vested in individuals either personally or as Trustees (or as in the case of the Collegiate Institutions of Lower Canada, which are expressly endowed, not for national, but for Roman Catholic purposes, and in that character are guaranteed by the faith of the Empire), and property vested in individuals in the character of public Trustees will always be recognised by the Legislature. Parliament has the power—and it occasionally exercises the right of interference with either: but on private property it will seldom legislate, unless where its existence or purposes are positively injurious—or when it is taken collectively, as in case of Parliamentary taxation—while over public and corporate property it exercises a special trusteeship as to its management and direction. And if it be convenient for the Parliament to recall or limit a public trust, are the Trustees to be entitled to say that they ought to keep it for their own purposes? Is a public reformation not to be accomplished without bribing certain Trustees into connivance? Or does it follow that the Parliament are necessarily doing violence to adverse claims and titles, simply because certain Trustees have not come voluntarily forward to surrender a public trust which they have scandalously perverted?

The learned Counsel must have internally smiled at the idea of alarming the fears of the Legislature with an argument which he would not have ventured to use in a far inferior Judicatory. If the obstinate resistance of the corrupt Council of King's College is to impede the progress of Parliamentary legislation what ought to have been the effect of a remonstrance from the ancient Burghs of Sarum and