

by this section, the same rule must certainly apply to the other persons named, viz., "masters, tutors and other officers." All of whom would be equally irremovable except as therein provided. Sir James Wigram, in the case already cited, pointed out that if the master of the grammar school could make out the existence of a trust in his favor, the "Janitor," on being discharged, might equally come to court for restoration.

A master or tutor, casually employed, or any other of the many "officers" about a University, might, on one construction of this section, be equally irremovable with the Principal.

Once granted that the office is one under the original charter, in the sense contended for by plaintiff, it seems to follow on the authorities that its holder takes it with all its original rights of tenure, and that even by agreement he cannot be reduced to a lesser interest.

We may give effect to the 15th and 16th sections by confining them to cases in which, on complaint made, the officer can be dismissed, leaving him no claim for legal damages thereby. This would be a dismissal for cause.

On the other hand, a dismissal such as took place in this case, at the May meeting, would be at the discretion of the trustees, and may leave them liable to an action for arrears of salary, in the absence of a notice terminating at the proper time, on the usual principle.

There seems no alternative between this construction and declaring that every professor, master, tutor, or other officer, holds his appointment irremovable, except for cause, in strict pursuance of the 15th section.

The words used in the charter declare no distinction between the higher and the lower officers, and the rights urged by plaintiff must, if he succeed, be conceded to many below him in position.

I have already stated that I consider he fails to establish his rights merely as inherent to his holding of such an office under such a charter, and that his main dependence must be that any proceeding to oust him must be under those sections.

We should pause long before giving effect to plaintiff's argument, with all its inevitable consequences.

As Lord Cottenham said in *Gibson v. Ross* (7 Olk. & F. 250), "There are many cases in which it would be highly inexpedient for the interests of a body like these trustees, that a man should continue in his situation, though it might be difficult to show a legal ground for his removal. He may be unsuccessful in the discharge of his duties: he may have great