

alleged breach of trust were such as on the authority of the cases could be cognizable in equity, the existence of a Visitor would not necessarily be a bar. I have met with no case like the present, in which a professor in a college, under such a charter as this, has sought for reinstatement. I see nothing in the voluminous statement of facts laid before us to induce us to make a precedent, if there be none. As Buller, J., says, in *Rex v. Bishop of Ely* (2 T. R. 337):—"I have never been inclined to assume a jurisdiction on any subject which I have not found to have been previously exercised by the court, particularly in questions between members of the colleges of the universities. In such cases my inclination is against the jurisdiction of the court, unless I am compelled by legal authorities to support it."

Unless the right of plaintiff to the intervention of the court were most clearly shown, I think if the court have discretion to refuse interference, that this is preeminently a case in which the plaintiff should have been left to seek a compensation in damages, if wrongfully dismissed. It is of vital importance to such an institution that confidence and harmony should exist between the trustees and the professors. That an apparently irreparable breach has widened between them is apparent on the facts before us.

The remarks of Knight Bruce, Vice-Chancellor, in *Pickering and Bishop of Ely* (2 Y. & C.C.C. 249), are in point. Plaintiff held the ancient office of Receiver-General of the Diocese of Ely by grant from the Bishop, binding on his successors for life, with an annuity of £10 from the revenues, with diet for himself and forage for horses. A large portion of his fees were from drawing diocesan leases, &c. He filed his bill to restrain the Bishop from taking away from him this conveyancing business. The Vice-Chancellor says:—"Being of opinion that the alleged rights of the plaintiff, in the breadth and length in which he claims to be protected in them, are of a nature neither usual nor convenient, nor without hardship or pressure upon the Bishop, I consider it more fit for a Court of Equity to leave the plaintiff to obtain redress by damages or otherwise, in a court of law, than to exercise its peculiar jurisdiction by compelling the Bishop specifically to submit to the practical exercise of such rights, if rights they be." He then notices the want of mutuality, and that if the Bishop sued plaintiff in equity to compel a performance of his duties, he would be refused relief. He says on that and the other grounds he dismisses the bill.

The same Judge comments approvingly on this case, in a