

And Tindal, C. J., in the same case, says, at p. 714:

"The governors would be guilty of misconduct, might perhaps render themselves liable to a criminal prosecution, if they exercised their discretion of removal in an oppressive manner, or from any corrupt or indirect motive: but we see nothing that is to restrain them from exercising such discretionary power whenever they honestly think it proper so to do."

Before inquiring into these motives, let us first inquire, for what causes men occupying the office of professors in a university, their appointment being during pleasure, may be dismissed from office.

In *Gibson v. Ross*, 7 Cl. and F.241, Lord Cottenham, L. C., at p. 254, said:

"Now, there are many cases in which it would be highly inexpedient for the interest 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 abilities, but yet be unable effectually to exert them in the instruction of his pupils. This might be a great evil to an institution of this nature, and yet it might not amount to a cause which in a Court of Justice would justify the dismissal of the master. At the same time, it must be admitted that the circumstance which I have mentioned would form a good ground for desiring the master's dismissal."

And Hagarty, J., commenting on the above in *Weir v. Mathieson*, *supra* at p. 162, says:

"It is needless to enlarge this list of actual, though not, perhaps, legal disqualifications. An unstained moral character, high intellectual attainments, and unsparing activity in the discharge of duty, may, and often do, co-exist with unhappy forms of temper, restless irritation and morbid sensitiveness, or jealousy, which may utterly unfit their possessor for the useful discharge of the delicate duties of education, and the creation of respect and confidence amongst fellow-workers and pupils."

And Tindal, C. J., in the *Darlington* case, at p. 715, says:

"For there may be many causes which render a man altogether unfit to continue to be a schoolmaster, which cannot be made the subject of charge before a jury, or otherwise of actual proof. A general want of reputation in the neighborhood, the very suspicion that he has been guilty of the offences stated against him in the return, the common belief of the truth of such charges amongst the neighbors, might ruin the well-being of the school if the master was continued in it, although the charge itself might be untrue, and at all events the proof of the facts themselves insufficient before a jury. Many other grounds of removal fully sufficient in the exercise of a sound discretion might be suggested."