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1866 Q

April 1866

IN ERROR AND APPEAL

Mathieson v. Weir.

JUDGMENT.

The Judgment of the Court was delivered by

HAGARTY, J.—I propose, first, to consider the question of jurisdiction.

The charter authorizes the Trustees to appoint a Principal and such Professors, Masters and Tutors, and such other officers, as to them shall seem meet. (Sec. 12.)

As soon as there should be a Principal and one Professor, the Trustees have authority to constitute the "College Senate" for the exercise of academic discipline, &c., and all the Professors should be members thereof. (Sec. 29.)

The Trustees have power to make statutes and rules, to regulate the number, residence and duties of the Professors, and their salaries, stipends and emoluments, and the same to revoke, vary and alter. Whenever there should be a Principal and four Professors, the Senate should have power to confer Degrees in Arts and Faculties. (Sec. 19.)

The charter was granted in 1842, and in 1853 the then first Principal, Dr. Cook, was directed by the Trustees to proceed to Scotland and engage Professors for the College; and the Plaintiff was offered and accepted the professorship of classical literature at a salary of £350 a year.

The endowment of the College consisted of gifts and subscriptions. No fund or property appears to have been provided from any public source. The Crown did nothing beyond granting the charter. Annual collections are made for bursaries, and moneys and property, by gift and bequest, have been obtained from individuals. The Provincial Legislature has usually made an annual grant to this College with several others. No particular fund is set apart or exists for the support of this chair of classical literature. The stipend seems to be paid from the general funds of the College.