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government, is clear beyond all doubt. So the law was understood by Lord Holt in his celebrated judgment in *Phillips v. Bury* (2 T. R. 346)."

He proceeds, "if we examine the charter of Bowdoin College, we shall find that it is a private, and not a public corporation. It answers the very description of a private college, as laid down by Chief Justice Marshall, in *Dartmouth College v. Woodward*. It is an eleemosynary institution, incorporated for the purpose of perpetuating the application of the bounty of the donors to the objects of that bounty. Its trustees were originally named by the founder, and invested with the power of perpetuating themselves. They are not public officers, nor is it a civil institution, but a charity school or a seminary of education, incorporated for the preservation of its property, and the perpetual application of that property to the objects of its creators."

It is not expressly stated in the report, but it may be inferred, that Bowdoin College had university powers to grant degrees, as in one of the by-laws it speaks of "fees for any diploma or medical or academical degree."

Dartmouth College was, by royal charter, empowered to grant "any such degree and degrees as are usually granted in either of the universities or any other college in Great Britain."

Queen's College is a very wide corporation, embracing all members and laymen of the Presbyterian Church in Canada in connection with the Church of Scotland, in full communion with said church. The government is vested in twenty-seven trustees, and all the congregations in the province admitted on the roll of the Synod may name one person, who shall be put on a list of names, from which, under certain restrictions, new trustees must be selected.

I am not prepared to hold that to this corporation we are not to apply the rules of law referred to as governing such institutions in the two American cases.

It rests wholly with the trustees to create the office of a professor, and such an office is not, as it seems to me, of the essence of the corporation. The latter could exist without it.

If the charter were silent as to provisions for the removal of a professor, I should at once hold that such an officer is removable by the trustees, and his office or situation at once by their decision be vacant, subject to any claims for salary in the usual way, if the engagement be of a yearly nature; but not subject to any jurisdiction of either a court of law or equity to restore; that the service would be of a peculiarly personal