

One who has a private interest, or who has been counsel in a cause, by common consent is disqualified, if promoted to the bench, from sitting as a judge at the trial or hearing of the cause. A juror would be incapacitated if he had promised either of the parties to find for him. Such a situation as is presented in this case is as disqualifying to a man of Mr. Williams' character as the more coarse and vulgar one of a pecuniary consideration would be to a lower order of men.

The precise question raised in this case has not, so far as the master is aware, been adjudicated; but there are a few cases in the English equity books in which principles are discussed and applied in a way which shows how such a case would be treated in those tribunals.

In re Beloved Wilkes Charity, VII. Eng. Law & Eq., 73, S. C. 3 M'Noughton & Gordon, 440. In 1722, certain freehold estates were devised to the ministers of Puckle-church, Doynton and Dirham, in trust as to part of the rents, "to and for the maintenance, education, schooling, qualifying for, putting to, and keeping at Oxford of a lad, in order to make him a minister of the Church of England, which said lad his said trustees should choose of the said parishes of Wick and Abson, Puckle-church, Doynton, or Dirham, and of such parents who were not of ability to give him such maintenance and education as aforesaid, and that they should not choose one of their own sons; and when and so soon as such person should have taken the degree of Bachelor of Arts, then or before, if the income thereby appointed for that purpose would admit thereof, his said trustees should choose and elect such another lad as aforesaid, and maintain, educate, fit him for, put him to, and keep him at Oxford till he should have taken the degree of Bachelor of Arts as aforesaid, and so on in like manner forever."

It had been settled by the Court that the lad to be educated should come from one of the four parishes named, if any such lad could be found in either of those parishes whom the trustees, for the time being, should think eligible; but if not, then

