

“ for all the senior professors who form part of the Council  
 “ might at any particular time be professors of the branch  
 “ at Montreal whilst the other *ex officio* members of the  
 “ Council were all at Quebec. Further it is to be observed  
 “ that express power is given to affiliate to and connect with  
 “ the University Colleges, &c., anywhere within the province,  
 “ and this I think is all that the Charter authorizes to be  
 “ done outside Quebec. It is to be noted that the word  
 “ *connect* ” on which I understand reliance is placed as justifi-  
 “ fying the action of the University Laval is joined to the  
 “ word *affiliate* by the conjunctive “ *and* ”. The words are not  
 “ *affiliate or connect* ”. It seems to me clear therefore that  
 “ the Charter does not warrant a connection a part from an  
 “ affiliation.

“ It follows from what I have said that professors of the  
 “ succursale at Montreal are not entitled to be styled profes-  
 “ sors of the University-Laval.

“ I think that professors of the succursale are not intitled  
 “ as such to take part in the Council of the University-Laval.

“ For the reasons given I think faculties established by the  
 “ University Laval at Montreal or elsewhere than at Quebec  
 “ cannot form part of the University Laval.

“ As I have already stated the University cannot in my  
 “ opinion establish itself in different places or have branches  
 “ there. And I see nothing in the articles of the Code referred  
 “ to to modify my opinion.

“ I am disposed to think that the University Laval when  
 “ exceeding the powers conferred upon it by its Charter  
 “ would fall within the scope of article 997 of the Code of  
 “ Civil procedure of Lower Canada.

“ The University Laval having derived its existence from  
 “ Royal Charter, I think that the Pope can neither derogate  
 “ from the rights conferred by the Charter, nor confer, so as  
 “ to give them legal effect, any powers beyond those created  
 “ by it. I ought to add that the Pope does not seem to have  
 “ intended either to derogate from or extend the rights pos-  
 “ sessed under the Charter, but merely to have given direc-  
 “ tions *under a misapprehension as to what those rights really*  
 “ *were*.....

“ I may add to the above that I concur generally with the  
 “ views expressed by Mr. Archambault in his *Etude Légale*  
 “ on the various questions with which he deals.

(Signed) FARRER HERSCHELL.

“ Temple, July 20th 1880.”