

**CIHM  
Microfiche  
Series  
(Monographs)**

**ICMH  
Collection de  
microfiches  
(monographies)**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

**© 1994**

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

Coloured covers/  
Couverture de couleur

Covers damaged/  
Couverture endommagée

Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée

Cover title missing/  
Le titre de couverture manque

Coloured maps/  
Cartes géographiques en couleur

Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)

Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur

Bound with other material/  
Relié avec d'autres documents

Tight binding may cause shadows or distortion along interior margin/  
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure

Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

Coloured pages/  
Pages de couleur

Pages damaged/  
Pages endommagées

Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées

Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées

Pages detached/  
Pages détachées

Showthrough/  
Transparence

Quality of print varies/  
Qualité inégale de l'impression

Continuous pagination/  
Pagination continue

Includes index(es)/  
Comprend un (des) index

Title on header taken from:/  
Le titre de l'en-tête provient:

Title page of issue/  
Page de titre de la livraison

Caption of issue/  
Titre de départ de la livraison

Masthead/  
Générique (périodiques) de la livraison

Additional comments/  
Commentaires supplémentaires:

There are some creases in the middle of the pages.

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

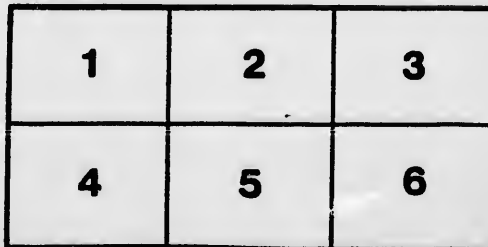
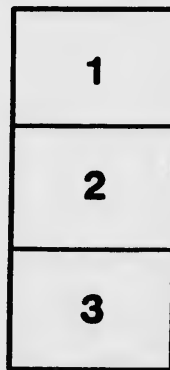
Manuscript Division,  
National Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Division des manuscrits,  
Archives nationales du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

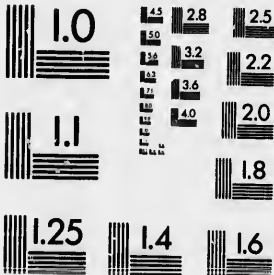
Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

# MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



**APPLIED IMAGE Inc**

1653 East Main Street  
Rochester, New York 14609 USA  
(716) 482-0300 - Phone  
(716) 288-5989 - Fax

# EXTRACT

FROM THE

## WILL OF THE LATE HON. JAMES MCGILL.

" I give and devise all that tract or parcel of land, commonly called Burnside, situated near the City of Montreal aforesaid, containing about forty-six acres, including an acre of land purchased by me from one Sausereinte, together with the dwelling house and other buildings thereon erected, with their appurtenances, unto the Honorable John Richardson and James Reid, of the City of Montreal, aforesaid, Esquires, the Rev. John Strachan, Rector of Cornwall, in Upper Canada, and James Dunlop, of the said City of Montreal, Esquire, and to their heirs, to, upon, and for, the uses, trusts, intents, and purposes, and with, and subject to, the provisions, conditions, and limitations, hereinafter mentioned and expressed, of and concerning the same, that is to say, upon trust that they the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors, or curators, of such survivors or survivor, do and shall, as soon as it conveniently can be done after my decease, by a good and sufficient conveyance and assurance, convey and assure the said last mentioned tract or parcel of land, dwelling house, buildings and premises, to the Royal Institution for the advancement of Learning, constituted and established, or to be constituted and established, under and by virtue of an Act of the Parliament of the Province of Lower Canada, made and passed in the forty-first year of His Majesty's Reign, intituled " An Act for the establishment of Free Schools and the advancement of Learning in this Province"—upon and under the conditions, restrictions, and limitations, and to and for the ends, intents, and purposes following, that is to say, upon condition that the said " Royal Institution for the advancement of Learning," do and shall, within the space of ten years to be accounted from the time of my decease, erect and establish, or cause to be erected and established, upon the said last mentioned tract or parcel of land, an University or College, for the purposes of education, and the advancement of learning in this Province, with a competent number of Professors and Teachers, to render such establishment effectual and beneficial for the purposes intended, and if the said " Royal Institution for the advancement of Learning," should so erect and establish, or cause to be erected and established, an University, then, upon condition, also, that one of the Colleges, to be comprised in the said University, shall be named, and perpetually be known and distinguished, by the appellation of " McGill College ;" and if the said " Royal Institution for the advancement of Learning," should not so erect and establish, or cause to be erected and established, an University, but should erect and establish, or cause to be erected and

Burnside property bequeathed to certain parties in trust.

To convey the same to the Royal Institution for the Advancement of Learning.

Upon condition that Royal Institution in 10 years from Testator's decease, erect a University or College.

If an University or College, to be called McGill College.

If one College established, a College only, then upon the further conditions, that the said College shall be named, and perpetually be known and distinguished, by the appellation of "McGill College;" and upon condition also, that until such University or College be erected and established, the said "Royal Institution for the advancement of Learning" do and shall permit and suffer my said wife, and in case of her death, the said Francis DesRivières, to hold, possess and enjoy, the said last mentioned tract or parcel of land, dwelling house, buildings and premises, and to recover, have and receive, all and every, the rents, issues and profits thereof, to and for, her and his use and benefit; and upon this other and further express condition, that if the said "Royal Institution for the advancement of Learning" should neglect to erect and establish, or cause to be erected and established, such University or College as aforesaid, in manner aforesaid within the said space of ten years, to be accounted from the time of my decease, then, and in such case, the said conveyance and assurance so made to the said "Royal Institution for the Advancement of Learning" shall, from and after the expiration of the said space of ten years, become and be, absolutely null and void, and all and every the estate, right, title and interest of the said "Royal Institution for the Advancement of Learning," of, in, and to, the said last mentioned tract or parcel of land and premises, shall cease and be determined, and be as completely extinguished, as if such conveyance and assurance had never been made or executed: All which conditions, restrictions, and limitations, shall, in apt and sufficient language, be fully expressed in such conveyance and assurance. And upon trust that the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors or curators of such survivors, or survivor of them do and shall permit and suffer my said wife, or in case of her death, the said Francis DesRivières to, hold, possess and enjoy, the said tract or parcel of land, dwelling house, buildings and premises, and recover, have, and receive, the rents, issues and profits thereof until the making and executing of the said conveyance and assurance, so as aforesaid to be made to the said "Royal Institution for the Advancement of Learning" and if the said Royal Institution for the advancement of Learning should refuse to accept and receive, the said conveyance and assurance of the said last mentioned tract or parcel of land and premises, upon the conditions, restrictions and limitations, herein before expressed and directed, of and concerning the same, or should after the making and accepting of the said conveyance and assurance neglect to erect and establish, or cause to be erected and established, such University or College as aforesaid, in manner aforesaid, within the said space of ten years, to be accounted from the time of my decease, or if from any legal cause, matter or thing, the said trust, so as aforesaid to convey and assure the said last mentioned tract or parcel of land and premises, to the said Royal Institution for the Advancement of Learning, in the manner herein before directed, should be incapable of being accomplished or carried into effect, or otherwise become, or be, or be deemed, or construed, to be invalid, illegal, or inoperative, then, and in either or any of those cases upon trust, and that they, the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors or curators of such survivors or survivor do and shall, from and immediately after the expiration of the said space of ten years, by a good and sufficient conveyance and assurance, convey and assure the said last mentioned tract or parcel of land, dwelling house, buildings and premises to the said Francis DesRivières, (if then living,) and to his heirs

Testator's wife, and after her death, F. DesRivières to enjoy property till College erected.

If Royal Institution fail to erect College within 10 years of Testator's death, the conveyance to be null.

The property in this case is bequeathed to F. DesRivières and his heirs.

and assigns for ever, or if the said Francis DesRivières should be dead, then to the legal heirs then living, and to their heirs and assigns for ever.

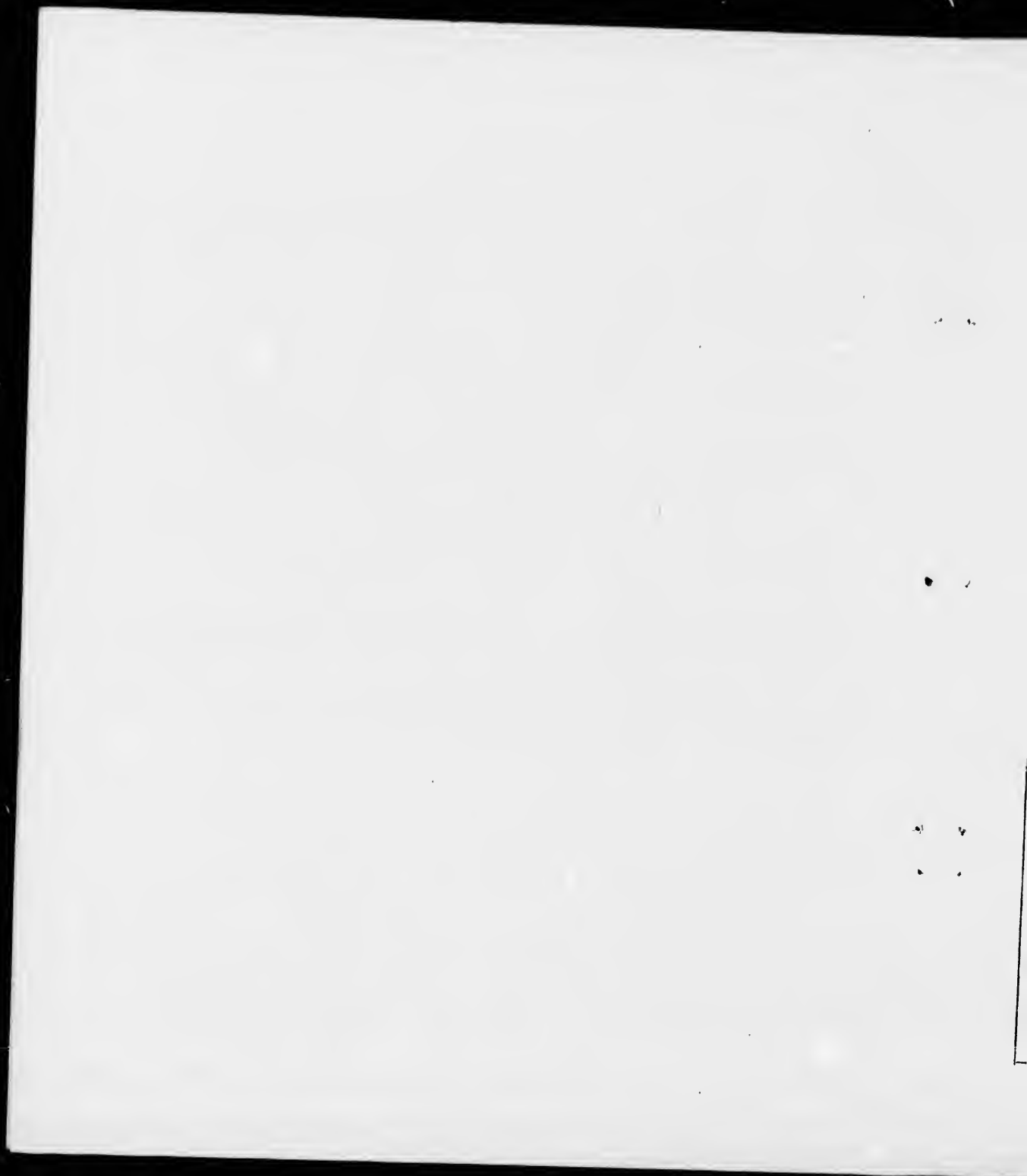
I give and bequeath, from and out of the rest and residue of my estates, real and personal, moveable and immoveable, which shall and may remain after the fulfilment and satisfaction of the several legacies in this my Will contained, the sum of *ten thousand pounds*, current money of the said Province of Lower Canada, to the said John Richardson, James Reid, John Strachan, and James Dunlop, *their heirs, executors, or curators*, upon the trust, and to and for the intents and purposes, and upon the conditions following, that is to say, upon trust: that they, the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors and curators of such survivors, do and shall pay the said sum of ten thousand pounds (with the interest to accrue thereon from and after the expiration of three years from my decease) to the said "Royal Institution for the Advancement of Learning," when and so soon as the said "Royal Institution for the Advancement of Learning" shall have erected and established, or cause to be erected and established, an University or College upon the last mentioned tract or parcel of land, herein before directed to be conveyed to the said "Royal Institution for the Advancement of Learning," in manner aforesaid, *to be* by the said "Royal Institution for the Advancement of Learning" *paid and applied towards defraying the expence incurred in establishing the said University or College*, and towards maintaining the same after it shall have been erected and established, in such manner and form, and under such regulations as the said "Royal Institution for the Advancement of Learning" shall in this behalf prescribe. Provided always, that such University or College be erected and established within the space of ten years, to be accounted from the time of my decease: and if such University or College should not be so erected and established within the said space of ten years, then upon trust that they, the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors, or curators of such survivor, from and immediately after the said expiration of the said space of ten year do and shall pay the said sum of ten thousand pounds, with all and every the interest accrued thereon, to the said Francis DesRivières, if then living, to and for his use and benefit, or if dead, then to his legal heirs then living, to and for their use and benefit.

£10,000  
in money  
bequeathed in  
trust.

To be paid to  
Royal Institution  
whenever  
College erected.

To be applied  
towards de-  
fraying expence  
incurred in es-  
tablishing  
College.

And if not  
erected within  
10 years, the  
money is  
bequeathed to  
F. DesRivières  
or his heirs.





# AMENDED CHARTER

OF

# M<sup>c</sup>GILL COLLEGE.

*VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,  
Queen, Defender of the Faith.*

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, the Honorable JAMES MCGILL, late of the City of Montreal, in that part of the Province of Canada heretofore constituting the Province of Lower Canada, by his last Will and Testament, bearing date at Montreal aforesaid, the eighth day of January, in the year of our Lord one thousand eight hundred and eleven, did give and bequeath a certain tract of land near the said City of Montreal, with the dwelling house and other buildings thereon erected, to Trustees in trust to convey and assure the same to the Royal Institution for the Advancement of Learning, established by virtue of an Act of the Provincial Parliament of the said then Province of Lower Canada, made and passed in the forty-first year of the reign of our late Royal Predecessor King George the Third, intituled "An Act for the establishment of Free Schools and the Advancement of Learning in this "Province," upon condition that the said Institution should within ten years from the decease of the said James McGill, erect and establish or cause to be erected and established upon the said land, an University or College, for the purposes of Education and the Advancement of Learning in the said then Province, with a competent number of Professors and Teachers to render such establishment effectual and beneficial for the purpose intended, and also upon condition that one of the Colleges to be comprised in the said University should be called "McGill College."

Date of Hon. James McGill's Will.

Tract of Land devised to Trustees in trust to be conveyed to the Royal Institution for the Advancement of Learning.

And whereas, the said James McGill, Esquire, by his said Will, did further give and bequeath to the said Trustees, the sum of ten thousand pounds in trust, to pay the same with interest to accrue thereon from and after the expiration of three years from his decease to the said Royal Institution for the Advancement of Learning, to be applied as soon as the said Institution should have erected an University or College on the said land, towards defraying the expenses thereby incurred and towards maintaining the said University or College so erected and established.

£10,000 bequeathed to Trustees in trust to be paid with Interest to the Royal Institution for the Advancement of Learning.

And whereas our late Royal Predecessor King George the Fourth, upon the humble petition to that effect of the said Royal Institution for the Advancement of Learning, was pleased by His Letters Patent, bearing date at Westminster, the thirty-first day of March, in the second year of His Majesty's Majesty George IV. Majesty George IV.

Petition of the Royal Institution for a Charter to His late Majesty George IV.

Quotation from  
the Charter  
granted by His  
late Majesty  
George IV.

" Whereas the Honorable James McGill, late of the City of Montreal, in the Province of Lower  
" Canada, now deceased, by his last Will and Testament, bearing date at Montreal, the eighth day  
" of January, in the year of our Lord one thousand eight hundred and eleven, did give and bequeath  
" a certain tract of land near the said City of Montreal, with the dwelling house and other buildings  
" thereon erected, to Trustees in trust to convey and assure the same to the Royal Institution for the  
" Advancement of Learning, established by virtue of an Act of the Provincial Parliament of Lower  
" Canada, made and passed in the 41st year of the Reign of His late Majesty, intituled, ' An Act for  
" the establishment of Free Schools and the Advancement of Learning in this Province,' upon con-  
" dition that the said Institution should, within ten years from the decease of the said James McGill,  
" erect and establish, or cause to be erected and established upon the said land, an University or  
" College, for the purposes of education and the Advancement of Learning in the said Province,  
" with a competent number of Professors and Teachers to render such establishment effectual and  
" beneficial for the purpose intended, and also upon condition that one of the Colleges to be com-  
" prised in the said University should be called ' McGill College ;'—And whereas the said James  
" McGill, Esquire, by his last Will, did further give and bequeath to the said Trustees, the sum of  
" £10,000 in trust, to pay the same with interest to accrue thereon from and after the expiration  
" of three years from his decease to the said Royal Institution for the Advancement of Learning,  
" to be applied as soon as the said Royal Institution should have erected an University or  
" College on the said land, towards defraying the expenses thereby incurred, and towards maintaining the  
" said University or College so erected and established ; And whereas, We have been humbly peti-  
" tioned by the said ' Royal Institution for the Advancement of Learning,' that We would be pleased  
" to grant ' ur Royal Charter for the more perfect erection and establishment of the said College,  
" and for incorporating the members thereof for the purposes aforesaid, and for such further endowment  
" thereof, as to Us should seem meet, We, having taken the premises into Our Royal consideration,  
" and being desirous that an University or College should be established for the education of youth in  
" the principles of true Religion, and for their instruction in the different branches of science and  
" literature, are willing to comply with the prayer of the said petition, and to afford every assistance  
" towards carrying the intentions of the said James McGill into execution.

" One College  
at least to be  
established."

" Therefore, know ye that We, of Our special grace, certain knowledge and mere motion have  
" willed, ordained and granted, and do by these presents for Us, Our Heirs and Successors, will,  
" ordain, and grant, that upon the said land and in the said buildings thereon erected, or to be erected,  
" there shall be established from this time one College at the least, for the education of youth and  
" students in the Arts and Faculties, to continue for ever, and that the first College to be erected

" Called McGill  
College."

" thereon shall be called ' McGill College,' and that Our trusty and well beloved the Governor of  
" Lower Canada, Lieutenant Governor of Lower Canada, Lieutenant Governor of Upper Canada,  
" the Bishop of Quebec, the Chief Justice of Montreal, and the Chief Justice of Upper Canada, for  
" the time being, shall be Governors of the said McGill College, and that the said McGill College  
" shall consist of one Principal, to be elected in manner hereinafter mentioned, and who shall be, dur-  
" ing his continuance in the said office, a Governor of the said College, of four Professors to be also

" Who should be  
Governors of  
said College."

" elected in manner hereinafter mentioned, and of Fellows, Tutors, and Scholars in such numbers, and  
 " at such salaries, and subject to such provisions, rules, and regulations, as shall hereafter be appointed  
 " by the Statutes, Rules, and Ordinances, of the said College ; And We do, by these Presents, for  
 " Us, Our Heirs and Successors, will, ordain, and grant that the Principal and Professors of the said  
 " College shall be from time to time elected by the said Governors or the major part of them as shall  
 " be present at any meeting to be holden for such election ; and in case of an equality of votes, the  
 " officer present at such meeting whose office is first described in order in these presents shall have a  
 " double and casting vote ; provided always, that the persons by whom such election shall be made  
 " shall notify the same respectively to Us, Our Heirs and Successors, through one of Our or Their  
 " principal Secretaries of State, by the first opportunity, and in case that We, Our Heirs or Successors,  
 " shall disapprove of any person so elected, and shall cause such disapprobation to be notified to  
 " him under the Royal signet and sign manual, or through one of the principal Secretaries of State, the  
 " person so elected as aforesaid shall immediately upon such notification, cease to hold the office of  
 " Principal or Professor to which he shall have been elected as aforesaid, and the said Governors  
 " shall thereupon proceed to the election of another person to fill the office of such Principal or Professor  
 " respectively, and so, from time to time, as often as the case shall happen.

" And We do by these presents, for Us, Our Heirs and Successors, will, ordain and grant that  
 " the said Governors, Principal and Fellows, and their Successors forever, shall be one distinct and  
 " separate body politic and corporate in deed, and in word, by the name and style of ' The Governors,  
 " Principal and Fellows of McGill College, at Montreal, in the said Province of Lower Canada,'  
 " and that by the same name they shall have perpetual succession and a common seal, and that they  
 " and their successors shall, from time to time, have full power to break, alter, make new, or change  
 " such common seal at their will and pleasure, and as shall be found expedient, and that by the said  
 " name the said Governors, Principal and Fellows, and their successors, from time to time, and at all  
 " times hereafter, shall be a body politic and corporate in deed and in law, and be able and capable  
 " to have, take, receive, purchase, acquire, hold, possess, enjoy and retain.

" And We do hereby for Us, Our Heirs and Successors, give and grant full authority and free  
 " licence to them and their successors, by the name aforesaid, to have, take, receive, purchase, acquire,  
 " hold, possess, enjoy and retain to and for the use of the said College notwithstanding any statutes or  
 " statute of mortmain, any manors, rectories, advowsons, messuages, lands, tenements, rents, hereditaments  
 " of what kind, nature, or quality soever, so as that the same do not exceed in yearly value the  
 " sum of £6,000 above all charges ; and, moreover, to take, purchase, acquire, have, hold, enjoy,  
 " receive, possess, and retain, notwithstanding any such statutes or statute to the contrary, all or any  
 " goods, chattels, charitable or other contributions, gifts and benefactions whatsoever ; and that the  
 " said Governors, Principal and Fellows, and their successors, by the same name, shall and may be  
 " able and capable in law to sue and be sued, implead and be impleaded, answer and be answered in all  
 " and every Court or Courts of record or places of judicature within Our United Kingdom of Great  
 " Britain and Ireland, and Our said Province of Lower Canada, and other Our dominions, and in all  
 " and singular actions, causes, pleas, suits, matters and demands whatsoever, of what kind and nature

" Officers of which said College should consist."

" Principal and Professors how to be elected."

" Election of Principal and Professors must receive sanction of the Crown."

" Governors instructed when an election is disallowed."

" The Governors, Principal and Fellows shall be a body Corporate with certain power and privileges."

" Authorized to hold property of what kind soever not exceeding in yearly value the sum of £6000 above all charges, to purchase and receive, to plead and be impleaded, &c."

" and sort soever, in as large, ample and beneficial manner and form as any other body politic and corporate, or any other Our liege subjects being persons able and capable in law may or can have, take, purchase, receive, hold, possess, enjoy, retain, sue, implead or answer, or be sued, impleaded or answer, in any manner whatsoever.

"The major part of Governours in France Statutes and Rules and the object of these Statutes and Rules, specified."

" And We do by these presents, for Us Our Heirs and Successors, will, ordain and grant, that the Governors of the said College, or the major part of them, shall have power and authority to frame and make statutes, rules and ordinances touching and concerning the good government of the said College, the performance of Divine Service therein, the studies, lectures, exercises and degrees in arts and faculties and all matters regarding the same, the election, qualification and residence of the Principal, Professors, Fellows and Scholars, the salaries, stipends and provisions for the Principal, Professors, Fellows and Scholars, and Officers of the said College, and touching and concerning any other matter or thing which to them shall seem good, fit, useful and agreeable to this our charter, provided that no such statutes, rules and ordinances shall have any force or effect until allowed and confirmed by Us, Our Heirs and Successors; and also from time to time to revoke, augment or alter the same as to them, or the major part of them, shall seem expedient, subject always to Our allowance and confirmation as aforesaid, provided that the said statutes, rules and ordinances or any of them shall not be repugnant to the laws and statutes of this Our realm, and of Our said Province of Lower Canada; And We do hereby for Us, Our heirs and successors, charge and command that the statutes, rules and ordinances aforesaid, subject to the said provisions, shall be strictly and inviolably observed, kept and performed, so long as they shall respectively remain in force and effect under the penalties, to be thereby or therein inflicted or contained; And We do by these presents, for Us Our Heirs and Successors, will, ordain, direct and appoint, that the members of the Royal Institution aforesaid, for the time being, shall be Visitors of the said College; And We do further will ordain and grant, that the said College shall be deemed and taken to be an University, and that the Students in the said College shall have liberty and faculty of taking the degrees of Bachelor, Master and Doctor, in the several arts and faculties at the appointed time, and shall have liberty within themselves of performing scholastic exercises, for the conferring of such degrees, in such manner as shall be directed by the statutes, rules and ordinances of the said College; And We do by these presents for Us, Our Heirs and Successors, grant and declare that these Our Letters Patent, or the enrolments or exemplifications thereof shall and may be good firm and valid, sufficient and effectual in the law according to the true intent and meaning of the same, and shall be taken and construed and adjudged in the most favourable and beneficial sense for the best advantage of the said Governors, Principal, Fellows and Scholars of the said College at Montreal aforesaid, as well in Our Courts of record, as elsewhere, and by all and singular Judges, Justices, Officers, Ministers and other subjects whatsoever, of Us Our Heirs and Successors, any misrecital, nonrecital, omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof, in any wise notwithstanding, without fine or fee, great or small to be for the same in any manner rendered, done or paid to Us in Our Chancery or elsewhere to Our use."

"Members of the Royal Institution, Visitors of the College"

"Students in said College shall have liberty of taking Degrees in the Several Arts and Faculties"

"Expedient to make certain alterations in"

And Whereas it is deemed expedient for the interests of the said College, and for the augmentation of its funds, and for the better and more easy management of its affairs and the government of the said

College, to make certain alterations in the provisions of the said hereinbefore recited and existing Letters Patent, which said alterations are and have been assented to by the said Royal Institution for the Advancement of Learning and by the said Corporation of the said College.

Now Know Ye, that We of Our special Grace, certain Knowledge and mere motion, have willed, ordained and granted, and by these presents do, for Us, Our Heirs and Successors, will, ordain and grant, that henceforth from the date hereof, the members of the Royal Institution aforesaid for the time being shall be and remain Governors of the said College, and shall have and exercise all and every the powers, authority and jurisdiction given and granted unto the Governors nominated and appointed in and by the said Letters Patent, save only in so far as the provisions of the said Letters Patent in that behalf are or may be by these presents altered; and shall also have and exercise all and every the powers, authority and jurisdiction given and granted under and by virtue of these presents;

And We do further by these presents for Us, Our Heirs and Successors will and ordain, that henceforth from the date hereof, the Governor of Lower Canada, the Lieutenant Governor of Lower Canada, the Lieutenant Governor of Upper Canada, the Bishop of Quebec, the Chief Justice of Montreal, the Chief Justice of Upper Canada, and the Principal of the said College, shall not, nor shall any or either of them as such Governor of Lower Canada, Lieutenant Governor of Lower Canada, Lieutenant Governor of Upper Canada, Bishop of Quebec, Chief Justice of Montreal, Chief Justice of Upper Canada, and Principal of the said College, be Governor of the said College, or use or exercise any power, authority or jurisdiction in or over the same in any manner or way whatsoever;

And We do further, by these presents, for Us, Our Heirs and Successors will, ordain and grant, that the said College shall consist of one Principal, of such and so many Professors in the various Arts and Faculties as from time to time may be judged necessary and expedient by the said Governors, and of Fellows, Tutors and Scholars, in such numbers and at such Salaries, and subject to such provisions, rules and regulations as shall be appointed by the Statutes, Rules and Ordinances of the said College; that save and except for the purposes hereinafter specially mentioned and excepted three of the said Governors shall be a sufficient number to be present at any meeting for the transaction of the ordinary business of the said College; that the determination of all questions, matters and things submitted to the said Governors at their meetings shall be made by the votes of the majority of those present, including the vote of the Governor presiding at such meeting, who shall have a double or casting vote in the case of an equality of votes thereat; that the President or Principal for the time being of the said Royal Institution, in all cases when present, shall preside at the said meetings, and in his absence the member of the said Royal Institution first or senior in order of appointment of those present at the meeting, shall preside thereat; that the Principal and all the Professors of the said College shall from time to time be elected by the said Governors or the major part of them present at a meeting specially convened and holden for the purpose of such election, and shall and may hold their respective offices subject to the right and power of amotion by the said Governors for the time being, at a meeting specially convened and holden for the said purpose; provided always that no less than five of the said Governors shall be present at every such special meeting for the purpose of election or amotion, and that special notice in writing of the time, place and object of every such special meeting, by the Secretary

the above recited Charter of His late Majesty George IV.

Members of Royal Institution for the time being to be Governors of the College.

The Governors appointed by the Charter of His late Majesty George IV. shall no longer act as such.

College to consist of one Principal and as many Professors as may be necessary, and of Fellows, Tutors and Scholars.

At all Meetings the Presiding Governor shall have a casting vote in cases of equality of votes.

President of Royal Institution to preside at all Meetings of Governors, or in his absence the Member present first in order of appointment.

Principal and Professors to be elected by Governors.

Five Governors at least to be present at elections or amotions.

Special Meetings how to be called.

Notice of election or amotion to be given to the Visitor.

Election or amotion subject to the Visitor's review who may signify his determination thereon within 60 days.

If no signification made by the Visitor, election or amotion to be held as confirmed by him.

College constituted a body Corporate with like powers and privileges as in Original Charter.

Authorised to hold property of what kind soever not exceeding in yearly value £12,000.

of the said College, addressed to each of the said Governors, shall have been delivered by the said Secretary into the Post Office of the said City of Montreal at least fifteen days before the time appointed for such meeting; that within forty-eight hours after every such election or amotion, notice thereof in writing sealed with the College Seal, signed by the Secretary of the said College or in his absence by the Governor who shall have presided at the meeting whereat such election or amotion shall have been voted and addressed, to Our Visitor of the said College hereinafter mentioned, for the time being, shall be delivered into the Post Office of the said City of Montreal; that every such election or amotion shall be subject to the review of Our said Visitor, whose determination thereon being signified in writing to the said Governors within sixty days after such delivery as aforesaid at the said Post Office of the City of Montreal, of the said notice of such election or amotion, shall be final and conclusive, unless the same by any order or orders to be by Us Our Heirs or Successors made in Our or Their Privy Council shall be altered, revoked or disallowed as hereinafter is provided; that during the said last mentioned period of sixty days the said election or amotion, as the case may be, shall have no force or effect; and that failing such signification within the said last mentioned period, such election or amotion shall be and be held and taken to be by him approved and confirmed;

And We do further by these presents for Us, Our Heirs and Successors, will and ordain, that henceforth from the date hereof such election shall not be required to be notified to Us, Our Heirs and Successors, in the manner provided and required in and by the said Letters Patent, or in any other manner or way whatsoever;

And We do further by these presents, for Us, Our Heirs and Successors, will, ordain and grant, that the said Governors, Principal and Fellows, and their Successors for ever, shall be one body politic and corporate, by the name of "The Governors, Principal and Fellows of McGill College," and by the said name shall have perpetual succession, and a common seal, and shall by the same name sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Us, Our Heirs and Successors, henceforth from the date hereof, and shall no longer be known by the name in the said Letters Patent mentioned, and shall retain all and every the property, franchises, rights and privileges granted under and by virtue of the said Letters Patent, and belonging to the said Corporation immediately before the date hereof, and shall be and remain liable to all claims and duties to which immediately before the date hereof they were subject, save only in so far as by these presents may be otherwise specially provided;

And We do further by these presents, for Us, Our Heirs and Successors, will, ordain and grant, to the said Governors, Principal and Fellows, and their Successors, by the name aforesaid, full authority and free license to have, take, purchase and hold, to them and their Successors to and for the use of the said College, any goods, chattels or personal property whatsoever; and also that by the name aforesaid they shall be able and capable in law, notwithstanding any Statutes or Statute of mortmain, law, usage or custom whatsoever to the contrary, to have, take, purchase and hold to them and their Successors to and for the use of said College, any other manors, rectories, advowsons, messuages, lands, tenements, rents and hereditaments of what kind, nature, or quality soever, over and above the manors, rectories, advowsons, messuages, lands, tenements, rents and hereditaments in the said Letters Patent mentioned of the yearly value of Six thousand pounds above all charges as in the said Letters Patent is

set forth but not for the purpose or with the view of re-selling the same ; provided always, that the whole shall not exceed the yearly value of Twelve thousand pounds above all charges, such annual value to be calculated and ascertained at the period of taking, purchasing or acquiring the same ;

And We do further by these presents, for Us, Our Heirs and Successors, appoint as Our Visitor in and over and for the said College, Our Governor General of Our said Province of Canada, for the time being, or in his absence the Administrator of the Government of the same for the time being ; who shall exercise, use and enjoy all and every the powers and authority of a Visitor, for and in the name and behalf of Us, Our Heirs and Successors, of the said College in all matters and things connected with the said College, as to him shall seem meet, according to the tenor and effect of these presents, and of the laws in force in Our Realm of England in relation to such powers and authority ?

Governor General of the Province appointed Visitor of the College with like powers as Visitors exercise in England.

And We do further by these presents for Us, Our Heirs and Successors, revoke and annul the power and authority in and by the said Letters Patent given and granted to the members for the time being of the Royal Institution for the Advancement of Learning, to be Visitors of the said College ; and do will and ordain that henceforth from the date of these presents the power and authority so given and granted to the said members of the said Royal Institution to be such Visitors, shall absolutely cease and determine, and shall not be exercised or used by them or any of them.

Members of the Royal Institution no longer Visitors.

And We do further by these presents, for Us, Our Heirs and Successors, will, ordain and declare that the Statutes, Rules and Ordinances from time to time framed and made by the said Governors of the said College, touching the matters and things in the said Letters Patent and in these presents enumerated, or any thereof, or for the revoking, augmenting or altering of any Statutes, Rules or Ordinances theretofore framed and made, so always as the same be not repugnant to the laws of Our Realm or of Our said Province of Canada, or to the objects and provisions of this Our Charter, shall have full force and effect, without the Allowance and Confirmation of Us, Our Heirs and Successors, as ordained in and by the said Letters Patent ; provided always that a certified Copy of all such Statutes, Rules and Ordinances, sealed with the College Seal and addressed to Our said Visitor of the said College for the time being, shall have been delivered into the Post Office of the said City of Montreal, and that the same shall not have been disallowed by Our said Visitor, and such disallowance signified in writing to the said Governors, within sixty days after such delivery of such Copy into the said Post Office.

Governors to make Statutes, Byelaws, &c.

Certified Copies to be sent to Visitor who may disallow the same within 60 days. If no disallowance signified such Statutes to be held as approved.

And We do by these presents, for Us, Our Heirs and Successors, expressly save and reserve to Us, Our Heirs and Successors the power of receiving, and by any order or orders to be by Us, or Them made in Our or Their Privy Council revising, confirming, altering, revoking or disallowing, all or any of the decisions, sentences or orders so as aforesaid from time to time by the said Visitor to be made and rendered in reference to any such Statutes, Rules and Ordinances, or the disallowing thereof, or in reference to any matter or thing whatsoever, as to which any power or authority is by these presents given and granted to him ;

Her Majesty reserves power to herself in her Privy Council to revise, confirm, alter, &c. decisions, sentences, or orders made by Visitor.

And We do by these presents, for Us, Our Heirs and Successors, will, ordain and grant, that nothing herein contained shall be held, construed or considered to have in any manner or way whatsoever revoked, cancelled, abrogated or altered the provisions, powers, authorities and grants in and by the said Letters Patent ordained and granted, or any thereof, save and except in the particulars here-

The Charter of  
His late Majesty  
George IV. con-  
firmed except  
where specially  
altered by the  
present Amend-  
ed Charter.

inbefore specially and expressly set forth ; but that all and every the said provisions, powers, authori-  
ties and grants in and by the said Letters Patent ordained and granted, shall subsist and continue in  
full force and effect, save and except in the particulars aforesaid, in the same manner as if these Our  
Letters Patent had never been made, ordained, or granted ; And We do further by these presents  
for Us, Our Heirs and Successors, grant and declare that these Our Letters Patent, or the enrol-  
ment or exemplification thereof, shall be in all things Valid and effectual in the Law according to the  
true intent and meaning of the same, and shall be taken, construed and adjudged in the most favourable  
and beneficial sense for the best advantage of the said College, and of the said Governors, Principal,  
Fellows and Scholars thereof, as well in Our Courts of Record as elsewhere, and by all and singular  
Judges, Justices, Officers, Ministers and other subjects whatsoever of Us, Our Heirs and Successors,  
any misrecital, non-recital, omission, imperfection, defect, matter, cause or thing whatsoever to the  
contrary thereof in any wise notwithstanding.

In witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Our Palace at Westminster, this sixth day of July, in the sixteenth year of  
Our Reign. (1852.)

By Her Majesty's command,

(Signed)

EDMUNDS.



XLI. GEO. III., CAP. XVII.

An Act for the establishment of Free Schools and the advancement of Learning in this Province.

MOST GRACIOUS SOVEREIGN.

WHEREAS Your Majesty, from Your paternal regard for the welfare and prosperity of Your subjects of this Province, hath been most graciously pleased to give directions for establishing a competent number of free schools for the instruction of their children in the first rudiments of useful learning, and also as occasion may require, for foundations of a more enlarged and comprehensive nature; And whereas Your Majesty hath been further most graciously pleased to signify Your royal intentions, that a suitable proportion of the lands of the Crown, be set apart, and the revenue thereof appropriated to such purposes:—Therefore we, Your Majesty's faithful and loyal subjects, the legislative council and assembly of Your Province of Lower Canada, with the most lively gratitude for this new instance of Your Majesty's paternal attention to the wants of Your Majesty's subjects, and desirous to contribute every thing in our power, for the execution of a plan so peculiarly beneficial to the rising generation, do most humbly beseech Your Majesty, that it may be enacted, and be it acted, &c.—That it shall and may be lawful to and for His Excellency the Governor, Lieutenant-Governor, or person administering the government of this Province, for the time being, by an instrument under the great seal of this Province, to constitute and appoint such and so many persons as he shall see fit, to be trustees of the schools of Royal foundation in this Province, and of all other institutions, of Royal foundation, to be hereafter established for the advancement of learning therein, as also for the management and administration, improvement and amelioration of all estates and property, moveable or immoveable, which shall in any manner or way whatsoever, be hereafter appropriated to the said schools and institutions, for the purposes of education and the advancement of learning, within this Province, to remove, from time to time, the said trustees or any or either of them, and to appoint others to be the successors of such as shall be so removed, or shall die, or resign their trust.

II. And be it further enacted, &c., that the said trustees and their successors, to be named in manner hereinbefore directed and appointed, shall be and they are hereby declared to be, a body corporate and politic, in name and in deed, by the name of *The Royal Institution for the advancement of learning*; and that by the same name, they shall have perpetual succession and a common seal, with power to change, alter, break and make new the same, when and as often as they shall judge the same to be expedient; and that they and their successors, by the same name, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any court of record or places of judicature within this Province; and that they and their successors, by the name aforesaid, shall be able and capable in law, to purchase, take, have, hold, receive, enjoy, possess, and retain, without

Preamble.  
See Tables.

Governor empowered to appoint trustees of the schools of Royal foundation.

Such trustees to be a body corporate and politic.

To have perpetual succession, and a common seal.

Authority to purchase property without letters of mortmain.

licence in mortmain or *lettres d'amortissement*, all messuages, lands, tenements and immoveable property, money, goods, chattels and moveable property, which hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, for and in favor of the said schools and institutions of Royal foundation, to and for the purposes of education and the advancement of learning, within this Province, and to do, perform and execute all and every lawful act and thing, in as full and ample manner and form, to all intents, constructions and purposes, as any other body politic or corporate, by law, may or ought to do.

Property vested in the trustees.

III. And be it further enacted, &c., that all lands, messuages, tenements and hereditaments and immoveable property, and all rents, sum and sums of money charged upon, and issuing or payable out of any messuages, lands, tenements, hereditaments or immoveable property, and all sum or sums of money, goods, chattels, effects or moveable property, which shall hereafter be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, for and in favour of the said schools and institutions of Royal foundation, to and for the purposes of education and the advancement of learning within this Province, shall be and the same are hereby vested in the said trustees and their successors, to and for the uses and purposes herein mentioned, declared and enacted, concerning the same; And that the said trustees, or the major part of them, shall and may have power and authority to demise, let and lease such messuages, lands, tenements, hereditaments and immoveable property, as shall or may be so as aforesaid given, granted, purchased, appropriated, devised or bequeathed, for any term of years not exceeding twenty-one years, and have, take and receive the rents, issues and profits thereof: Provided always, that the said trustees, from time to time, shall pay or cause to be paid into the hands of the receiver general of this Province for the time being, all and every such rents, issues and profits, sum and sums of money, which they shall receive by virtue of this act, forthwith upon the receipt thereof, subject to the disposition of His Excellency the Governor, Lieutenant-Governor, or person administering the government of this Province, to and for the purposes of this act, by warrant under his hand and seal; and the said receiver general is hereby required to receive and account for the same, in like manner as other public monies now by him received, are by him accounted for to His Majesty, through the commissioners of His Majesty's treasury, for the time being, as the Crown shall direct.

Authority to demise the property.

Rents, &c., to be accounted for to the receiver general, and by him to the Crown.

Receiver General to account.

Governor empowered to appoint the president of the corporation, and other officers, &c.

President and members of the corporation to make rules, orders and statutes

IV. And be it further enacted, &c., that it shall and may be lawful to and for the Governor, Lieutenant-Governor, or person administering the government of this Province, by an instrument or instruments under the great seal of this Province, from time to time, to nominate a president or principal of the said corporation hereby erected, and such other officers, clerks and servants, as he shall judge necessary, for the well ordering and governing of the affairs and business of the said corporation, — to fix the place, times and manner in which the said corporation shall assemble, and the number and description of members which shall be requisite for transacting the business of the said corporation, and for the execution of the trust reposed in them; and the president and such number of members of the said corporation which shall be so fixed, being assembled at such place and times, and in such manner, as shall be also so fixed, shall have full power and authority to make, ordain and constitute

such and so many bye-laws, rules, orders, constitutions and ordinances, not repugnant to the statutes, customs or laws of this Province or the express regulations of this act, as by them or the greatest part of them, then and there present, shall be judged necessary and expedient, as well for the direction, conduct and government of the said corporation of the free schools of Royal foundation of this Province, and all other institutions of Royal foundation for the advancement of learning which shall be hereafter established within this Province, and of the masters, ushers, tutors, professors and students thereof, respectively, as for the management and administration, improvement and amelioration of all estates and property, moveable and immoveable, which shall in any manner or way be hereafter paid, given, granted, purchased, appropriated, devised or bequeathed, in any manner or way for and in favour of the said schools and institutions of Royal foundation, for the purposes of education and the advancement of learning within this Province: Provided always, nevertheless, that no such law, rules, orders, constitutions or ordinances, shall have any force or effect until the same shall have been sanctioned and confirmed by the Governor, Lieutenant-Governor, or person administering the government of this Province, for the time being, under his hand and seal at arms: Provided also, that nothing hereinbefore contained shall extend, or be construed to extend to, or prejudice, directly or indirectly, the religious communities that now exist *de facto*, nor to any school or house of instruction that exists also *de facto* in this Province, nor to any corporation legally established or that shall be established by law in this Province, nor to any private school or other private establishment by individuals, for the purposes of education now made or hereafter to be made.

for the schools.

Such rules, &amp;c. to have no force until sanctioned by the Governor.

Rights of other parties saved.

V. And be it further enacted, &c., that when and so often as it shall be judged expedient by the Governor, Lieutenant-Governor, or person administering the government of this Province, to erect one or more free schools in any parish or township of this Province, it shall and may be lawful, to and for the Governor, Lieutenant-Governor or person administering the government of this Province, by an instrument under his hand and seal at arms, to declare the same, and to nominate and appoint two or more persons residing in the county wherein such parish or township may be situated, for the purpose of erecting one or more school-houses, with convenient apartments for one or more school-masters, in such parish or township,—to remove from time to time, such persons, or either of them, and to appoint others in the place and stead of such as shall be removed or shall die, or resign their trust; and the said persons so nominated and appointed, shall be and they are hereby constituted commissioners, for the purposes aforesaid.

Governor empowered to erect free schools in the parishes or townships of the Province.

VI. And be it further enacted, &c., that the said commissioners, being so appointed, shall forthwith after due consideration, fix upon some convenient lot or lots of ground in such parish or township, whereon such school-house or school-houses may be erected, and shall also fix upon the dimensions of the said school-house or school-houses to be erected, which shall not, in any case, exceed eighty feet in length and forty feet in breadth, and shall contain the apartments proper and convenient for the residence of the school-master or school-masters therein: Provided always, that the situation of such lot or lots of ground and the dimensions of such school-house or school-houses, shall be reported

Commissioners to fix on lots or ground for the erection of school houses.

To be approved by the Governor.

to, and be approved by His Excellency the Governor, Lieutenant-Governor, or person administering the government of this Province, for the time being, before the same shall be finally fixed upon.

**Commissioners may contract for the purchase of the ground so approved.** VII. And be it further enacted, &c., that when such lot or lots of ground shall be so fixed upon, with such approbation as aforesaid, the said commissioners or any two of them, in each of the said districts respectively, shall as soon as may be, contract for the absolute purchase of the said lot or lots of ground in such parish as aforesaid, for the purpose of erecting thereon such school-house or school-houses in such manner as is hereinafter directed, which lot or lots of ground, so to be purchased, shall be conveyed to the Royal Institution for the advancement of learning.

**School-houses to be provided by the inhabitants.** VIII. And be it further enacted, &c., that the school-houses with convenient apartments for the school-master hereinbefore mentioned, shall be erected and completed by the inhabitants of the township or parish as the case may be, in which, in manner aforesaid, it shall be found expedient to erect the same; and to this end, it shall and may be lawful, when such lot or lots of ground as aforesaid shall be fixed upon and conveyed in manner aforesaid, to and for the commissioners, so as aforesaid appointed, to issue their warrant under their signatures, appointing the church-wardens of the parish or parishes in which such school-houses are to be erected, to be syndics for the erection of the same, and requiring them or any two of them, to make an estimate of the sum to which the erection of such school-houses may amount—and also to make an act of repartition thereof, assigning what each inhabitant in the parish or parishes in which such school-houses are to be erected, in manner aforesaid, shall be held to pay and furnish; which estimate and repartition shall be made in like manner as is now provided for the erection of churches and parsonage houses, and shall, by the church wardens or any two of them, be laid before the commissioners aforesaid, who or a majority of them, are hereby authorized to homologate or reject the same, and the said repartition being homologated, shall be binding on all the parties concerned therein: And the church-wardens or any one of them, may compel each and every of the inhabitants aforesaid, to pay and furnish his or her proportion in conformity to the said repartition; and in case of refusal or neglect, it shall and may be lawful, to levy by warrant of distress and sale of the goods and chattels of such defaulter, to be granted on the oath of one or more credible witness or witnesses, and issued under the hand and seal of any justice of the peace acting in the district wherein such neglect or refusal shall be made, rendering the overplus, if any there be, to the said defaulter, after deducting the costs and charges of such distress and sale: Provided always, that no prosecution shall be commenced for such refusal or neglect, until fifteen days after the repartition homologated as aforesaid, shall have been published, by one of the church-wardens aforesaid, at the church-door of the parish in which such school-houses are to be erected, on a Sunday or holy-day after the morning service: Provided also, that no school-house or school-houses shall be erected in manner aforesaid in any parish or township, unless a majority of the inhabitants of such parish or township, shall present a petition to His Excellency the Governor, Lieutenant-Governor, or person administering the government, for the time being, praying to have a school or schools established therein, or unless a certain number of the inhabitants of any parish or township shall, in like man-

**But see Tables.**

**Repartition to be made.**

**Penalty on defaulters.**

**Limitation of actions.**

**How school-houses may be obtained in the several parishes.**

ner, present a petition, praying to have a school-house, and undertake to build the same at their own expense.

IX. And be it further enacted, &c., that it shall be the duty of the said commissioners, to Commissioners to superintend the school-houses, and inform the Governor when they are completed. superintend the erection of the school-houses and apartments as aforesaid, within the limits of their commissions, respectively, and when, and so soon as the same shall be completed, to give information thereof to the Governor, Lieutenant-Governor, or person administering the government of this Province, for the time being.

X. And be it further enacted, &c., that it shall and may be lawful, to and for the Governor, Governor to nominate the school masters. Lieutenant-Governor, or person administering the government of this Province, by an instrument under his hand and seal at arms, to nominate and appoint one or more fit and proper person or persons, to be the school-master or school-masters of every free school of Royal foundation, to be established and erected by virtue of this act,—to remove, from time to time, such school-master or school-masters, and to appoint another or others in the place and stead of such as shall be so removed, or shall die, or resign his or their trust,—and to fix and determine the salary or annual stipend to be allowed to such school-master or school-masters; and that from and after the passing of this act, no such master or And appoint their salary. masters shall teach in any free school of Royal foundation hereafter to be established, without a commission for that purpose first had and obtained, from the Governor, Lieutenant-Governor, or person administering the government of this Province, for the time being, under his hand and seal at arms.

XI. And be it further enacted, &c., that when any school or school-houses erected by virtue of this act, in any parish or township in this Province shall require repair, the same shall be repaired by the inhabitants of the parish or township in and for which the same shall be erected, and in the same manner and form as is herein provided for the erection of school-houses. Inhabitants to repair school-houses.

XII. And be it further enacted, &c., that the school-houses erected by virtue of this act, shall and may be appropriated to the sittings of the circuit courts, or any other of His Majesty's courts, which may be held in any parish in which such school-house is erected, and for holding the polls for the election of members to serve in the provincial parliament, when the same shall be held in any parish in which such school-house is erected. School-houses may be appropriated to the sitting of circuit courts, &c. See Tables.

#### VIII. VIC., CAP. LXXVIII.

An Act to enable the Corporation of the Royal Institution for the Advancement of Learning, to dispose of certain portions of Land, for the better support of the University of McGill College.

[29th March, 1945.]

**W**HEREAS the Honorable James McGill, late of Montreal, now deceased, by his last Will and Testament, bearing date the eighth day of January, in the year of our Lord, one thousand eight hundred and eleven, did give and bequeath a certain estate called *Burnside*, near Montreal, con- Preamble.

taining about forty six acres of land, together with the sum of ten thousand pounds, current money of this Province, to certain Trustees named in his said Will, in trust, to convey the same to *The Royal Institution for the Advancement of Learning*, upon condition that the said Royal Institution shall erect and establish, or cause to be erected and established thereupon a University or College for the purposes of Education and the Advancement of Learning; And whereas, by reason of a protracted litigation having ensued concerning the payment of the said sum of ten thousand pounds currency, it was deemed advisable by the said Royal Institution to receive in part satisfaction of the before mentioned sum of ten thousand pounds of the said currency, and interest accrued thereon a certain other portion of about seventeen acres, adjoining to the before mentioned estate called *Burnside*; And whereas the said Royal Institution have caused to be erected on the said estate of *Burnside* certain suitable buildings, and have obtained from His late Majesty King George the Fourth, his Royal Charter incorporating the said University or College by the name and title of *The Governors, Principal and Fellows of McGill College*; And whereas the net amount of income arising from so much of the aforesaid legacy of ten thousand pounds currency, as remains unexpended after the erection of buildings as aforesaid, is insufficient for the maintenance and support of the said College; And whereas parts or portions of the land bequeathed as aforesaid may with due advantage be disposed of and made productive for the better support of the College; And whereas it is expedient that sufficient authority be given for effecting the disposal of parts or portions of its lands: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Royal Institution for the Advancement of Learning, or such other body Corporate as may hereafter become duly seized and possessed of the aforesaid estate, to lease such portions of the said property, from time to time, and for such limited periods as they may think fit, or to dispose thereof in perpetuity for an annual irredeemable ground rent, (*rente foncière*,) or otherwise to alienate such parts and portions of the said lands, and on such terms and conditions as may be considered most advantageous for the present and permanent interests of the said College:

Provided that such *rente foncière*, (in case any portion of such lands be disposed of in perpetuity for an annual irredeemable ground rent,) (*rente foncière*) shall be subject to an increase of not less than twenty-five per cent. on the original rent, at the expiration of every twenty years, for one hundred years; Provided always, that the lots or portions of land so to be leased, sold or otherwise alienated, shall be exhibited on one or more plans of the whole, correctly executed, and be publicly disposed of to the best and highest bidder after one month's public notice thereof, and of the terms and conditions connected therewith, in not less than two newspapers published in Montreal.

Royal Institution may dispose of lands.

Proviso, as to the increase of any *rente foncière*.

Proviso, as to notice of the time and terms of sale.

## XVI. VIC., CAP. LVIII.

An Act to amend two certain Acts therein mentioned, and for other purposes connected with the administration of McGill College.

**W**HEREAS the President and Trustees of the Royal Institution for the advancement of Learning, Governors of McGill College, have, by their petition, prayed for the amendment and extension of an Act of the Parliament of the late Province of Lower Canada made and passed in the forty-first year of the Reign of His late Majesty King George the Third, and intituled, "*An Act for the establishment of Free Schools and the advancement of Learning in this Province*," and of an Act of the Parliament of this Province made and passed in the eighth year of Her Majesty's Reign, and intituled "*An Act to enable the Corporation of the Royal Institution for the advancement of Learning to dispose of certain portions of land for the better support of the University of McGill College*" and it is expedient to amend the said Acts:

Preamble.

Act of L. C.  
41 Geo. 3. 17.Act of Canada  
8 Vict. c. 78.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "*An Act to re-unite the Provinces of Upper and Lower Canada and for the government of Canada*," and it is hereby enacted by the authority of the same,—That in the absence of the President or Principal of the Royal Institution for the advancement of Learning, the member first or senior in order of appointment present at any meeting of the said Corporation shall preside.

Who shall preside in the absence of the President.

II. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning to appoint from time to time officers and servants of the Corporation and the same to remove.

Power to appoint and remove Officers and Servants.

III. And be it enacted, That at any meeting after the passing of this Act to be assembled and held in accordance with the provisions of the said Act, passed in the forty-first year of the Reign of His late Majesty King George the Third, it shall be lawful for the said Royal Institution for the advancement of Learning to provide and fix by By-laws, Rules and Orders, the place, times and manner in which the said Corporation shall assemble, and the number and description of members which shall be requisite for transacting the business and executing the trust of the said Corporation.

Power to make By-laws concerning meetings of the Corporation.

IV. And be it enacted, That all By-laws, Rules, Orders, Constitutions and Ordinances hereafter to be made by the said Royal Institution for the advancement of Learning, not being repugnant to any law of this Province, shall have full force and effect without being sanctioned or confirmed by the Governor of this Province, Provided always that a certified copy thereof shall be sent to the Governor through the Post-Office, and that it shall be lawful for him to signify his disallowance of the same within sixty days thereafter.

Disallowance of By-laws by the Governor substituted for the necessity of his sanctioning them.

V. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning to alienate and dispose in perpetuity of such portions of the lands, tenements and estate by them held or to be held in trust for McGill College, as they may deem expedient for the support

Corporation may dispose of lands for an irredeemable ground rent, but

it need not be subject to increase.

and advantage of the said College, for an annual, irredeemable ground rent (*rente foncière non rachetable*) and not otherwise, subject to such terms and conditions and with such formalities only of procedure as they may deem most advantageous for the said College; and it shall not be necessary that such ground rent (*rente foncière*) be subject to any future increase of amount.

Corporation may cancel existing deeds on terms to be agreed upon; raise loans etc.

VI. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning, if they shall deem it to the advantage of the said College so to do, to cancel and annul any deed or deeds heretofore by them granted for the disposal of any portion of the said lands, tenements and estate, upon such terms as by them and the other parties to such deed or deeds may be mutually agreed upon, as also, from time to time, to obtain and take any loan or loans of money for the uses of the said College, and upon such security, whether by hypothecation or otherwise, and upon such other terms and conditions as they may stipulate and assume; Provided always that the amount of such loan or loans shall not, at any one time, in the whole, exceed the sum of three thousand pounds.

Proviso.

Monies of Corporation not hereafter to be paid to Receiver General.

VII. And be it enacted, That the rents, issues and profits, sum and sums of money by the said Royal Institution for the advancement of Learning held and possessed or which may be by them hereafter received, shall not be paid into the hands of the Receiver General of this Province, but the same shall be received by the Treasurer of the said Royal Institution for the advancement of Learning; and be by him deposited and disposed of in such manner as, from time to time, the said Royal Institution for the advancement of Learning may direct; Provided always, that the said Royal Institution for the advancement of Learning shall, on or before the First day of February in every year furnish to the Governor of this Province, a detailed statement and account affirmed by the Treasurer before a Magistrate or Commissioner authorized to receive affidavits, of the receipt and expenditure of such monies during the year immediately preceeding.

Proviso annual accounts to be furnished to the Governor.

Provisions of the said two Acts, inconsistent with this Act repealed.

VIII. And be it enacted, That all such parts and provisions of the said two Acts, intituled respectively, "An Act for the establishment of Free Schools and the advancement of Learning in this Province," and "An Act to enable the Corporation of the Royal Institution for the advancement of Learning to dispose of certain portions of land for the better support of the University of McGill College" as are repugnant to or in any manner inconsistent with the provisions of this Act are hereby repealed;—Provided always that nothing herein contained shall impair or affect any rights heretofore acquired under and by virtue of the said Acts or either of them or any remedies or proceedings for the enforcement of or in relation to such rights; but all such rights, remedies and proceedings shall be and remain as, if this Act had not been passed.

Proviso: existing rights not impaired.

Public Act.]

IX. And be it enacted, That this Act shall be a Public Act.



