

[GOVERNMENT OF GREAT BRITAIN AND IRELAND, 1852]

[16 Victoria]

Second Royal Charter of McGill University

(Granted by Queen Victoria on July 6, 1852)

[1] **V**ictoria 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 dwellinghouse 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”

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

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 Reign, to will and ordain in manner following, that is to say

“*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 forty first 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 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 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”.

And whereas the said James McGill Esquire by his last 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

[1] Copied from images of the original charter at <http://www.archives.mcgill.ca/public/exhibits/installation/main/gallery-1852.htm>; text also at <https://www.mcgill.ca/secretariat/charter-statutes/royal>, as copied from *McGill University: Charters Provincial Statutes and Various Agreements* (1934). The original is one block of text. For easier reading, this edition divides the text into paragraphs and subparagraphs with clauses numbered in the margin.

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 petitioned by said "Royal Institution for the advancement of learning" that we would be pleased to grant our 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.

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 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 during his continuance in the said Office a Governor of the said College of four Professors to be also 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 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 for ever 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 license 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 Six Thousand pounds 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 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 answered in any manner whatsoever

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 such 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 Hanaper or elsewhere to our use"

And whereas it is deemed expedient for the interests of the said College and for the augmentation of its funds and 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 especial 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

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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

[2.] **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

[3.] **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 a motion 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 a motion [4.]

and that special notice in writing of the time place and object of every such special meeting by the Secretary 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 a motion 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

[5.] **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 whatsoever

[6.] **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

[7.] **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

[8.] **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

[9.] **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.

[10.] **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

[11.] **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

[12.] **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

[13.] **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

[14.] **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 hereinbefore specially and expressly set forth

but that all and every the said provisions powers authorities 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 Enrolment 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 favorable 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 nonrecital 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 Ourselves at Our Palace at Westminster, this Sixth day of July in the sixteenth year of our reign.

By Her Majesty's command *Edmunds*
