

2/1/53

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 establishment of a College within the Province of Upper Canada, in North America, in connection with the Church of Scotland, for the education of youth in the principles of the Christian Religion; and for their instruction in the various branches of Science and Literature, would greatly conduce to the welfare of our said Province. *And whereas* humble application hath been made to us by THE REVD. ROBERT MCGILL, Moderator of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, and THE REVD. ALEXANDER GALE, Clerk of the said Synod, and the several other persons hereinafter named, to make them a Body Corporate and Politic for the purposes aforesaid and hereinafter mentioned; by granting to them our Royal Charter of Incorporation, and to permit them to use our Royal Title in the name or style thereof.

I.

Preamble.

Now know Ye, that We having taken the premises into our Royal consideration, and duly weighing the great utility and importance of such an Institution, have of our special grace, certain knowledge, and mere motion, granted, constituted, declared and appointed, and by these Presents for Us, our Heirs and Successors, Do grant, constitute, declare and appoint the said ROBERT MCGILL and ALEXANDER GALE, The Revd. JOHN MCKENZIE, The Revd. WILLIAM RINTOUL, The Revd. WILLIAM T. LEACH, The Revd. JAMES GEORGE, The Revd. JOHN MACHAR, The Revd. PETER COLIN CAMPBELL, The Revd. JOHN CRUIKSHANK, The Revd. ALEXANDER MATHIESON, Doctor in Divinity, The Revd. JOHN COOK, Doctor in Divinity, and the PRINCIPAL of the said College for the time being, Ministers of the Presbyterian Church of Canada in connection with the Church of Scotland, The Honorable JOHN HAMILTON, The Honble. JAMES CROOKS, The Honble.

II.

Certain persons incorporated.

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WM. MORRIS, The Honble. ARCHIBALD McLEAN, The Honble. JOHN McDONALD, The Honble. PETER MCGILL, EDWARD W. THOMPSON, THOMAS MCKAY, JAMES MORRIS, JOHN EWART, JOHN STEELE, JOHN MOWAT, ALEXANDER PRINGLE, JOHN MUNN and JOHN STRANG, Esquires, Members of the said Church, and all and every such other person and persons as now is or are, or shall or may at any time or times hereafter be Ministers of the Presbyterian Church of Canada in connection with the Church of Scotland—or Members of the said Presbyterian Church in such connection, and in full communion with the said Presbyterian Church—shall be and be called, one body Corporate and Politic, in Deed and in Law, by the name and style of “QUEEN'S COLLEGE AT KINGSTON,” and them by the name of “QUEEN'S COLLEGE AT KINGSTON,” *We do for* the purposes aforesaid and hereinafter mentioned, really and fully for Us, our Heirs and Successors, make, erect, create, ordain, constitute, establish, confirm and declare by these presents, to be one Body Politic and Corporate in Deed and in name: And that they and their successors by that name shall and may have perpetual succession as a College—with the style and privileges of an University, for the education and instruction of Youth and Students in Arts and faculties; and shall also have, and may use a Common Seal, with power to break, change, alter or make new the same Seal, as often as they shall judge expedient. And that they and their Successors, by the name aforesaid, shall and may forever hereafter be able, in Law and in Equity, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever: and also to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain in Law, to and for the use of the said College, any Messuages, Lands, Tenements and Hereditaments, of what kind, nature or quality soever, so as that the same do not exceed in yearly value, above all charges, the sum of £15,000 sterling: and also that they and their Successors shall have power to take, purchase, acquire, have, hold, enjoy, receive, possess and retain all or any Goods, Chattels, Monies, Stocks, Charitable or other Contributions, Gifts, Benefactions or Bequests whatsoever: and to give, grant, bargain, sell, demise, or otherwise dispose

Corporate name

III.

General Powers

May hold Property.

of, all or any part of the same, or of any other property, real, personal, or other they may at any time or times possess or be entitled to, as to them shall seem best for the interest 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 times; and shall have liberty within themselves of performing all Scholastic Exercises for conferring such Degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said College.

IV.

College to be an University.

And We do further Will, Ordain and Appoint that no religious test or qualification shall be required of, or appointed for any persons admitted or matriculated as Scholars within our said College; or of or for persons admitted to any Degree in any Art or Faculty therein, save only that all persons admitted within Our said College to any Degree of Divinity, shall make such and the same Declarations and Subscriptions as are required of persons admitted to any Degree of Divinity in Our University of Edinburgh.

V.

No religious test except in the case of Divinity Students.

And for the better execution of purposes aforesaid, and for the more regular Government of the said Corporation, We do declare and Grant that the said Corporation and their Successors shall forever have Twenty-seven Trustees, of whom Twelve shall be Ministers of the said Presbyterian Church of Canada, and Fifteen shall be Laymen in full communion with the said Church. And that the said several persons hereinbefore named and the Principal of the said College for the time being, shall be the first and present Trustees of the said Corporation, and shall respectively continue in such Office until others shall be appointed in their stead, in pursuance of these our Letters Patent.

VI.

Twenty-seven Trustees to be appointed

And We further Will that the said Trustees of the said Corporation hereinbefore particularly named, shall continue in and hold the office of Trustees until the several days and in the manner hereinafter mentioned, that is to say, three Ministers and four Laymen whose names stand lowest in these our Letters Patent, shall retire from

VII.

Trustees to retire in rotation.

Order of retirement.

the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1843, and their room be supplied by the addition of seven new Members in manner hereinafter mentioned. Three other Ministers and four other Laymen whose names stand next to those in these our Letters Patent, who shall have previously retired, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1844, and their room be supplied by the addition of seven new members in manner hereinafter mentioned. Three other Ministers and four other Laymen whose names stand next to those in these our Letters Patent who shall have previously retired, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1845, and their room be supplied by the addition of seven new Members in manner hereinafter mentioned; and the two remaining Ministers and the three remaining Laymen whose names stand next to those in these our Letters Patent, who shall have previously retired, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1846, and their room be supplied by the addition of five new Members in manner hereinafter mentioned. And on the first day of each succeeding Annual Meeting of the said Synod, three Ministers and four Laymen whose names stand lowest in the future roll of Ministers and Laymen composing the said Board of Trustees, shall retire from the same, excepting in every fourth year, when two Ministers only, instead of three, and three Laymen only, instead of four shall so retire.

VIII.

Replacing of clerical Trustees,

Replacing of Lay Trustees,

List of persons eligible.

And the new Members of the Board to be appointed from time to time in succession to those who retire, shall be appointed in manner following, that is to say: The three Ministers or two Ministers as the case may be, shall be chosen by the said Synod on the first day of every Annual Meeting of the same, in such manner as shall seem best to the said Synod; and the four Laymen or three Laymen, as the case may be, shall be chosen also on the first day of every Annual Meeting of the said Synod, by the Lay Trustees remaining after the others shall have retired; and shall be so chosen from a list of persons made up in the following manner, that is to say: each Congregation admitted on the Roll of the said Synod, and in regular connexion therewith, shall, at a meeting to be

specially called from the Pulpit for that purpose in every third year, nominate one fit and discreet person, being a Member in full communion with the said Church, as eligible to fill the office of Trustee of the said College; and the persons names so nominated being duly intimated by the several Congregations to the Secretary of the Board of Trustees in such form as the said Board may direct, shall be enrolled by the said Board, and constitute the list from which Lay Trustees shall be chosen to fill the vacancies occurring at the Board during each year. And the names of Members thus added to the Board of Trustees, shall be placed from time to time at the top of the roll of the Board, the names of the Ministers chosen as new Trustees being first placed there in such order as the said Synod shall direct. And the names of the Laymen chosen as new Trustees being placed in such order as their Electors shall direct, immediately after the names of the said Ministers.

Mode of selection.

Provided always that the retiring Trustees may be re-elected as heretofore provided, if the Synod and remaining Lay Delegates respectively see fit to do so.

IX.

Retiring Trustees may be re-elected.

And Provided always that in case no election of new Trustees shall be made on the said first day of the Annual Meeting of the said Synod, then and in such case the said retiring Members shall remain in Office until their successors are appointed at some subsequent period.

X.

Proviso.

And Provided always that every Trustee, whether Minister or Layman, before entering on his duties as a Member of the said Board, shall have solemnly declared his belief of the Doctrines of the Westminster Confession of Faith, and his adherence to the Standards of the said Church in Government, Discipline and Worship; and subscribed such a formula to this effect as may be prescribed by the said Synod; and that such Declaration and Subscription shall in every case be recorded in the Books of the said Board.

XI.

Proviso.

And We further Will that the said Trustees and their Successors shall forever have full power and authority to elect and appoint for the said College a Principal, who shall be a Minister of the Church of Scotland, or of the Presbyterian Church in Canada in connexion with the Church of Scotland; and such Professor or Professors,

XII.

Power to elect a Principal.

Power to elect Professors and officers.

Proviso.

Master, or Masters, Tutor or Tutors, and such other Officer or Officers as to the said Trustees shall seem meet; save and except only, that the first Principal of the said College, who is also to be Professor of Divinity, and likewise the first Professor of Morals in the said College, shall be nominated by the Committee of the General Assembly of the Church of Scotland.

XIII

Proviso.

Provided always that such person or persons as may be appointed to the Office of Principal or to any Professorship or other Office in the Theological department in the said College shall, before discharging any of the duties, or receiving any of the emoluments of such Office or Professorship, solemnly declare his belief of the doctrines of the Westminster Confession of Faith, and his adherence to the standards of the Church of Scotland, in government, discipline and worship, and subscribe such a formula to this effect as may be prescribed by the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, and that such declaration and subscription be recorded in the Books of the Board of Trustees:

XIV.

Proviso.

And provided always. that such persons as shall be appointed to Professorships, not in the Theological Department in the said College, shall before discharging any of the duties, or receiving any of the emoluments of such Professorships, subscribe such a formula, declarative of their belief of the doctrines of the aforesaid Confession of Faith as the Synod may prescribe.

XV.

Discipline of Principal, Professors & Officers,

And We further Will, that if any complaint respecting the conduct of the Principal, or any Professor, Master, Tutor, or other Officer of the said College, be at any time made to the Board of Trustees, they may institute an enquiry, and in the event of any impropriety of conduct being duly proved, they shall admonish, reprove, suspend, or remove the person offending, as to them may seem good—

XVI.

Proviso.

Provided always, that the grounds of such admonition, reproof, suspension or removal be recorded at length in the Books of the said Board.

XVII.

Power to erect an edifice.

And We further Will that the said Trustees and their Successors shall have full power and authority to erect an Edifice or Edifices for the use of the said College.

Provided always, that such Edifice or Edifices shall not be more than three miles distant from St. Andrew's Church in the Town of Kingston in the Province of Upper Canada.

XVIII.
Location.

And We further Will that the said Trustees and their Successors 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 all matters regarding the same ; the number, residence and duties of the Professors thereof, the management of the revenues and property of the said College, the Salaries, Stipends, provision and emoluments of, and for the Professors, Officers and Servants thereof, the number and duties of such Officers and Servants, and also touching and concerning any other matter or thing which to them shall seem necessary for the well being and advancement of the said College, and also from time to time by any new Statutes, rules or ordinances to revoke, renew, augment or alter, all, every, or any of the said Statutes, rules and ordinances as to them shall seem meet and expedient :

XIX.
Power to make Statutes.

Provided always that the said Statutes, rules and ordinances, or any of them, shall not be repugnant to these presents or to the Laws and Statutes of the said Province.

XX.
Proviso.

Provided also that the said Statutes, rules and ordinances, in so far as they regard the performance of Divine Service in the said College, the duties of the Professors in the Theological Department thereof, and the Studies and exercises of the Students of Divinity therein, shall be subject to the inspection of the said Synod of the Presbyterian Church, and shall be forthwith transmitted to the Clerk of the said Synod and be by him laid before the same at their next Meeting for their approval ; and until such approval duly authenticated by the signatures of the Moderator and Clerk of the said Synod is obtained, the same shall not be in force.

XXI.
Proviso.
Approval of Synod.

And We further Will, that so soon as there shall be a Principal and one Professor in the said College, the Board of Trustees shall have authority to constitute under their Seal the said Principal and Professor, together with three members of the Board of Trustees, a Court to be

XXII.
College Senate constituted.

Discipline of
Students.

called "The College Senate," for the exercise of Academical superintendence and discipline over the Students, and all other persons resident within the same, and with such powers for maintaining order and enforcing obedience to the Statutes, Rules and Ordinances of the said College, as to the said Board may seem meet and necessary :—

XXIII.

Proviso.

Provided always, that so soon as three additional Professors shall be employed in the said College, no Trustee shall be a Member of the said College Senate, but that such Principal and all the Professors of the said College shall for ever constitute the College Senate, with the powers just mentioned.

PXIV.

Power to confer
Degrees.

And We further Will, that whenever there shall be a Principal and four Professors employed in the said College, the College Senate shall have power and authority to confer the degrees of Bachelor, Master, and Doctor, in the several Arts and Faculties.

XXV.

Quorum of Trustees

And We further Will, that five of the said Trustees, lawfully convened as is hereinafter directed, shall be a quorum for the despatch of all business, except for the disposal and purchase of Real Estate, or for the choice or removal of the Principal or Professor, for any of which purposes there shall be a Meeting of at least, thirteen Trustees.

XXVI.

Power to choose
Secretary, Treas-
urer and Chairman.

And We further Will, that the said Trustees shall have full power and authority, from time to time, to choose a Secretary and Treasurer ; and also once in each year or oftener, a Chairman who shall preside at all Meetings of the Board.

XXVII.

Power to fill vacan-
cies in the Board.

And We further Will, that the said Trustees shall also have power by a majority of voices of the Members present, to select and appoint in the event of a vacancy in the Board by death, resignation, or removal from the Province, a person whose name is on the list from which appointments are to be made to fill such vacancy, choosing a Minister in the room of a Minister and a Layman in the room of a Layman, and inserting the name of the person so chosen in that place on the Roll of the Board in which the name of the Trustee in whose stead he may have been chosen stood ; so that the persons so chosen may be as to continuance in Office and in all other respects as the per-

sons would have been by whose death, resignation or removal the vacancy was occasioned.

And We further Will, that the first General Meeting of the said Trustees shall be held at Kingston upon such a day within six Calendar months after the date of these our Letters Patent, as shall be fixed for that purpose by the Trustee first named in these presents, who shall be then living ; of which Meeting thirty days notice at least shall be given by notification in writing to each of the Trustees for the time being, who shall be resident at the time within the Provinces of Upper or Lower Canada; and the same shall also be notified at the same time by Advertisements in one or more of the Public Newspapers of the said Provinces.

XPVIII.

First General Meeting.

And the said Trustees shall also afterwards have power to meet at Kingston aforesaid, or at such other place as they shall fix for that purpose upon their own adjournment, and likewise so often as they shall be summoned by the Chairman or in his absence by the Senior Trustee, whose Seniority shall be determined in the first instance by the order in which the said Trustees are named in these presents, and afterwards by the order in which they shall be subsequently arranged pursuant to the powers hereinbefore contained.

XXIX.

Future Meetings

Provided always that the said Chairman or Senior Trustee shall not summon a Meeting of the Trustees unless required so to do by a notice in writing, from three Members of the Board :

XXX.

Notice in writing.

And provided also, that he cause notice of the time and place of the said Meeting to be given in one or more of the Public Newspapers of the Provinces of Upper and Lower Canada, at least thirty days before such Meeting ; and that every Member of the Board of Trustees resident within the said Provinces shall be notified in writing by the Secretary to the Corporation of the time and place of such Meeting.

PXXI.

Publication of Notice.

And We Will and by these presents for Us our Heirs and Successors do Grant and declare that these our Letters Patent, or the enrolment or exemplification thereof shall and may be good, firm and valid, sufficient and effectual in the Law, according to the true intent and meaning of

XXXII.

Intention and meaning of Letters Patent

the same and shall be taken, construed and adjudged in the most favorable and beneficial sense for the best advantage of our said College, as well in our Courts of Record as elsewhere; and by all and singular Judges, Justices, Officers, Ministers and others, subject whatsoever of Us our Heirs and Successors, any unrecital, non-recital, omission, imperfection, defect, matter, cause, or anything 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 Sixteenth day of October, in the Fifth year of our Reign.

By Writ of Privy Seal.—EDMUNDS.