OU RG73.04.356t

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Ottawa June 5, 1893

Dear Mr Merrifield

I found upon examining the records of the Probate Court, that the University was duly incorporated under the laws in force at the time. All the proper steps appear to have been taken-although the judge failed to spread the charter itself on the record as he might properly have done—The law provided that the corporate name certificate, and articles of association, should be entered on the records of the corporation, and also in the recorders office --(see chap, 44 Complied Laws of 1862—See 2). I do not know whether the record was made in the Register office—If not, it can be done now—the omission in no way affects the validity of your incorporation, which has been repeatedly recognized, by the Executive and legislative branches of the Federal government—by acts of the legislature, and many decisions of the Supreme court of the state.

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If you wish to examine the Registers records, to see whether the entry is made the Mr F A Shelkinson of Clark & Wilkinson will assist you, (I spoke to him about it).

If you have articles of association let them be entered, following the entry of the certificate of incorporation.

I hand you a form, preamble and resolutions, for entry of charter and your corporate record—Mr Dodson has the charter—which ought to be preserved with great care.

I do not recommend the filing of the certificate in the office of the Secy. of State under Sec. 75 chap 23. of the Gen. Stat (1st vol Gen Stat. par, 1182)—The original charter gives perpetual succession, and the old conferred ample powers—The ~~new~~ later law abridges the times and does not extend the powers—Besides your status is thoroughly settled, by Acts of Congress of the legislature and ~~of~~  by judicial decision—I would not ~~distinl~~ disturb it now—

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People inquiring into the legal origin and existence of the school, must of course consult the act in force at the time, and can be easily shown that it was compiled with, and that your legal existence as a regularly chartered institution of learning with full and ample powers, ~~is~~ beyond controversy.

I hope to return home tomorrow and if I can be of any further assistance to you and the Board you may command me.

Very truly yours

A W Benson

Pg3 Postscript

You will find the law complied Laws of 1862—also the later law in the Gen State, in my office over “ Mr Luecis Store and on my tables—or in any law office—Please read the former Statute carefully.

AWB