

**Of monopolies in learning, with remarks on the present state of medical education, and on the constitution of the Scotch universities / by Andrew Buchanan.**

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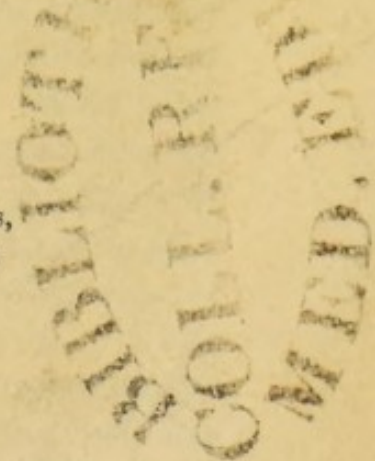
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*Dr. Hunt*  
*with the Author's comp*  
OF  
MONOPOLIES IN LEARNING;  
WITH REMARKS  
ON THE PRESENT STATE  
OF  
MEDICAL EDUCATION,  
AND  
ON THE CONSTITUTION  
OF THE  
SCOTCH UNIVERSITIES.

By ANDREW BUCHANAN,  
GRADUATE AND REGENT OF THE FACULTY OF MEDICINE IN THE  
UNIVERSITY OF GLASGOW.

*Pudet hæc opprobria nobis,  
Et dici potuisse et non potuisse refelli.*

GLASGOW:  
PUBLISHED BY RICHARD GRIFFIN & CO.  
MDCCCXXXIV.



MONOPOLIES IN LEARNING

OF THE PRESENT STATE

MEDICAL EDUCATION

ON THE CONTINENT

SCOTCH UNIVERSITIES

BY ANDREW BUCHANAN

ESQ. OF THE BAR AT GLASGOW

IN TWO VOLUMES

GLASGOW:  
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OF  
MONOPOLIES IN LEARNING.

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EVERY member of a mercantile community is aware of the evils arising from monopolies, that is, exclusive privileges of dealing in articles of commerce, whether granted to individuals or to corporate bodies. All agree in denouncing as injurious to the common weal, the great Eastern monopoly in Tea, and the great Western monopoly in Sugar. Is it not then, strange, that we should so seldom hear of the evils of a monopoly affecting a commodity far more valuable than either Tea or Sugar, and existing not in remote colonies, but in the very centre, and throughout the length and breadth of these realms?

There is no species of property which a man is more assuredly entitled to call his own than his powers of mind, and the knowledge which, by a life of study, he may have accumulated. Why, then, is he not allowed to turn this property to every fair advantage? Why is he not entitled to impart his learning to others, and receive for it a just remuneration? Why should the laws of this country permit any body of men, or, what is still worse, any one man to monopolize any branch of learning, and say to those who cultivate it, "Your labour is vain; you may sow, but you can never reap: this field of science (or of letters, as it may be) has been given by law exclusively to us; cultivate it, therefore, as you will, we alone can carry home the harvest?"

The monopoly of learning, or exclusive privilege of dealing in that commodity, is a most unjust encroachment upon the natural rights of every man who culti-



vates his understanding. Among the natural rights of man which no positive law can justly interfere with, must surely be enumerated the right of employing the ingenuity and other powers of mind which God has given him to the best advantage. Upon this right, sanctioned as unalienable by the Law of Nature, the monopoly of learning is a direct encroachment. It is not less an encroachment upon another right which it is one of the main objects of Civil Laws to maintain inviolate,—the right of property, for it takes away the marketable value of our mental stores, and thus renders them useless to the possessor.

But how does this monopoly affect the interests of Learning itself? I answer the question by another. I ask what becomes of the man who is interdicted from prosecuting a study to which he has been devoted—I mean virtually interdicted—by being told that the fruits of his study have no marketable value. If he be a rich man, science or literature may lose nothing; he may hold on his course of study incited by the love of truth or by the love of honourable fame. But how seldom is a student rich? As seldom as a rich man is studious. And if the student be not rich, how then does the interdiction operate? Dire necessity, the necessity of seeking subsistence, compels him to have recourse to some lucrative employment which no monopolists have yet absorbed, to labour perhaps no longer with his mind but with his body, or to bestow upon some irksome, because uncongenial task, the time which it would have been to him the highest, as it would have been the purest human happiness, to have devoted to his favourite study.

Monopolies in Learning are, therefore, attended with this injurious effect upon learning itself, that they render the cultivators of it necessarily few, driving away from the pursuit of it many who, by their genius, might have shed lustre upon letters, or by their patient research and native force of mind, might have extended the boundaries of science; or who, at least, in a humbler, but not a less useful sphere, might have been instrumental in diffusing learning, by imparting



to others their mental stores and their habits of mental discipline.

But does Learning sustain no other evil by being made the subject of a monopoly? It does, and a most serious one. The extent of this additional evil depends upon the condition of the monopoly. Some monopolies are granted to Corporate Bodies, every member of which possesses the right of teaching, that is, of laying out his powers of mind and his learning to the best advantage. Much more frequently, however, the monopoly is granted to a single person. In the former case, if the members of the corporation be numerous, the love of gold, or the purer love of science or of fame, may excite an honourable competition, and the additional injury done to learning by the monopoly may be little appreciable. But in the latter case, where there is but one individual who has the right of teaching, how vast is the additional injury!

Let us first suppose the individual who has the sole privilege of imparting knowledge, to have the knowledge to impart, and to possess ordinary talents, or talents superior to the ordinary standard. Yet what incitement has this man to labour! He need fear no competitor treading on his heels. Why put himself to unnecessary pain in making discoveries himself, or in making himself familiar with the discoveries of others? His emoluments are secure, and they are the same, or nearly the same, whether he discharge his duty well, or discharge it ill. Whoever knows human nature, knows what must be the consequences of such a system; and whoever has known the privileged orders among the learned, must have seen its paralyzing influence too often exemplified.

The case just supposed is the least unfavourable to the system we are considering. Let us now suppose that the monopoly has not been bestowed on account of superior talents and learning, but, as often happens, has been obtained by political intrigue, by family connexion, by private friendship, by servility, or from the desire on the part of a patron of being rid at the cheapest rate of the importunity of a dependant. The man chosen



from such motives cannot be expected to be, in every instance, the best fitted for the duties he has to perform. He may be a grovelling being, who cares nothing for the interests of learning, and only values his important office for the emoluments it brings. To say nothing of moral habits, he may be a man of weak intellect. He may be incapable of maintaining authority over a juvenile auditory. He may be destitute of the power of communicating to others the knowledge he possesses; or last of all, he may not possess the knowledge he is appointed to communicate. In this last circumstance monopolies in learning differ from monopolies of every other kind. All other monopolists must possess a certain stock of the commodity in which they are privileged to trade, for without that their chartered rights could be of no value. The monopolist of learning on the other hand, if he only have his charter, need not be solicitous as to his stock in trade; for his peculiar privilege is to give for a price fixed by law or by custom, whatever sort of commodities, and in whatever quantity, he may think fit.

The additional evils attendant on the monopoly of an individual, in the circumstances last supposed, are too obvious to require comment. Even in the case in which a lack of zeal, on the part of the privileged teacher, is the only deficiency that can be laid to his charge, it is impossible to estimate the extent and duration of the resulting evils. Those who are taught by a man of this kind, cannot catch from his lips an enthusiasm that has no place in his heart, and will most probably, therefore, regard the subject of their studies with indifference or dislike; and since the sentiments of one generation are influenced by those of the generation before it, if the flame be once extinguished the day may be far distant, when a worthier successor shall succeed in rekindling it.

I have thus endeavoured to show that all monopolies in literature and science are most unjust and most injurious to learning. They are unjust, because they trench on the natural rights, which every man born in



a free country ought to possess—the right of employing the powers of his mind, like those of his body, to the best advantage; and the right of enjoying, and turning to a fair account, the property which consists in knowledge. They are injurious to learning by rendering the number of those who cultivate it necessarily very small, debarring all besides from any participation in the profits which it yields; and by exerting a most unpropitious influence over the few privileged cultivators of it, secluding them from all salutary competition, and fostering in them bad habits, and ungenerous sentiments, that may through them be transmitted to unborn generations.

I have only farther to say of Monopolies in Learning, that I do not know any one advantage of any kind whatsoever, with which they are attended, to counterbalance the many and great disadvantages above enumerated; and having said this, I have fully expressed my opinion of these Monopolies.

I now descend from a general to a particular question. I select the Monopolies in Medical Science, MEDICAL EDUCATION. because I am most familiar with them, and because they are well fitted to illustrate my general propositions. But I do not wish to shift the discussion\* from the general to the particular question. The medical profession is not the only one where the rights of profiting by mental industry and disposing of mental property are unjustly restricted, or nullified by monopolies. All the professions we name *learned* are in this respect placed in the same circumstances. I hope, therefore, to see the members of those professions cordially co-operate in an attempt to shake off a yoke alike oppressive to all of them, by the legitimate means of public discussion and representation to Par-

\* This paper was read first before the Glasgow Literary and Commercial Society, and afterwards at the Andersonian Soirée, of 9th December last. The author begs to acknowledge himself indebted for many valuable suggestions, to the Gentlemen who took a part in the interesting discussion which ensued on both occasions.



liament, and I feel convinced they will be aided in that attempt by all who feel interested in the advancement and diffusion of knowledge.

In the medical profession, as is well-known, there are three principal *grades*, the individuals belonging to which receive respectively the names of Physicians, Surgeons, and Apothecaries. I propose, very briefly, to describe the course of Education which must be gone through to confer a legal title to these professional distinctions.

Education  
of Physi-  
cians.

I shall first speak of the education of Physicians, the most respectable, and, in Scotland at least, the most numerous of the members of the medical profession. I shall only account it necessary to describe the system of education pursued at the Universities of Edinburgh and Glasgow; because the legal title of the great majority of Physicians practising throughout Great Britain and her colonies, consists in a medical degree conferred by these Universities. At Edinburgh alone, from a hundred to a hundred and fifty students, every year, receive, in the University phrase, the highest honours in medicine; while the number of medical graduates from the English Universities, and from those of Aberdeen and St. Andrew's, is comparatively trifling.

The education of Physicians at Edinburgh and Glasgow is the subject of a monopoly of the most exclusive kind. The science of medicine is divided by the Universities into a certain number of branches. The University of Edinburgh forms fourteen branches; Anatomy, Surgery, Practice of Medicine, Institutes of Medicine, Midwifery, Chemistry, Materia Medica, Botany, Medical Jurisprudence, Clinical Medicine, Clinical Surgery, Practical Anatomy, General Pathology and Natural History. The Glasgow University recognizes only eight branches, leaving out the six last enumerated. Each of these branches of Medicine is monopolized by an individual. This individual receives a grant from government, or the other patrons of the University, entitling him to exercise during his lifetime the exclusive privilege of teaching that particular branch of medicine to which the grant relates. All



who desire to become Physicians, must be trained by this individual, and by him alone. It is of no consequence that he may have been originally unfit for the functions vested in him; or that he since may have become lazy, or dissipated, or superannuated; or may have so completely lost authority over his students, that they only assemble to hoot at him, grin in his face, or indulge in more open acts of insubordination—the necessity of attending upon his prelections is as imperative as ever. Certificates of attendance upon this man's Course of Lectures, and upon his alone, as long as he lives, are required by law; and to what the law requires, whoever wishes to become a Physician must necessarily conform.

It is difficult to conceive a system of education more utterly irrational than this, and fraught with more numerous and more serious evils—more calculated to engender presumption, carelessness and sloth, in the sole possessor of the monopoly, and to check the spirit of medical improvement in every one else.

But I may be told that, in contradiction to my statements, the Universities of Edinburgh and Glasgow have long been famous as Schools of Medicine; that many eminent Professors have adorned, and do at present adorn both; and that, to both, numerous students flock annually to receive their medical education.

I answer, with respect to the eminent Professors that have adorned the Edinburgh and Glasgow Universities, that these few out of the many were eminent in spite of the system under which they taught, and not in consequence of it. As to the number of students who flock to Edinburgh and Glasgow to receive their degrees in medicine, the answer is still more obvious. The young men who repair to Edinburgh and Glasgow, intend to earn their livelihood as Physicians, and they must take the steps required by law to become Physicians. Now, there is no mode of being legally constituted a Physician but by obtaining the degree of Doctor in Medicine, either from an English or from a Scotch University: and, to do the Scotch Universities justice, the system of education which they



prescribe, irrational though it be, is nevertheless much better, and cheaper, than the system of Oxford and Cambridge. The Universities of Edinburgh and Glasgow are preferred, not because they are good, but because there are none better to be had. The number of students at these Universities is, therefore, no argument for their excellence. One might just as well say, if there were but one ferry-boat between Dover and Calais, or between Port-Patrick and Donaghadee, that the excellence of the boat was demonstrated by the number of the passengers.\*

Education  
of Surgeons  
and Apothecaries.

The education conferring a legal claim to the title of Surgeon, is nearly the same as that required of the Physician, but generally more complete. A more limited education is marked out for the Apothecary, if he confine himself to the mere retailing of drugs, without aspiring to the treatment of diseases.†

The education of Surgeons and Apothecaries, like that of Physicians, is strictly monopolized. The monopoly, however, is of a far more liberal, and therefore, though not less obnoxious in principle, of a less hurt-

\* Before quitting the subject of the education, now required by law, of Physicians, I may remark, that I have described above the system of regulations established at no very distant period in all the Universities of Scotland, and still strictly enforced in the University of Edinburgh. Some important modifications, however, have been recently introduced by the Universities of Glasgow and St. Andrew's. The University of Glasgow recognizes the certificates of all private teachers in London and Dublin; this is in so far liberal; but is it justice to extend to strangers in London and Dublin a privilege withheld from teachers in Glasgow and Edinburgh, whose qualifications the members of the University can much more readily ascertain? The University of St. Andrew's has very recently published a set of regulations, by which they accept of certificates from all teachers who are members of the Royal Colleges of Surgeons of London, Edinburgh, or Dublin, or of the Faculty of Physicians and Surgeons of Glasgow.

† In England no test of qualification is required of a mere Apothecary, or retailer of drugs. An Englishman has, therefore, not the least security when he sends for a dose of salts, that he is not to receive a dose of oxalic acid; or, that instead of calomel, he may not, in a perfectly legal manner, be made to swallow corrosive sublimate, or the white oxide of arsenic.



ful character. Instead of being vested, like the monopoly for educating Physicians, in individuals, who possess the sole privilege of teaching as long as they live, the monopoly of education in Surgery and Pharmacy is vested in certain corporate bodies, every member of which has the right to teach any of the branches of medicine constituting the prescribed curriculum of education. The only exception to this statement is, that of the University of Glasgow, which a few years ago assumed to itself the power of educating, and licensing Surgeons, according to the same system of individual monopoly by which it educates Physicians. In every other instance the education of Surgeons and Apothecaries is carried on by corporate bodies, every member of which has the right of teaching. In the Royal College of Surgeons of London there are some thousand members ; in the Worshipful Company of Apothecaries there are nearly as many ; in the Royal College of Surgeons of Edinburgh, there are an hundred and three, and in the Faculty of Physicians and Surgeons of Glasgow, there are ninety-nine. Now, the difference is incalculable between a monopoly vested in the person of one individual, and a monopoly vested in an hundred or a thousand individuals. Among these hundred, or thousand members of the corporate body there is the freest competition, so that instead of only one teacher for each branch of medicine, there are at least as many as may be required by the number of applicants for instruction. Moreover, these teachers cannot, like the sole monopolists, fall asleep altogether, or only dole out such a modicum of instruction as may suit their inclination. They are, on the contrary, compelled to maintain themselves on the very highest level of the science which they teach, and to use their utmost endeavours to advance their pupils to the same elevation. If the spirit of emulation does not incite them to do this, motives of self-interest will ; for they soon find out, that inattention and ignorance bring with them their own punishment, by a transference of the emoluments of tuition to more industrious and able competitors. The immeasurable superiority of this



system over the system of individual monopoly adopted at the Universities, must be at once apparent to all who know human nature. We may add, that almost every eminent man, who has filled a professorial chair in an University, has first earned his reputation under the wholesome discipline which this system enjoins. There can, therefore, be no doubt that the simultaneous operation of a more liberal system of tuition has greatly mitigated the evils resulting from the University monopolies.

Another circumstance which takes away almost entirely the exclusiveness of a monopoly from this department of medical education is, that every man has it in his power to become a member of the monopolizing body on certain conditions. These conditions are, producing the certificates of education required, undergoing an examination, and paying a certain sum as entry-money. Open, however, as this system is, and immeasurably superior to the individual monopolies of the University, still, it is a monopoly, and is, therefore, in principle unjust. A poor man may be unable to pay the entry-money, and a man perfectly qualified in point of knowledge to undergo any examination, may not have acquired his knowledge in the exact manner prescribed by the corporation; access to which is, therefore, denied him. Moreover, it is to every man a galling consideration, that he is compelled to purchase with money what is his birth-right; for such, in every free country, must be accounted the right of employing, for every fair purpose, the powers of his understanding, and disposing of his stock of mental wealth to the best advantage.

Such, then, is a faithful picture of Medical Education. There is no part of it that monopolists have not absorbed. The greatest and most important part of it is subject to the monopoly of individuals, the most obnoxious of all monopolies, because the most oppressive in its operation, and the most injurious to the cause of learning. The remaining part of it is subject to a less rigorous, and, therefore, less hurtful monopoly, but which is still an encroachment upon



rights which should be guaranteed to every subject of a free government.

That our present system of medical education requires amendment all are agreed, and Government is now preparing to amend it. The objects which should be kept in view are, to render the system *just and efficient*, and to see that those objects are fully attained is the great concern of the public. Whatever be the plan of his Majesty's Government, if it attain these objects, it cannot be otherwise than good. The details of the plan are comparatively of little consequence; for, as we may reach the same haven by different tracks, so various plans may be proposed which shall, by different means, accomplish the same desirable ends. Let us first inquire how far the system, now existing, admits of being reformed, and we shall then be able to judge of the merits of the scheme, so generally popular throughout England, of superseding the existing system by another fundamentally different.

If, then, the Government of this country, after duly considering the present state of our Universities, shall think fit to retain them, as an integrant part of our national system of education, it is clear, that the monopoly of individuals in teaching must be wholly abolished; for, till that be done, the Universities must continue to be, as they at present are, drags upon the intelligence of the country. Perhaps no better regulation could be made than that by which the right of teaching should be restored to all Graduates of the Universities, whether in Arts, in Medicine, in Law, or in Theology; I say that the right of teaching should be restored to the graduates, because it is well known to all who have studied the history of Universities, that the essential privilege and duty of all graduates, in whatever faculty, is to teach; and that the *brevium*, or diploma which they receive on finishing their studies is intended to constitute them teachers, under the names of *Doctores* and *Magistri*. These names (Teachers and Masters) are of themselves sufficiently expressive of the nature of the functions of a graduate. In the original charter of the University of Glasgow,

MEDICAL  
REFORM.

Reform of  
the Universities.



it is ordained that those who have finished their studies, and are found duly qualified, shall obtain, "*Docendi licentiam, ut alios erudire valeant.*" The graduates were indeed the only teachers recognised by the original constitution of the Universities. They not only possessed the right of teaching, but for a certain period they were under the obligation to teach when called upon, so that the University might not suffer from a want of teachers.

The steps are easily traced by which the transition was effected from the original to the present state of our Universities. The graduates employed in teaching received a certain regulated fee from those whom they taught. To relieve the students from this burden, and to secure the permanence of distinguished teachers in the University, it was at length enacted that some of the more eminent graduates should receive salaries on the condition of their teaching gratuitously. The establishment of salaried graduates, or professors, as they afterwards came to be called, was soon followed by important consequences. As the obligation upon graduates to deliver lectures was only enforced when a sufficient number of voluntary teachers did not come forward, the granting of salaries may be said to have dissolved the obligation, by ensuring the presence of the professors. A still more important consequence was, that when the graduates now attempted to deliver lectures, they were for the most part no longer able to procure auditors, because the students preferred the gratuitous instructions of the salaried professors. The practice of lecturing was thus seldom exercised by the graduates, and in process of time, altogether discontinued. It was soon, therefore, nearly forgotten; and, at length, the right to exercise it was boldly denied by the professors, who having now no dread of competition, while they retained their salaries, charged fees as at first.

University  
of Glasgow

I hope the importance of the subject, will be a sufficient apology for deviating a little from the direct line of our argument, for the purpose of showing that the history of the University of Glasgow, is in strict



accordance with the general historical outline which I have just traced.

The University of Glasgow was established by a Bull of Pope Nicholas V., in the year 1450. Of this Bull, or original charter of the University, the following is an abstract, and the last part, distinguished by inverted commas, a literal translation.

Considering the utility of learning, the application of James II., King of Scotland, to have an University established at Glasgow, and the fitness of the City of Glasgow for that purpose, We erect and establish in the City of Glasgow, a general seminary (*generale studium, or university*) for Theology, Law, Arts, and every other lawful study (*omni aliâ licitâ facultate*). We ordain that the Doctors, Masters, Readers, and Students, enjoy the same privileges, liberties, honours, exemptions, and immunities as the Masters, Doctors, and Students of the University of Bologna: and that the Bishop of Glasgow, for the time being, be Chancellor of the University, and have the same authority over the Doctors, Masters, and Students, as the Rectors of the University of Bologna. We ordain, with respect to those Students, who have merited the license of Teaching (*Docendi licentiam, ut alios erudire valeant*) in the faculty in which they have studied, and apply to be created Masters or Doctors, that they shall be presented to the Chancellor, who is to take all the steps requisite for the purpose, and if they are found worthy, to bestow upon them, the honours sought and the license of teaching. "Those who having been examined and approved of at the University of Glasgow, shall have obtained the license of Teaching, and the honours before-mentioned, from that time forward, without any other examination and approbation, shall have the full and free power of Governing and Teaching, both in the City of Glasgow, and in all other Universities in which they may desire to govern and to teach, notwithstanding all statutes and customs to the contrary, although confirmed by oath, by the Papal sanction, or by any other kind of confirmation whatsoever. Let no man, therefore,



rashly dare to infringe what We have Erected, Constituted, and Ordained; and whosoever shall presume to attempt it, be it known to him, that he will incur the indignation of Almighty God, and of the blessed Apostles, Peter, and Paul."

With respect to this Charter, it need only be observed, that the only functionaries of the University recognised by it, are the Chancellor and the Graduates, and, that the functions of the latter are expressly specified, as being to teach in the University, and to govern it, that is, to have a voice in the management of its affairs. The right of governing, however, did not belong to all Graduates indiscriminately, but only to those engaged in teaching. Hence the distinction of Graduates into Regent, and Non-Regent, those only actually engaged in teaching, being entitled to the privileges, and appellation of Regents. We may also remark that the members of the University at the present day, recognise, in the fullest manner, the validity of this ancient Charter; as is obvious from the fact, that it is upon the indefinite phrase, "*in quâvis aliâ licitâ Facultate*," that they found their pretensions to the recently assumed prerogative of granting Surgical Diplomas.

No material change in the constitution of the University appears to have taken place till the period of the Reformation. At that time, the members of the University were dispersed on account of their attachment to the Church of Rome. In the year 1577, James VI., gathering together the scattered remnants of the University, bestowed on it a new Charter, commonly known by the name of the *Erectio Nova*. According to this new Charter, considerable funds derived from the Rectory and Vicarage of Govan are granted to the University, and twelve persons are appointed to reside within the walls of the College, or University buildings. These twelve persons are the Principal, three Regents, four poor Students, the Factor, the Servant of the Principal, the Cook, and the Janitor. The duty of the *Gymnasiarcha* or Principal, is defined to be to teach Divinity, Hebrew, and



Syriac, to preach on Sundays at Govan, and to have the general superintendence of all the members of the College. He is to reside in the College, never leaving it without permission obtained from the collegiate body; and if he sleep without the walls for three successive nights without leave, he is to be deposed. The three Regents are to receive salaries for teaching; the first is to teach Rhetoric and Greek, the second Logic and Geometry, and the third Natural Philosophy. The four poor Students, or Bursars must be really poor, and deserving of encouragement; and it is specially committed to the Principal to see that the rich be not admitted instead of the poor, nor drones instead of those who might be ornaments to the country.

Different views have been taken of this *Erectio Nova*, or new Charter. An opinion, supported by high legal authority, is, that the new Charter completely abrogated the old one, destroying the Papal constitution of the University, and establishing in its place a mere School or College intended for the education of the Protestant clergy. The members of the University, on the other hand, regard the new Charter as a confirmation of the old one. They confer degrees in Medicine, Law, and Theology, although the new Charter does not authorize them to confer any such honours. In every other respect they regard the new Charter as a confirmation of the old one, except in so far as changes upon the ancient constitution of the University are specifically ordained.

Adopting the latter opinion, sanctioned by the authority of the members of the University, I would remark, that the most important change introduced by the new Charter, is that by which three Regents are appointed to be supported from the funds, and to receive salaries. The branches of study to be superintended by these Regents are specified. It is, however, obvious, that the salaried Regents were not intended to be the only teachers in the University, but that the voluntary Regents were to continue to officiate as under the ancient constitution. It is expressly said



that the Students after attending the three salaried Regents, shall proceed "*ad graviora studia.*" ("*Volumus adolescentes pileo donatos ad graviora studia contendere.*") Now as no salaried Regents are appointed to superintend these "*graviora studia,*" it must have been meant that they were to be superintended by the voluntary Regents as formerly, that is, by any Graduates who chose. The new University Charter, therefore, clearly admits the right of teaching as belonging to the Graduates generally, in the same manner as under the ancient constitution; the voluntary Regents being recognised by it as regular functionaries of the University, as well as the salaried Regents or Professors. But the door had been opened by which the whole body of Graduates was soon to be expelled. They were to be stripped of their privileges of Regency, that these might be bestowed on the salaried teachers, appointed successively by the University, and by the Crown. The members of the University appointed four additional Professors in Arts and Theology, and the Crown furnished a full complement of Professors in the other Faculties. Thus the voluntary Regents were completely superseded, and it is not generally known, even among themselves, that they have a legal title, derived from the Charters of the University, to exercise the right of teaching.

The present members of the University may urge in their own defence, that if the Charter be violated by withholding the privilege of teaching from the Graduates, the violation was the deed of their predecessors, and that they did no more than conform to a practice established by use and wont when they entered the University. They cannot, however, offer the same apology for the violation of a solemn promise which every member of the University makes to every Graduate in conferring on him his degree. This promise is made publicly, and under all the circumstances that can give solemnity to an obligation, and is thereafter ratified by a written document under the seal of the University, and bearing the signatures of the Princi-



pal, and of all the Professors. In the ceremony of conferring a degree in Medicine, the very Reverend Principal, after calling God to witness his sincerity, creates the candidate a Doctor, and confers upon him all the privileges which in any country under heaven belong to Graduates in medicine, and among these he specially mentions the privilege of teaching. The diploma, or written document, signed by all the members of the University, and delivered to every Graduate, is equally explicit in conferring upon him "*potestatem plenissimam de re medicâ legendi et docendi.*" These words, if they mean any thing, must mean that the Graduates of the University are to possess the powers of reading and teaching, backed by the authority of the University, and accompanied with all the privileges which she can confer. That this was the meaning they were intended to bear, is certain from the history of the University. Yet in defiance of this obvious interpretation, and in contempt of all good faith, the members of the University refuse to recognise instructions given by Graduates as constituting any part of the curriculum of education, and reject their certificates as scornfully as they would reject certificates from the most illiterate of mankind.

I have perhaps, laid more than due stress upon the ancient usages of the University of Glasgow, and the terms of its Charters and Diplomas. A cause supported by so many reasons of justice and expediency, ought not to be made to depend on the interpretation of the clauses of a parchment. I therefore leave the subject by remarking that in endeavouring to procure the abolition of monopolies in our Scotch Universities, while we should not forget to represent to Parliament, that those monopolies are in opposition to the original constitution of the Universities, and in violation of all good faith toward the Doctors and Masters of their own creation, we should rest the prayer of the petition mainly on the ground that all such monopolies are most oppressive in their operation, an encroachment upon the natural rights of freemen, and subversive of the best interests of learning.



English  
schemes of  
Medical  
Reform.

All who have been educated at the Universities, naturally cherish towards them sentiments of gratitude and respect, and are not less powerfully influenced in their behalf by the associations and predilections of early life. It may therefore be confidently predicted that, throughout Scotland, the reform of the Universities would be a measure much more generally acceptable than the substitution in their place of any other system of education. In England and Ireland on the other hand, from the less popular form of the Universities, they excite less sympathy, and the public opinion has of late, been on many occasions decidedly expressed in favour of a plan of medical reform, by which the exclusive privileges of the Universities would be very much circumscribed. The following sketch of a system of medical education conveys a correct idea of the spirit by which these plans of reform are pervaded, although it differs from them in many of its details. It is founded on principles that might be applied to the most comprehensive national system of education.

Of this system associations of learned men, that might be named *Licensing Colleges* form the foundation. The business of the colleges, is first, to license teachers, and second, to license practitioners in the various branches of medicine. To discharge their duties with impartiality, the members of the colleges ought on no account to officiate as teachers. The number of licensing colleges required would probably be found to be six in all, two for each of the great divisions of the United Kingdoms: for England, one in London, and one in Liverpool; for Scotland, one in Edinburgh, and one in Glasgow; and for Ireland, one in Dublin, and one in Belfast. The number of members in each College would require to be determined by the duty they had to perform.

The most important part of the duty of the Colleges would be the licensing of teachers. The only qualification required for the office of Teacher, should be, the possession of a satisfactory share of general literary and scientific knowledge, and an intimate acquaintance with the particular subject to be taught. Many



advantages would result from raising the standard of qualification for this office as high as possible. The respectability and usefulness of the Teachers would thus be secured, and a severe course of study rendered imperative on all aspiring to the office. The only other duty of the Colleges would be, conferring licenses to practise the various branches of the healing art, on those who had gone through the prescribed curriculum of education, and whose proficiency in their studies had been ascertained by a strict and impartial examination.

The system of medical education in England and Scotland, is to be brought under the consideration of Parliament very soon, in consequence of a quarrel among the monopolists themselves, as to the extent of their respective privileges. The worshipful Company of Apothecaries of London, claims all England for its own, denying the right of Scotch Licentiates to practise medicine in any part of that country, and treating as ignorant interlopers all who attempt it. There can be no doubt that this act of intolerance is prompted by a lust of gain, and not by any zeal for the interests of medicine, since it is well known that the Scotch Licentiates are better educated, and therefore generally speaking, better qualified to practise the various branches of the art, than the Licentiates of Apothecaries' Hall. But out of evil, good may come, and I cannot but hope will come, if by a proper representation to Parliament, the attention of the public is awakened to the present condition of medical education. It is to be regretted that the Universities are not more directly parties in this dispute. They are, however, involved in so far as the University Graduates often rely upon their medical degrees, as conferring a right to act as *general practitioners*, or in other words to conjoin with the business of a Physician that of the Surgeon and of the Apothecary. The Universities will not, therefore, I trust, be altogether deprived of the benefits of public scrutiny, for whoever considers the subject attentively, must be convinced, that the evils resulting from the monopoly of such a body as the London Apothecaries, are mere



trifles, when compared with the evils inseparable from the system of monopoly by individuals, now prevailing in our Scotch Universities.

CONCLUSION. In conclusion, I return to the general question, to illustrate which the subject of medical education was introduced.

By monopolies in learning, I do not mean any exclusive privileges belonging to members of Universities and other corporations, of laying up stores of learning for private consumpt, since that privilege belongs undoubtedly to them, and to all persons whomsoever; I mean what the words "monopoly in learning" strictly import, the exclusive privilege of selling learning. Such monopolies, therefore, are purely matters of traffic, and as such are to be judged of according to the ordinary principles of Political Economy. Trying them according to this standard, I have endeavoured to demonstrate, that they impose restrictions upon mental labour, and upon the disposal of mental capital, which are both unjust and impolitic.

Mental Labour is regulated by the very same principles that regulate labour of every other kind. If the labourers are numerous, then we have the usual effects of competition, industry, dexterity, and moderate wages: if, on the contrary, the labourers are few in number, then they can enforce their own claims, and we have as usual carelessness, bad work, insolence, and exorbitant demands; and these evils attain their maximum when, as in the Scotch Universities, there is only one labourer, and can be no more. Mental labour is therefore subject to the same laws, as labour of every other kind, and it is surely alike entitled to the protection of the laws. There is surely not more oppression in prohibiting a man from exerting his thewes and sinews in an honest calling, than in prohibiting him from exerting the powers of his mind, that he may derive an honest profit from the exertion of them.

If there be oppression and impolicy in the restrictions imposed upon mental labour by the monopoly of education, there is not less impolicy and injustice in



the restrictions imposed on the disposal of mental Capital. What member of a mercantile community, possessing some valuable commodity to dispose of, would not feel that he was unjustly treated, were any individual to say to him, "that commodity, valuable as it is, can be to you of no use, for the exclusive privilege of selling it belongs by law to me"? Would he not, and in the few instances where such injustice is still tolerated, does he not exclaim against the law as most partial and oppressive? Yet this is the very language which every Scotch Professor is daily addressing to all around him; and every member of a privileged fraternity, to all without the pale of his corporation. A man may exhaust his youth and strength over the midnight oil, or he may travel to foreign countries in quest of knowledge, but to what profitable use can his acquisitions be applied? Knowledge is in this country an interdicted commodity, having no marketable value but when exposed for sale by a monopolist. This surely is an encouragement to learning worthy of an enlightened Government!

There are, however, special cases in which monopolies are just. The patent right which secures, for a certain number of years, the profits of a new invention to the author of it, is just and fair. The public, in this case, willingly submits to the temporary disadvantages inseparable from the monopoly, that it may bestow an equitable remuneration on the ingenuity of the inventor. It will not, however, I believe be pretended, that the monopoly of learning is at all of the nature of a patent right. If the privileged teachers retailed only their own discoveries, there would be some show of justice in the case. I need, however, scarcely say, that if the new truths emanating from these sources formed the only stream that flowed in the privileged channels, the thirst for knowledge would be very moderate, indeed, on the part of the auditory that should be satisfied by quaffing it. But it was not for the purpose of making so invidious a remark, that I introduced this subject. I introduced it for the purpose of mentioning a case where the oppression of the



existing monopolies is felt with peculiar aggravation. This case is, in some respects, the very reverse of an useful discovery secured by a patent right. It is the case of the discoverer of an useful truth excluded by patent right from all participation in the benefits of his own discovery. To explain myself, let us suppose that Harvey lived at the present day, and in the City of Glasgow, and that he were now first to promulgate the great discovery that has given immortality to his name—I mean the discovery of the circulation of the blood. So noble a discovery would entitle him to the very first place among the cultivators of the science of Physiology; and those who desired to be instructed in that science, would flock from all quarters around so distinguished a master. But would the instructions of Harvey be received by our Universities and other licensing bodies as constituting part of a regular medical education? Most assuredly they would not be so received; and they would thus be divested of all their value in so far as it was a value in money. But in the meantime, the privileged teachers would become acquainted with Harvey's discovery, and they would thenceforth derive from it all the pecuniary advantages from which they had debarred the discoverer himself. The monopoly in this case is, therefore, as I have said, the very reverse of a patent right; for it excludes the discoverer from all participation in the benefits of his discovery, and transfers them to the monopolists, whom it thus not only permits but compels to perpetrate an act that from its very enormity, has no name in the catalogue of literary crimes. If a man meanly steal the thoughts of another, he is said to be guilty of Plagiarism; but to wrest from any one by main force his literary possessions, is an act of Robbery, of which the possibility was never contemplated, and for which, therefore, there is no distinguishing appellation.

The state of our Scotch Universities has hitherto attracted little of the public attention, which has been diverted from them by the abuses which stand out so prominently in the Universities of England. In comparison with the latter, our Scotch Universities have



generally been regarded as paragons of purity and efficiency. Now, while I admit that their cheapness, their more popular form, and the wider system of instruction which they embrace are so many favourable points in the contrast, it cannot, I think, be denied that the constitution of the English Universities is in so far superior, that it does not recognize the monopoly of any individual in teaching, but, on the contrary, requires a plurality of teachers in every college, thus securing so many additional cultivators of learning, and stimulating their zeal by the principle of emulation. I have endeavoured to point out the imperfections in our Scotch system. In none of our Universities are those imperfections essentially inherent, but in the University of Edinburgh. The Charter of James VI., from which that University derives its constitution, is remarked, even by the Royal Commissioners, as being distinguished for the narrowness of views common at the period when it was granted. It confers the monopoly of teaching on the Professors appointed by the magistrates of Edinburgh, and inhibits all other persons from teaching within the precincts of the city. The reform of the University of Edinburgh must, therefore, be sought altogether on the general principles of expediency and justice; for surely no one will contend, that it is reasonable, that the Charter of a narrow-minded pedant of the sixteenth century should trammel the national institutions of Great Britain in the middle of the nineteenth century. All the other Scotch Universities possessed, originally, a constitution which rendered them well adapted to promote the objects for which they were instituted—the advancement and the diffusion of learning. But abuses have gradually crept into them; and they are now far less efficient than they might be, in diffusing learning; while to all advancement of it they are absolute hinderances. To endeavour to procure a reformation of these abuses, I consider to be the duty of every man who is himself educated, or takes any interest in the education of others; and, as we are now blessed with a government that has already so often listened to the



voice of the public rather than to the whisperings of interested individuals, I entertain no doubt, that a judicious representation to Parliament of the present state of education throughout Scotland, would be soon followed by the abolition of those monopolies, the nature and effects of which it has been my object to illustrate.







