

Reform of the University of Glasgow : considered with reference to the published report of the Royal Commissioners of Visitation appointed by Sir Robert Peel, and to the evidence and documents contained in their unpublished appendix, embracing the whole of Mr Oswald's bill for the regulation of that university, compared, clause by clause, with the constitution proposed by those commissioners / by a graduate of the University.

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REFORM

OF THE

UNIVERSITY OF GLASGOW,

CONSIDERED WITH REFERENCE

TO THE PUBLISHED REPORT OF THE

ROYAL COMMISSIONERS OF VISITATION

APPOINTED BY

SIR ROBERT PEEL,

AND TO THE EVIDENCE AND DOCUMENTS CONTAINED IN

THEIR UNPUBLISHED APPENDIX:

EMBRACING

THE WHOLE OF MR OSWALD'S BILL

FOR THE REGULATION OF THAT UNIVERSITY,

COMPARED, CLAUSE BY CLAUSE,

WITH THE CONSTITUTION PROPOSED BY THOSE COMMISSIONERS.

BY A GRADUATE OF THE UNIVERSITY.

GLASGOW:

PUBLISHED BY RICHARD GRIFFIN & CO.;

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MDCCCXXXV.

REFORM

OF THE

UNIVERSITY OF GLASGOW

TO THE PUBLISHED REPORT OF THE

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SIR ROBERT PEEL

AND TO THE EVIDENCE AND DOCUMENTS CONTAINED IN

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GLASGOW:

PUBLISHED BY RICHARD GRIBBIN & CO.

FOR THE PROPRIETOR, LEWIS ROBERTSON, 10, N. B. ST.

IN THREE VOLUMES AT ANOTHER

10, N. B. ST. LONDON

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REPORT

OF THE

COMMISSIONERS OF THE

ROYAL COMMISSIONERS for Visiting the UNIVERSITIES AND COLLEGES
OF SCOTLAND, whose REPORT, dated the 28th of October, 1830, is
repeatedly quoted in these pages, were,

WILLIAM ROSEBERRY, Chairman.

JOHN GORDON, Chancellor of Marischal College and University, Aberdeen.

JOHN OF HADDINGTON.

JOHN OF ABERDEEN, Chancellor of the University of Old Aberdeen.

JOHN OF MELVILLE, Chancellor of the University of St Andrews.

CHARLES HOPE, Lord President of the Court of Session.

SIR WILLIAM RAE, Bart., M. P., Lord Advocate.

JOHN BOYLE, Lord Justice Clerk.

GEORGE CRANSTOUN, Lord Corehouse.

JAMES W. MONCRIEFF, Lord Moncrieff.

JOHN HOPE, Dean of the Faculty of Advocates.

THOMAS TAYLOR, D. D., Moderator of the General Assembly.

GEORGE COOK, D. D., Professor of Moral Philosophy, St Andrews.

JOHN HOME DRUMMOND, Esq.

REFORM

OF THE

UNIVERSITY OF GLASGOW.

Necessity of a new Supreme Court or Governing Body within the University.

The body to whom the Royal Commissioners propose to intrust the government of the University is a Court, which they call the University Court, but which corresponds pretty much with the Rectorial Court of the original charters and early practice of the Scotch Universities. The reasons assigned by the Commissioners for such a proposal are as follows :—

“ Any attempt, by means of general regulations, or by the exercise of constant and minute inspection and control on the part of University Authorities, to interfere with the exertions of individual Professors, or with the free exercise of their talents, would be inconsistent with the system which has hitherto prevailed in the Scotch Universities. It would indeed be a lamentable mistake to suppose that the machinery or checks of any constitution, or the parade of University officers, or the edicts of authority, could impart success to any system of teaching, or celebrity to Professors, or enthusiasm and desire of knowledge to the Students.

“ But there are matters which clearly ought to be under the determination of a Body, at once impartial and efficient. Questions may occur among the Professors themselves, and from their supposed collision of interests, the most violent dissensions may ensue when these questions are decided by the votes of the Professors: questions may occur between the Professors and Students (as in the case of expulsion of Students) in which the determination of the Professors ought not to be final: questions may occur in regard to the amount of fees, in which the Professors may have an immediate interest: questions may occur as to the mode of conferring degrees, in which the interests of the community are deeply involved, and in the final determination of which it appears to be fitting that the views of the Professors alone ought not to be decisive. Further, the management and disposal of property given to the Colleges for public purposes ought to be subject to some control, else the very objects for which such property was given may be defeated. But, above all, provision ought to be made for the gradual introduction of such improvements in the system of instruction as the progress of philosophy, or the more enlarged views of the age, may require. It is a just remark, that in all corporate institutions there is a tendency, and sometimes an interest, to oppose the correction of abuses, which may have partly increased from the direct operation of such interest; and it is also true that persons long accustomed to established usages are disposed to view with natural but unnecessary alarm the proposal of any changes, and to ascribe the usefulness and celebrity of the Institutions themselves in part to those very usages, which may in reality have tended to counteract their success. While every alteration should be made with the utmost caution, we hold it to be of essential importance, considering how deeply the country is interested in the result, to secure the fair influence of public opinion upon the deliberations of University Bodies. In coming to the conclusion that some power of government and control should be exercised over the Professors, in regard to matters of general concern, we do not conceive that we in any degree interfere with the proper duties of the Teacher. We are impressed with the belief, from a review of the testimony given by the Professors themselves in the course of our examinations, and from the striking con-

trast which subsists in some points between their opinions and those of a great number of persons to whom the actual practice of different professions is necessarily more familiar than to men of learning, that the general opinions of the most competent Judges respecting the System of Education best adapted to the actual state of Society in Scotland, may be much opposed to those entertained by the Professors in the Universities. Eminent Teachers are not always the best qualified to determine the course of instruction most suitable to the general interests of society, or to the preparation for particular professions. A person may be most eminent and successful as a Professor, profound and ardent in his own studies, eloquent as a Lecturer, inspiring much enthusiasm and interest in the Students, and have much of the observation and knowledge of character requisite to convey instruction to the minds; and, in the sphere of his proper duties, any attempt to interfere with the manner in which he illustrates the subjects of his Lectures, or with the particular methods of teaching which long experience may have suggested, might mar but could not aid his exertions. But it does not follow that such an individual is necessarily the best qualified to decide on the propriety of changes in the Course of Study requisite for the actual practice of particular professions, or most adapted to the actual state of society. It can scarcely be expected that he should be an impartial judge of the utility of the study in which his life may have been spent. This observation is applicable to Teachers in every age, and we do not think that either the interests of sound learning, or the exigencies of particular professions, will be most effectually consulted by leaving the determinations of the professors, upon subjects of general interest and application, without any control."

The recent practice of the University has in a great measure given the governing power of the University to what is called the Ordinary Visitors, whose office, as superseded by the projected Court, the Royal Commissioners propose to abolish. The powers of the Visitors are defined in the following extracts from Declarators of the Court of Session in 1771 and 1772:—"That the Rector, the Dean of the Faculty of the University of Glasgow, and the Minister of the Town of Glasgow, are by the Foundation Charter appointed Visitors of the College of Glasgow; by whose advice and consent only, or a majority of them, *all the surpluses* of the College revenue, after paying the Masters' salaries and other standing burdens, are to be disposed of and applied to pious and necessary uses of the College. That the said Visitors have the power of seeing that all things in the said College be rightly administered, according to the intention of the Foundation Charter of the said College, called *Nova Erectio*, granted by King James VI., in the year 1577; and according to the statutes enacted by the last Royal Visitation of the said College; and that they, the said Visitors, have power, by their own authority, to reduce all things into order, in so far as is agreeable to the said Charter and Statutes."

How the Visitors have performed their functions, will appear from the General Report of the Commissioners in the part of it that relates to the institution of a Court in the University of Glasgow in particular.

"In regard to the University of Glasgow, we have been deeply impressed, in the course of our inquiries, with the necessity of an efficient University Court.

"Many of the Professors have brought before us the impossibility of any real business being actually transacted by the three Ordinary Visitors of that University, or of that body exercising any regular and efficient control over the administration of the College. The Rector is seldom resident; the Dean of Faculties is chosen by the Professors themselves; and the Minister of Glasgow, one of the other Visitors, has been for some time the Principal of the College. But the powers and duties, with which former statutes of Visitation intrusted the Ordinary Visitors, are of the highest importance to the well-being of the University; and it is greatly to be regretted, considering the important duties of such Visitors, that provision had not been made for securing attention to the business intrusted to them. *The result has been, that the duty of Visitors has never been performed in the way or to the extent pointed out by the statutes; that the Principal and Professors have assumed powers in direct opposition to the regulations of these statutes, even after their construction had been settled by a Court of Law; that there is no practical check on their expenditure or on their administration or disposal of the Surplus Revenue of the College; and that the Visitors, at least for a great length of time, have not exercised or even been made acquainted with the powers they possessed, or with the nature of the duties intrusted to them.*

"In the course of our inquiries respecting the Revenues and the Rentals of that University, we had occasion deeply to regret the evils which have flowed from the absence of any proper inspection and control. *Much valuable property appears, even at a very recent period, to have been alienated or feued by the Principal and Professors, on the most disadvantageous terms, and some of the most valuable building ground in the City of Glasgow, which might now have been in the course of yielding an immense revenue, was parted with for a very small annual return.*"

Some attention is due to the appropriation, made by the Visitors, of the surplus revenue.

In 1729, when an appropriation of about £60 in all was made to augment the salaries of eight Professors, the Principal and the Professor of Divinity had salaries chiefly in grain, and amounting, at the prices during the last Visitation of the Royal Commissioners, to about £200 each, apart from their houses, but the remaining Professors had each only about £50 on an average. No augmentations by new appropriation of surplus revenue took place from 1729 up to 1784. But at that period new augmentations began, as will appear from the following statement of the Royal Commissioners:

"About the year 1784 the revenue increased, exhibiting annually a considerable surplus, after paying all the charges upon the funds; and at this time an additional or special account, titled "Supplementary Account," was opened, and a stock or capital formed by carrying the amount of all the bygone and subsequent surpluses into the same. The Faculty resolved to appropriate a fixed portion of the annual interest of these accumulated surpluses, as additions to the salaries of the Faculty Professors; making at the same time a small increase to the allowance of the Librarian, of the four Foundation Bursars, and of the Lecturers on Chemistry and Materia Medica.

"There have been four augmentations made at different periods since that time, and the grounds stated in the College Minutes for the measure are substantially the same in each case; namely, 1st. The increased expense of living, and the necessity of enabling the Professors to meet that increased expense, to which their former salaries were inadequate; and, 2d. That the revenue would admit of the increase.

"The date and the amount of these five additions made to the salaries of the Principal and thirteen Faculty Professors, are as under:

	£	
In 1784	30	} In all £220 to each.
1794	40	
1799	50	
1803	50	
1817	50	

In considering the efficacy of the check presented by the Ordinary Visitors, it is worthy of remark that *the Minister of Glasgow*, who sanctioned all the appropriations but the last, became afterwards Principal; so that, in his capacity of Visitor, he added £170 a year to the emoluments of an office he himself was to fill. The only other person necessary to constitute the majority was the Dean, appointed by other sharers of £170 each—the Professors. In short, the mice had the election of the cats. Of course the Minister of Glasgow, when Principal, cannot be a Visitor; and, on this account, the admission of the present Principal to the office of Minister was opposed in the church courts, who had power to prevent his admission. The General Assembly, however, in the face of remonstrance, and of the decisions of the Presbytery and the Synod of Glasgow, admitted the Principal, thus countenancing a violation of the plainest intention of the founders as evinced by Charter, and *deliberately abandoning on the part of the church the control of the surplus funds vested in one of its clergy.*

Some circumstances attending the appropriations in question are thus commented on by the Royal Commissioners.

"It cannot escape notice, that before the Faculty of the College of Glasgow raised the minimum of the Fees in the public classes to £2 2s. in the year 1800, they had, in the course of the sixteen preceding years, made three successive additions to their salaries, (the first, of £30, in 1784, the second, of £40, in 1794, and the third, of £50, in 1799,) amounting altogether to £120, over and above the salaries which each Professor had enjoyed before 1784. Three years after the fees were raised, a farther augmentation

of £50, was made to the salary of each Professor; so that every one had now £170 more salary than had belonged to his office twenty years before. In the year 1814 when the number of Students was three times greater than in 1800, and when the amount of fees (increased as they had been ever since 1800) must have been more than tripled in most of the Gown Classes, a temporary allowance of £50 annually began to be taken, and in the year 1817, the Faculty, with consent of the Ordinary Visitors resolved that this additional allowance should be permanent. *Ever since 1817, every one has had £220 more than he or his predecessors had in 1783; and as at that time the average salaries (excepting those of the Principal and Professor of Divinity) did not reach £50, the salaries of almost the whole number had in reality been quadrupled in thirty years. In the year 1818 (only one year after the additional salary had been declared to be permanent) the Faculty resolved to raise the Fees of the Gown Classes from two to three guineas.*

Before leaving the consideration of these appropriations, there is one character of them arising from the closeness of the system of University management, well deserving of attention. The appropriations in question were made alike to each of fourteen persons. *Out of these fourteen, two were sinecurists.* The hardest working man got no more than the idler—the highest paid man no less than the least paid man. Now, was this right? The Principal was Primarius Professor of Divinity, by the Charter under which he is entitled to receive any salary, and was and is, in that capacity, bound to teach five days every week. By the miserable misgovernment of the University, arising from the inadequate superintendence provided by its existing constitution, the Principal had been permitted, as he still improperly is, to abandon his duty of teaching. Before any of the foregoing appropriations were made, the Principal had the largest salary in the University. Now, was it right that a sinecurist, with the highest salary, should get the same addition as the hard-working Professor, with a small salary? And yet men in such situations it is that din our ears with the cry of the inviolability of charters—as if duties required by charter to be performed for the public good were of no obligation, and as if morality required imperatively that salaries provided by charter should be paid where the duties imposed were neglected. It was, indeed, the present Principal that moved in the Commission of the General Assembly against the two University Bills now before Parliament, which would for ever sweep away every sinecure held in violation of chartered obligation, and the last vestige, in Scotland, of the serve-God-and-Mammon abomination of clerical pluralities. That a sinecurist and pluralist should lead in such a cause surprised nobody; but it did surprise the judicious, and alarm the good, to see the church, once the friend of education, suffer itself to be led unanimously, like an ox, to slaughter upon the altar of public execration. To think, however, or to write angrily of individuals, were unseasonable and idle, when the topic for consideration is the badness of a system. And in order to see how much the evil complained of belongs to a system, let us just glance at the operation of a similar system in other Universities. It was in the year 1807, that King's College, Aberdeen, first obtained an additional public grant of £700 a year. This was divided among the ten Members of that College—*three sinecurists*, and seven working Professors, all alike £70 each. A few years ago, a similar grant of £800 was made to the University of St Andrews. Now, *there are two sinecurists in that University.* One of them is a clergyman, who, to do him justice, got no class—he was *very* successful in that way. After hanging on for some time, he obtained an appointment to a parish church at a great distance from the University, along with which he did not hesitate to retain his Professorship. The General Assembly, in the spirit of indulgence in which it usually acts in reference to University jobs where its Clergy are concerned, sanctioned this transaction. Well, this non-resident sinecurist gets his share of the £800, the same as if he were a working Professor.* Bad, bad—disgraceful, indeed, is the closeness of the University system. Quite true is it, nevertheless, that Glasgow University, as has been claimed by some of its Professors, is better in its mode of conducting its revenue, than St Andrews and King's College, Aberdeen, which are the remaining Universities that divide surplus revenues. Glasgow does not, like them, divide its surplus every year to the last penny. For seventeen years, indeed, no new surplus has been appropriated in the University of Glasgow. In that University, the liberty of dividing University funds, *while the University is getting into*

* The other of the two sinecures referred to is in the gift of the Crown, and has become vacant since this page was in type. I have confidence enough in the honest intentions of Lord Melbourne's government, in reference to University Reform, to trust that the vacancy will not be filled up, and the sinecure itself suppressed under their auspices.

debt, has not been ventured on, and, under all the imperfections of its government, probably will not be ventured on. King's College, Aberdeen, with a constantly divided surplus, could boast of a constantly increasing debt, which the Commissioners report at £8,465, in 1824. Thus, although, in the appropriation of University funds, Glasgow cannot, after the report made by impartial Commissioners, be regarded as otherwise than bad, yet still we cannot in fairness be denied the apology, that Saint Andrews, and King's College, Aberdeen, are a great deal worse.

But while the Declarators of the Court of Session (already cited) give to the Visitors the sole right of disposing of the surplus funds, the Principal and Masters have the sole right of administration thereof, and, as administrators, are bound to lay the accounts of their administration of the revenue before the Visitors, for their examination; and without the approbation of the Visitors, the said accounts are not held valid and authentic.

Are the Professors eligible administrators of large property? Supposing they were qualified by knowledge and experience in business, at least they might be much better employed otherwise. But one instance (given in the Report of the Commissioners) of their management, in the species of property that they should understand best, is not very favourable to their skill or economy. They all have houses, and, upon the death of a senior Professor, all the surviving juniors shift each to the next best house. The report says, "The authority on which the houses were originally built appears very questionable. It is stated in the evidence, that scarcely any of them are good family houses; and, besides the expense of repairs incurred every year, it appears that the alterations consequent on the death of a Professor cost as much, or nearly as much, as would build a new house. Thus, after the death of Professor Jardine, while the number of changes was not ascertained, it was stated by an architect, that the necessary alterations on five of the houses would cost from £1000 to £1200! and the expense of a new house, superior in accommodation to most of them, would be £1500." (page 283). Then, as to the check on the administration of the Professors, truly, as the Commissioners have said, it is "no practical check." An instance from the evidence of Dr M'Turk will illustrate this:—"When Mr Jeffrey was Rector, he was very attentive to the mode in which the revenue was expended; and he saw one article for SEVEN HUNDRED POUNDS, *for building a bridge over the Molendinar burn*; he wished to see the bridge, and he went and saw it."—"Was the inspection of the mode in which the bridge was built with a view to ascertain the propriety of the appropriation?" "*It was the expense of the building, £700, he was surprised at.*" Here Lord Jeffrey had come to a veritable *Pons Asinorum* in the settlement of the College accounts, and indeed the name and idea could scarce fail to occur to his acute mind, on beholding this remarkable structure. Sixteen years, I suppose, have passed since it was built; but there it yet stands, within the College garden, shut in by a wall, without a road over it; and, if I remember well, the sheep feed on the grass that covers its upper surface. This bridge I take the liberty of recommending to the attention of Mr David Bell, as more curious in its object than any building he probably ever saw in foreign parts. My fellow-citizens will remember that this public-spirited gentleman informed us in the newspapers, that the result of all his observations at Paris, Venice, Florence, and other places, was, that the more bridges in a place, the more accommodation there was for the inhabitants. But, in my lonely rambles in the College garden, when a student, I have looked at the bridge across the classical, Molendinar, and have thought that, if learned men had the direction, bridges might be built, without accommodating the inhabitants. Before Lord Jeffrey saw the bridge, however, the money was gone, and his Lordship's veto useless. In a recent pamphlet, the Professors boast that they have spent £5000 in building Class-Rooms and Laboratory for the Professor of Chemistry. What the Visitors said to this expenditure, I do not know; but the shrewd merchants and manufacturers of Glasgow, so much slighted by some of the Professors, will probably "wag their heads," and regard the administrators in a predicament very unhappy for Professors, of having more of money at command, than of wit. Very well pleased, however, may they be at the moderation of the students in not having, like the students of Aberdeen, returned a Lord Rector for Visitor in the shape of Mr Joseph Hume; for, in regard to such a sum as I see in the accounts of 1821, £327, "expense of visiting the King," including £188 to "A. Leith, for carriages to, at, and from Edinburgh," it may be doubted how far his notions of things would lead him to include such an item among "the pious and necessary uses of the College;" and were he to conceive this £327, and the

other sums just given, to be truly of this description, still it might have occurred to this "lion in the way" of lavish public expenditure that not one penny of such sums should have been laid out without leave first asked and obtained of the visitors to whom alone belongs the disposal of the surplus funds for the pious and necessary uses of the College. But to dwell upon it is waste of time after the explicit statement of the Commissioners, as already quoted—*"the duty of Visitors has never been performed in the way or to the extent pointed out in the statutes; the Principal and Professors have assumed powers in direct opposition to the regulations of these statutes, even after their construction had been settled by a Court of Law; there is no practical check on their expenditure or on their administration or disposal of the Surplus Revenue of the College; and the Visitors, at least for a great length of time, have not exercised or even been made acquainted with the powers they possessed, or with the nature of the duties intrusted to them."*

By Section 60 of Mr Oswald's Bill, the existing salaries and fees of the present Professors are reserved to them, unaltered, during their lives. Nevertheless, a vexatious question might arise as to their right in future augmentations, were the funds in a state promising speedy augmentation from the surplus revenue. Apart from any legal right, it would be hard to disappoint the expectations of the Professors. Fortunately, however, all discussion upon this topic is rendered superfluous by the following very explicit statement from the parties chiefly interested:

*"As for the future augmentations of salary, the Professors of the College are too well acquainted with their own affairs to anticipate the possibility of accomplishing such an object in the lifetime of the youngest member of their body. They know that by the fall in the price of grain, the augmentation of Ministers' stipends, and other circumstances over which they have no control, the chief source of their revenue has been and must be still farther diminished. They are aware of the precarious tenure, by which they hold another considerable proportion of their income. They calculate on soon encountering a large expenditure for objects, the fulfilment of which cannot be much longer deferred, and they feel too sensibly the diminution which their capital has sustained by the ample scale on which they have endeavoured to provide accommodation for several of the Regius Professors (especially the Professor of Chemistry), to delude themselves with the idle prospect of ever having funds to apply for purposes of individual advantage."**

Proposed Constitution of the New Supreme Court, or Governing Body, within the University.

But, admitting that a governing body is required for the University, a very difficult question remains—What should be its constitution? Now, this is a question requiring more candour and prudent consideration, than a question involving individual not less than public interests can be expected to obtain. A great variety of qualifications are desirable in the members of such a body. Not only knowledge in the general branches of literature and science, but knowledge also in the principal branches of theological and medical study, should be possessed by such a body, and, as a Trust vested with extensive property, knowledge of business is also a desirable qualification. To expect that all these qualifications should concentrate in each member composing the body, were unreasonable. It is enough that the qualifications wanted by one may be made up by those possessed by another. Accordingly, it is easy for an uncandid person to object to any constitution, by selecting the possible or probable weak points of each member, and holding up these defects as the qualifications of the body, which indeed are by this device kept out of view altogether. The Royal Commissioners appear to have felt the difficulty of suggesting a proper governing body; and that they were not much bound up in any particular plan of their own, is to be inferred from the circumstance, that the courts they propose for the several Universities differ materially from each other in the constitution, though not in the powers. One part of the University Court, common to all their plans, has, I think, been very generally objected to—the appointment, as

* "Remarks on a Memorial by the Regius Professors of Chemistry and Materia Medica, &c." page 15. The "Remarks" run in the name of "the College, the Professors of the College," &c. In page 12 of the same pamphlet, it is boasted that the Glasgow University was the poorest of the Scotch Universities at the Revolution. This is untrue, but I believe they meant the Reformation.

members of the Court, of an assessor nominated by the Chancellor, and another nominated by the Rector. Now, in the most of the Commissioners' plans, the Chancellor is appointed for life by the Professors, and the practice hitherto has prevailed, that the Chancellor acts with a majority of his constituents. Probably, therefore, the Chancellor's Assessor would actually be the Professors' choice; but, if otherwise, there is too much reason to fear that the Chancellor's Factor would be the Chancellor's Assessor. The Rector, again, is appointed chiefly by the Students; and many conceive that the public interest might be better provided for otherwise than by giving the Students, thus indirectly, the nomination of a second officer.

Within these few days, a plan has been proposed by the Commissioners on Municipal Corporations in Scotland, to transfer the government of the University of Edinburgh from the Town Council, who now possess that power, to a Board of five Curators, two to be appointed by the Crown, two by the Town Council, one by the *Senatus Academicus*, and all to remain in office for ten years, with the absolute disposal of the patronage of the Professorships. This plan was proposed a few years ago in a superficial paper in the *Edinburgh Review*. It has the merit of accomplishing what was probably its principal object—aggrandizing the power of the Edinburgh Whig Clique. But will the public receive such a plan as an improvement? The Town Council, with many merits, is, as a whole, not an eligible body for the government of a University, and the members, excellent as they are in their proper sphere of civic duties, can scarce be presumed to be patrons so qualified by their general attainments, as to give effect to the honesty of their best intentions, in selecting the most able Professors. But the patronage to be held by these Curators would infallibly prove the seed of corruption, and they would be worse administrators of University patronage than the Town Council.

Two things are desirable in the governing Body—that it represent the interests of the public in the Universities, as seminaries for the high education of the rising youth of the country, and that it contain members qualified to be judges of what is required in each of the principal divisions of knowledge taught in the University. Now, as representatives of the public interests, I apprehend that the University Courts, proposed by the Royal Commission on the Universities, are generally regarded as defective, but, in this respect at least, the defect has been supplied by the Bills recently brought into Parliament for Glasgow and Aberdeen. With respect, however, not only to these Bills, but to the plan of the University Commission, objections have been strongly expressed, more especially in Aberdeen, at the absence of security that the Court shall contain members of skill in the several principal divisions of University study. These objections have in many instances been offered in a bad spirit, with some for the purpose of getting rid, in the proposed Courts, of all representatives of the public interests, with others for the purpose of getting into those Courts the representatives of corporations, themselves requiring reform no less than the Universities. But although such snares are to be shunned, the objections merit consideration. The defect here alleged, indeed, was felt in the constitution of the recent University Commission, which, numerous and excellent as it was, contained no man of science, or no medical man, but contained several men of high literature, and some clergymen. What has been the consequence? Not one suggestion valuable for the furthering of science—several suggestions, absurd and impracticable, in reference to medical education, but, on the other hand, many valuable suggestions for the advancement of literature, and some still more valuable for the improvement of theological education.

On the whole, too, there seems to be wanted for the Universities of Scotland governing bodies of more uniformity of constitution than has been proposed. With all the deference that is claimed by the difficulty of the subject, I will here submit for consideration a constitution for the Rectorial Court, different chiefly as regards one of seven members in each of the two plans now before Parliament. For the Universities of Glasgow and Aberdeen, the following would be the proposed constitution:

1. The Rector, elected by the Principal, Professors, Graduates, and all the matriculated Students that have previously attended one class for an entire Session.
2. The Principal, a Clergyman of the Established Church, a member of the Presbytery of the district, and *ex officio* Dean of the Faculty of Theology.

3. The Dean of the Faculty of Medicine, a Doctor of Medicine of at least seven years standing, elected by the Professors of that Faculty, but not himself a Professor.
4. The Dean of the Faculty of Arts, a Master of Arts of at least ten years' standing elected by the Professors of that Faculty, but not himself a Professor.
- 5 & 6. Two members appointed by the Crown.
7. One member appointed by the Town Council.

The Principal's appointment would be permanent, but the other six appointments should all be for three years. Two might go out of office every year, but be again eligible.

For the University of St Andrews, the third and seventh members might be omitted, and, for the University of Edinburgh, two members might be added to the above seven—the Dean of the Faculty of Law, which in that University alone is of importance enough to return a Dean, and another member appointed by the Town Council. Thus there would be a coincidence with the suggestion of the Borough Commission, in so far as there would be two members appointed by the Crown, and two by the Town Council. In that University, as in Glasgow and Aberdeen, two members of the Court might go out every year, so as to make the period of appointment there four years. Seven years, as proposed by the University Commissioners in the case of Edinburgh, are too long, and ten years, as proposed by the Borough Commissioners, are absurd.

In appointing a Rector, the present practice of this University is to elect him by the Principal, Professors, and Matriculated Students, every year. In reference to this practice, the Royal Commissioners have reported thus: "We are disposed to think, notwithstanding the earnest representations and complaints made to us by the Professors, that there are advantages attending the manner in which the Rector has been elected by the Students. But we do not think that these advantages are so great as to lead us to introduce the principle *in all its extent* in any University, in which it has not hitherto made part of the system. We consider it very important that the election should not occur oftener than once in four years, and that the right of election should be extended to the Graduates." In the actual proposal of the Commissioners, however, we find that not only have they varied the extent to which the voting by Students is to be permitted, but they have proposed that, in the University of Edinburgh, no Student should have any vote whatever, so as, in this instance, to give the name of Rector to an officer with a very different constituency; nor, in the recent proposal of the Borough Commissioners, is there to be in their Board for that University, any member in whose appointment the Students have a voice. Now, considering how honourably the Students, who are the chief constituency of the Rector in this University, as well as in Marischal College, Aberdeen, have exercised their high privilege, the omission of a Rector, or, what is nearly the same thing, the name and powers of a Rector, without the Students being the basis of his constituency, I hold to be a capital defect. That the Students should be able to command a considerate hearing in the Court, is favourable towards the activity of the Court and the improvement of the University; and the high standing, in rank and talent, which experience proves will generally be possessed by the Rector when elected by the Students, must have a favourable tendency in inducing the constituencies of other members to bring forward persons of a like standing. For Glasgow, and for the projected united University of Aberdeen, the Commissioners propose that the Rector shall be appointed by the Principal, Professors, Graduates, and *all* the Students; but for St Andrews, that he should be appointed by the Principal, Professors, Graduates, Students of Theology, and the Students of the 3d and 4th years in the Curriculum of Arts, while, as I have hinted, the Students are to be excluded altogether in the election of Rector for the University of Edinburgh. Now, surely this variety of project evinces indecision of principle. It cannot be right both to have no Students voting in Edinburgh, and all Students voting in Glasgow. One thing, indeed, is confessedly absurd in Glasgow, that Students, who may never before have been in any University, should, at the end of the first fortnight of their attendance, and when they cannot have learned what is really their own interest as Students, be called on to vote for the highest officer of the University. This *lays us open to a little ridicule*, as was said by the late Professor Walker, in perfect good-feeling, in giving his evidence before the Commissioners; but this undeniable absurdity may be easily removed, by confining the right of election to such matriculated Students as have previously given regular attendance on some class or classes for at least

one entire session. Thus restricted, the Students might, with advantage, be admitted into the constituency of the Rector in all the Scotch Universities.

What the Commissioners justly call "the main practical objection stated to them against the selection frequently made for the office of Rector," is, that in looking out for a person of eminence, the Students have often made choice of a Rector, whose avocations and remoteness of residence will seldom permit of his personally performing the duties attached to the office. On examining the 7th, 9th, and 15th sections of Mr Oswald's Bill, it will be perceived that important provisions have been made in order to obviate this evil.

For the Principal being a member of the Court, one material reason is, that since all the other members must, as is the practice on the continent with similar bodies, act without remuneration, and solely out of regard to the honour of the appointment, some one person, the Principal for instance, is required in order to be responsible that matters demanding punctuality shall be performed at the proper time, and, accordingly, it will need but a slight examination of the details of Mr Oswald's Bill to discover how many duties devolve on the Principal, such as none but a paid officer could be expected to execute. The Faculty of Theology to which the Principal belongs as Professor of Divinity, gives him, in the capacity of an active overseer, among other recommendations, the advantage of belonging to a Faculty, which, from circumstances, is least likely to come into collision with other Faculties, on questions relating to their supposed interests.

While the Faculty of Theology would be represented by its official Dean—the Principal, the other Faculties would be represented each by a Dean, the choice of its own Professors. And although, in the scheme here offered for the constitution of a Court, the number of Deans would vary in each University, according to its peculiar circumstances, still that variable number is, in each case, balanced by an equal number of members appointed by the Crown, or the Town Council. The presence of these members will secure what the Commissioners' Report justly regards as of essential importance in the deliberations of University Bodies—the fair influence of public opinion. The presidency of the Rector in a Court thus balanced, and bound finally to publish its transactions, will give a due preponderance to public interests. And how much, on the behalf of the inhabitants of Glasgow, representatives of those interests are to be desired among the governors of the University, will be shown by the following document, complaining of an evil, which, after the lapse of seven years, remains unredressed.

LETTER from Mr BERRY, Glasgow, to the ROYAL COMMISSIONERS for Visiting the
UNIVERSITIES and COLLEGES of SCOTLAND.

(Presented to the Commissioners at Glasgow, and ordered to be printed.)

Glasgow, 10th October, 1827.

"HONOURABLE SIRS,

"In compliance with the desire expressed by you in answer to my card of yesterday, I commit to writing what I was personally desirous to state. It was my intention to have this session entered one of my sons a Student in the Logic Class, from a natural anxiety that he should have the advantage of attending those Classes in the University here, which have a more immediate connexion with his intended pursuits in life. But I find, that unless he passes, with the approbation of the Professor, a very strict examination in Greek, in which no distinction is observed betwixt those who are designed for the Learned Professions, and those who are not, he cannot enter the Public Logic, or Moral Philosophy, or Natural Philosophy Classes—those very Classes which I am most anxious he should attend. To the hardship arising from such a system—peculiar, I believe, to this University—I am desirous to draw your attention; and, disclaiming every personal feeling on the subject, beyond that which will properly be allowed to the father of a numerous family, who is anxious to give them the best education suitable to the prospective views he may have for them,—I beg leave to mention what I intend for my son, that you may be enabled the more accurately to judge of the degree, in his, and in many similar cases in a great commercial population, of importance which attaches to those three Classes being accessible to all Students who do not desire any Academic honours or privileges. The pursuit to which I have for some years endeavoured to direct the attention of my son, is that fitting for a Civil Engineer—a rank in society now occupying a more enlarged space than at any former period, and which may not improperly be considered as filling the middle space between the professional and mer-

cantile—thus requiring a course of education different from either, and to which, as yet but little attention has been paid, when forming new Seminaries of Education, or altering the forms of the old. To qualify for this line of life, progressing in importance, I would consider it a very great misfortune, and serious loss, should my son be deprived, from his ignorance of the Greek language, of the advantages of improving himself under those Professors who fill the Chairs I have mentioned with so much honour and usefulness; and cannot but look upon the exclusion on such ground as oppressive, when exercised in direct opposition to the practice of the other Universities of Scotland, where, if I am rightly informed, every Class is open for the admission of all Students presenting themselves; and am fully warranted in saying, that the liberal views which are acted upon in these Universities, were fully entertained by the late eminent Professor Jardine, and the same are now to be found in three-fourths of the present Professors. Any alteration, therefore, tending to protect young men, so situated as my son, will consequently not only be received as a great benefit conferred on the public, but be acceptable to the great body of those learned individuals.

‘From what I have stated, I hope it will not be laid to my charge the having improperly interfered in matters with which I have no connexion—or that I have thrust myself forward as a would-be reformer. In the liberty I take of addressing you, the duty I owe to a rising family has alone been the guide of my conduct. I may, however, with truth add, my sentiments are those of the great proportion of this mercantile community, who deem it a waste of much valuable time to acquire the Greek language so fully as exacted, merely as a passport to the Logic, and which is only learned to be forgotten. To avoid, as far as possibly can, a premature discussion of the subject now brought under your notice, I have returned my son to the Ayr Academy, to be with Dr Memes for another year—having no doubt, that during that period, something effective will be devised to prevent any unpleasant feeling, which might otherwise arise on my presenting him next session as a Student to those Classes he is now debarred from.

“I am,

“Honourable Sirs,

“Your obedient humble Servant,

JNO. BERRY.”

On the Office of Chancellor.

At present this officer possesses in the University of Glasgow no power of any significance, and some think that the few powers Mr Oswald's Bill confers on the Chancellor are of an objectionable character. I confess I would much prefer one Chancellor for all the Scotch Universities, and him to be appointed by the Crown during pleasure. This arrangement would probably provide against partiality in the bestowing of Government favours, such as grants for buildings and endowments for Professors. He might also fulfil the very important function of watching that one University does not compete with another in a dishonourable way, as by lowering the discipline, lessening the session or the hours of teaching, or granting degrees upon easier terms of study or of examination. These are hurtful practices, whereof the Scotch Universities have experienced the evil for more than two centuries. In order to provide against such practices, the Chancellor might, when he sees cause, have power to call a Convocation of the four Universities, possessed of a general regulating power over them all. This Convocation might consist of the Chancellor and twelve delegates from the four Universities—that is, three from each Rectorial Court. The Rector, as representative of the Students chiefly, might be one; a member of the Court, selected by the Professors, might be a second; and a third might be delegated by the Court itself. The power of calling such Convocations might be vested entirely in the Chancellor, and, being appointed during pleasure, a veto on their decisions might be safely entrusted to him, inasmuch as such a veto, in the nature of the case, would likely never be exercised except in the protection of one of the Universities, and even, when exercised, could not constrain the Rectorial Court of that or any other University from acting as it chose. The mere possession of such powers by a Chancellor of the Scotch Universities, would probably enable him,

by personal interference, and without calling any Convocation, to keep down any ungenerous or injurious competition among the several Universities, and to obtain their concurrence in many improvements—such as lengthening the session—which, without a general concurrence, could not be introduced by any individual University, without hurting the interests of the Professors in the particular University where such improvement was attempted. The Chancellor might, in other respects, act as a sort of Minister of Education for Scotland, and, for aught I know, might have his office conjoined to that of Commissioner to the General Assembly of the Church. The control of the Scotch Universities vested in the Crown for the public good, would probably be exercised through one Chancellor for all the four Universities, better than through Visitations, which, at best, are likely to consist of men, little acquainted with University affairs in practice or detail until their duties are over, but which, till recently, had been allowed to slumber for a hundred years, and, before then, were brought into action only fitfully, and with unequal or doubtful advantage.

Some Notice of the History of the University, and of the Origin of the College.

If naughty boys are detected and pursued for any knavish trick, it is very natural for them to seek refuge in some dark place filled with obstacles that persons, less knowing than themselves, are sure to stumble over. Just in this way it is, that certain Professors, in order to escape the grasp of a coming reform, have sought refuge in the obscurity of the early history of their University, amid vehement cries “for their chartered privileges, their immunities, their *property*, and the continued existence of their ancient and long-tried Corporation!”* The light of law, enough to follow them into this retreat, I cannot pretend to offer; yet I may beg to be allowed the patience of the public, while we take just a peep into this retreat, by the light of the small taper of common sense.

The University of Glasgow was founded in 1450, by a Bull from the Pope, as the University of Saint Andrews had been before, and as the University of Old Aberdeen came to be afterwards; and these indeed were all the Scotch Universities founded before the Reformation. The advantage of obtaining a Bull from the Pope has been said to consist in this, that although other competent authorities might institute a University in any given country, yet the privileges belonging to the graduates of any such University could only be recognised in the Universities of the same country; whereas, if instituted by papal authority, the same privileges would be recognised in all Universities throughout Christendom.

The University began without any funds whatsoever; yet it went on to discharge its important functions with great zeal and activity, and attracted a greater number of members than could well have been expected in that barbarous period of society. David Cadzow is the first Rector recorded, in 1452; and it appears that at this time upwards of 100 members had been incorporated, most of them of the clerical profession, and of mature age. At this period, the University consisted of *four separate Faculties*, composed of doctors or masters in *theology, canon law, civil law, and the arts*. Each Faculty had its own statutes and rules, determining the time and course of study requisite to obtain the degrees of bachelor, licentiate, master, or doctor, in that Faculty, and chose annually its own Dean, by whom, with the assistance of four *deputati*, its internal government was administered. Within three or four years after the University was established, so great a number of young men were matriculated in the Faculty of Arts, that it was thought expedient to provide a house in which they might reside, and to secure a regular set of teachers for their instruction. For this purpose, the Bishop and Chapter appear to have allowed them the use of a building near the cathedral, and adjoining to the chapter-house of the Dominicans, in which the lectures in the Faculties of Theology and Canon Law were read; and the Chancellor and Rector appointed three Masters of Arts, as *Regents* and Teachers in that Faculty. Afterwards there appear to have been only two Regents, and sometimes only one. The office, indeed, seems to have been by far the most laborious of any in the University; since, besides teaching every day, they had to superintend the conduct of the young men residing in the *pædagogium*, and to conduct all examinations for degrees in their own Faculty. There was no salary nor endowment of any kind attached to this office, any more than to the corresponding one of lecturer in any of the other

* Remarks, page 46.

Faculties; and though a small *honorarium* was sometimes paid by the students, the chief inducement to undertake it was the exemption from pastoral duty, and residence, which was allowed to ecclesiastics dedicating themselves to such occupations. Of the four Faculties, indeed, that of *the Arts*, though considered as the least and the lowest, was the most useful and the most active. The others were destined rather to accomplish grown men for the learned professions; but this, which comprehended grammar, logic, physics, and morals, was looked upon as an elementary school of liberal education in general, and was resorted to accordingly by a great proportion of the youth in the neighbourhood, whatever might be their ultimate destination.

The house originally lent by the bishop, for the accommodation of the students in the arts, appears to have been known by the name of *Pædagogium*, or *Collegium artium*; but, in the year 1459, James, Lord Hamilton bequeathed, for this purpose, a tenement of houses on the site of the present buildings, and four acres of land, situate in the Dowhill, to Master Duncan Bunch, Principal Regent in the Faculty of Arts in the University of Glasgow, during his incumbency, and to all future Regents in the same Faculty, for the use, accommodation, and utility of the said Master Duncan, future Regents, and all Students that then were, or in aftertimes should be, in the Faculty of Arts. Except that the souls of the donor, and of his wife, Lady Euphemia, are to be remembered in the prayers of the College, there is no interference with the original constitution of the University, as founded by Pope Nicolas V. The bequest is to the then existing Faculty of Arts, a constituent part of that University, and of coeval foundation; and the original constitution of the University is no more altered by this bequest, than it would be now by another from any private individual, to an existing chair in the University. No restriction is made by Lord James Hamilton on the number of persons to enjoy his bequest, or on their election, admission, or deportment. Long after his donation, matters remained in a similar state. The Faculty of Arts went on like the three other Faculties, only with the benefit of a house and garden of its own, while the lecturers in the others were obliged to convene in the chapter-house of the predicant friars, or in the palace of the archbishop. Its members gave lectures on the arts, and the arts only, and conducted examinations for degrees in that Faculty alone, just as the members of the other Faculties did respectively in theology, and in canon or civil law.

By the reformation of religion, the University seemed for a time extinguished; almost all its members, being clergymen of the Catholic persuasion, were dispersed, and deprived of their honours and emoluments; the three higher Faculties, which had no peculiar funds, and were composed entirely of churchmen, disappeared altogether; and, of the Faculty of Arts nothing was visible but the *pædagogium*, or college of arts, which still retained possession of its house, and carried on, in a languishing manner, its more inoffensive instructions.

From this low estate, the University was raised by donations made within the twenty years following the establishment of the Reformation. In 1563, Queen Mary bestowed certain funds for the support of five bursars, "forasmikle as, within the City of Glasgow, "ane College and University was devised wherein the youth mycht be brocht up in letters "and knowlege, the Commonwealth served, and virtue encreased: of the whilk College, "ane parte of the schools and chambers being biggit, the rest thereof ceased; swa that the "samyn appeared rather to be the decay of ane University, nor ony ways to be reckoned "ane established foundation." Part of this royal donation consisted of "thirteen acres of land lying beside the samyn City." The Broomielaw is the supposed situation of the land thus gifted; but Mr Hill, the College Factor, reports that "All the lands of the College in "this neighbourhood, have now for a long period, been feued out or disposed of for payment "of ground-annuals, of which the College are in receipt of [omitting the items] 64*l.* 13*s.* 1½*d.*" As to the five Bursars, the Commissioners report that "the members of the College profess to be unable to trace any Bursars as having been maintained on this foundation!"

Nine years afterwards, a farther addition to the property of the University was made by a Charter, granted by the Town of Glasgow and confirmed by Act of Parliament, conveying certain properties and rents that had formerly belonged to the collegiate churches, chapels, and religious houses, but which the Town had six years previously obtained from the Crown by a gift under the great seal. In this deed, the Provost and Magistrates, lamenting the ruin of the buildings, and the dissolution of morals arising from poverty and idleness, en-

dowed and founded anew what they call *Collegium nostrum* for the use of fifteen persons who were all to eat and sleep within the College. The particulars of the foundation for the support of these fifteen persons I think it unnecessary to give, since this charter of the Town came, in 1577, only five years afterwards, to be superseded by another charter, granted by James VI., and ratified by Parliament.

This charter, entitled *Nova Erectio*, proceeds on a narrative that the annual rents of the College or Padagogy were far from sufficient for the maintenance of the Principal, Masters, Regents, Bursars and necessary officers of the College, and for the keeping up and repairing the same. Therefore his Majesty by advice of the regent Morton, bestows on the said College or Padagogy of Glasgow, the Principal, Masters, Regents, *Bursars, servants and officers* specified in his erection and foundation, the Rectory and Vicarage of the parish of Govan, valued at twenty-four chalders of grain annually, and also confirms annual rents and other emoluments formerly granted to them. Twelve persons are to reside always and be supported in the College. The Principal was to lecture every day, except Saturday and Sunday, alternately on Theological subjects and on Hebrew literature. The other eleven persons were three Regents, an *Œconomus*, four poor students, the Principal's servant, a cook, and the janitor. The charter proceeds thus: "We will that all these twelve persons live in a Collegiate manner, and, for their daily support, out of the foresaid Benefice and Rectory of Govan, amounting to twenty-four chalders of yearly rental, we assign *twenty-one chalders for sufficiently supplying eatables and drinkables for the said founded persons, without luxury or profusion in order that they may be incited by a frugal mode of living to a more serious attention to their studies*, and whatever surplus (savings) may on calculation be found to remain, shall be expended on the pious uses of the College and on the fabric of the College, under the direction of those persons whom we have afterwards in this deed of foundation appointed to visit the College."* Small salaries are also allowed to some of the founded persons. But the sum available for this purpose, from former donations appears to have been only £300 Scots or £25 sterling, and the whole amount allowed being less than this, they are not worth specifying. The *Œconomus* or Steward is to find security, and subsequent to the quotation we have made, the charter says of this officer. "It shall be his duty to collect all the revenue and incomes of the College whatsoever, to summon debtors, meet them in court in the name of the College, and to take all other lawful steps. It shall be his duty to provide *for the College* in proper time, and *under the direction of the preceptors, every thing pertaining to living*, and to go forth daily to attend to the *purchasing of whatever is required for the support of the College*; but he shall be bound to give daily an account of what is bought and brought in, to the *Principal and the other preceptors present*, that even in the smallest matter no fraud may be practised in the College: for the discussion of daily accounts must be useful to the Establishment. Moreover the Preceptors themselves along with the *Œconomus* shall be held bound to give an account of their administration four times a year to the Rector or Dean of Faculty and the minister of Glasgow, who will take care on the Calends of October, February, May, and August, that all things be subjected to the most rigid scrutiny: and we appeal to their consciences that they see all things properly administered in the said College according to our intention; that they reduce every thing to order by their authority, and that four times a year they subscribe the said accounts, which then only shall be held authentic: and *under THEIR direction whatever surplus shall remain either from the old erection or from this our foundation*, after the revenue has been properly examined and discussed, shall be wholly expended on the necessary uses and buildings both of the College and of the Church of Govan, and the indispensable uses of the school" (gymnasium). The principal alteration on the powers of the Visitors, as possessed

* The words of the Charter are, "Ac primum quidem, omnes has duodecim personas collegialiter vivere volumus quibus pro victu quotidiano assignamus ex prefato beneficio et rectoria de Govane, extenden. in solidum in suo rental, ad viginti quatuor celdras, viginti et unam celdras ad esculenta et potulenta dictis fundatis personis sufficienter, sine luxu et profusione, sustentandis, ut frugali victus ratione ad seriores studiorum curam incitentur: Quod si, subduetis rationibus, et calculo inito, quid fuerit residui id in pios usus Collegii et sarta tecta Collegii impendatur, eorum arbitratu quos postea in eadem hac fundatione Collegio invisendo prefecimus."

† "Penes eum erit proventus et redditus collegii qualescunque colligere dicere diem debitoribus, convenire in iudicio nomine collegii, et cetera legitima peragere; ejus erit, tempestive ex preceptorum arbitrio collegio providere in iis quæ ad victum pertinent; et fori quotidie curam agere in iis emendis quæ ad collegii sustentationem pertinent; is autem tenebitur in singulos dies rationem reddere emptoribus et importatorum gymnasiarchæ, et reliquis preceptoribus præsentibus, ne qua in re minima fraus fiat collegio; quotidianæ eum rationes in animadversis redactæ, magno erunt familiæ usui. Porro, preceptores ipsi, una cum œconomo, tenebuntur rationem reddere administrationis, quater in anno, rectori, decano facultatis, et ministro urbis Glasguensis, qui operam dabunt, calend. Octobris, calend. Februarii, calend. Maii, calend.

under the former charter from the Town, consists in the absence of the power, possessed by the Visitors and Principal under that charter, of founding more Regents or Preceptors, if needed for the College, and the only difference in the persons to be Visitors lies in the Minister of Glasgow, being named instead of the Magistrates of Glasgow. In substituting the sacred officer for the civic, it could scarce have been anticipated, at that early stage of the history of the Church of Scotland, that a foundation was laid for having the office of Visitor made nugatory, under the connivance, too, of that very Church which, recently brought forth amidst the woes of a nation's calamities, and yet in the nakedness of infantine innocence, still struggled for a doubtful existence. But neither this charter of James VI., nor the former charter of the Town, are to the prejudice of the original charter of the University. In both charters of the College, indeed, the existence of the University is taken for granted throughout. Thus the Town's charter is drawn up at the advice of Master Andrew Hay, *Rector pro tempore Universitatis nostræ Glasguensis*. In King James' charter, the admission of the Principal is given, among others, to the Archbishop of Glasgow, *qui est Universitatis Cancellarius*. There can be little doubt, however, that the object of these charters was to endow *all the teaching part of the University*, subsisting at the time. Moreover, the names College and University have been long confounded in Scotland, as they still are. Thus, Charles II.'s grant by charter of the subdeanery to the *University of Glasgow*, is, in an Act of Parliament intended to confirm the royal charter, called a grant to the *Glasgow College*.

These dry details are all necessary in order to appreciate certain controversies founded on the difference between Professors of the College within the University, and Professors of the University only.

At present the Principal and all the Professors of the University are twenty. Of these twenty, it is quite clear, that the Principal and three Regents, that is, three Professors in Arts, belong to the College. Of the remaining sixteen, a doctrine countenanced by one decision of the Court of Session is, that ten belong to the College as well as to the University, and six to the University only; but the question is a controverted one. Without pretending to decide it, I confess I do not see how, under King James's charter, it is possible to add any new member to the twelve to whom the charter itself, ratified as it is by Parliament, confines the number. Accordingly my own impression is that not one of the sixteen Professors in question belongs to the College. But although I state this as an individual's opinion, I do so without attaching to it any weight, and merely that, upon collateral points, I may not be misunderstood. On another question, however, there cannot be the same degree of doubt—that is, that *if*, of the sixteen Professors in question, ten belong to the College, *so do the six*. But before entering farther on this question, it is necessary to tell who are the ten, and who are the six.

The ten are all the Professors holding chairs instituted before the present century; the six are those holding chairs instituted during the present century. Of the ten chairs, the last instituted was that of practical Astronomy, in the year 1760. Let it be well observed, this is 24 years before, as mentioned in page 7, large surplusses began to be allotted equally to each Principal and Professor. The love of money seems to have been the root of the evil. Certain it is, at least, that until surplusses were in view, the controversy under consideration never came into existence. The real substance of the quarrel is, that the ten share the surplus, while the six get none. But the surface is all we see, and judging from that, the question is, how came the ten to be of the College and the six not?

The Crown, it is admitted on all hands, has power to institute a new Professorship in the *University*. The fourteen Professors in possession maintain—what I doubt—that the Crown has power to institute, and has instituted, Professorships in the *College* too. But they add, “To all of these, however, the consent of the *College* was *either* specially expressed, or *distinctly implied* ;” and *this is clearly the case with the last founded Professorship, that of Astronomy*, which was rendered necessary by an important benefaction bestowed on the College, and for obtaining which, their public thanks to those by whose good offices it was

Augusti, ut quam exactissimo calculo omnia subducantur; quorum etiam conscientias appellamus, ut omnia recte et secundum nostram intentionem in dicto Collegio administrata esse videant, et in ordinem suam auctoritate redigant, et quater in annos singulos dietis rationibus subscribant, que tum solummodo authenticæ habebuntur; eorumque consilio quicquid fuerit residui, sive ex veteri erectione, sive ex hac nostra fundatione, id omne, rentalibus probe examinatis et discussis, in necessarios collegii usus et sarta tecta, tum collegii, tum chori Govane, aliosque usus gymnasii non prætermittendos, impendatur et distribuatur.”

procured still stand on record.* An authentic extract from the record alluded to is before me. The material parts are as follows:—

On the 29th of January, 1760, eleven Professors being present, the record says:—"An University meeting being duly summoned and convened, a presentation by his Majesty in favour of Alexander Wilson, A. M., to be Professor of Practical Astronomy, and Observer in this University, was laid before the meeting and read." The presentation we need not quote at length. Suffice it, that the presentation is in favour of Mr Alexander Wilson, to be Professor of Practical Astronomy and Observer, in the *University* of Glasgow, and that it requires "the Rector, Principal, Dean, and other Professors and Masters, in the said *University* of Glasgow, to admit and receive the said Alexander Wilson to the peaceable exercise and possession of the said office and profession in the usual manner." After quoting the presentation at length, the record proceeds:—"Upon which the meeting appointed him to deliver a discourse on the following subject, viz. 'Philosophorum de Cometis opiniones exponere, veramque confirmare,' as a piece of trial, on Thursday the 7th day of February next."—On the day so appointed, nine of the eleven formerly present attend, and the record runs thus:—"An University meeting being duly summoned and convened, Mr Alex. Wilson, A. M. delivered the discourse prescribed for his trial in the minute of 29th January last; and he being removed, the meeting declared themselves satisfied with it. And Mr Wilson being called in, and having produced a certificate of his having signed the Confession of Faith before the Presbytery of Glasgow, the following oath was administered to him." [The oath we omit for brevity.] "Upon which he was admitted a member of the *University*, and solemnly received by all present as such." Mr Wilson's name appears in the list of sederunt of the next called meeting, which was held on the 11th February, 1760.—In the minutes of that meeting there occurs the following entry. "The Dean of Faculty is appointed to write, in the name of the society, by this night's post, a letter of thanks to his Grace the Duke of Argyll, for his Grace's favour to the *University*, in procuring the erection of a new profession of Astronomy in this University."

Now if, from record, anything can be clear, it is, that, in this instance, Mr Alexander Wilson was presented by the King, and admitted by the Professors, to be a Professor of the University only, and not of the College within the University. It was rather bold to refer to a record bearing such facts for a proof that the King can appoint a Professor of the College, provided the existing Professors consent. No such attempt was made by the Crown; and therefore no such consent could, by possibility, be given by the Professors. But the attempt, had it been made by the Crown, would have been alike illegal with any consent the Professors might have offered. The King, indeed, might have granted a new charter, including one or more Professors within the College; but in the face of the existing charter, which is ratified by Parliament, the supposed new charter, being inconsistent therewith, could not be valid without the supreme authority of Parliament, which, indeed, of itself and alone, is capable of altering the subsisting charter. And as to the consent of the Professors, what power have they to consent? By the charter, the Principal and the Professors are four out of twelve persons provided for by an allowance of 21 chalders of victual, and some salaries besides. To that allowance they have an undoubted right, and that allowance they may consent to share with anybody during their incumbency, but no longer. To the smallest part of that allowance being taken from their successors their consent is not competent. And as to anything more than their stated allowance, they have, by charter, no right; for anything more is a surplus, and, as such, at the disposal of the Visitors. What right, then, had the Professors to consent? Even under the former charter, wherein the addition of Regents to the College was contemplated and provided for, the consent of the then existing Regents was not required. But, admitting consent to be competent, what kind of consent to the act of the King appears "on record?" On the day of Mr Wilson's producing his presentation, and on the subsequent day of admission, the Professors proceed like men obliged, as they were, in the course of their duty, to proceed. But upon a subsequent day, when the Professor is fully inducted, the Dean of Faculty is to write, by that night's post—to the King's responsible adviser?—No! but—to an aged nobleman, not a member of the King's government, but merely a Scotch representative peer, by whose influence the new Professor had been recommended and the appointment obtained from the government. These thanks were evidently a matter of courtesy—an economical retaining-

fee for influence on some future occasion. Nevertheless, the present Professors (of course they are serious) profess to believe that a letter of thanks to the great Duke of Argyle implies consent to the acts of the King of Great Britain, France, and Ireland! Really, as Burns thought of a stranger at Inverary, the Professors of 1760, and their successors too, seem to conceive that every one of them might be in a

"sad case,
Unless to worship he drew near,
The king of kings—his Grace."

After all, the controversy respecting the College is more simple than might be imagined. The whole affair concerns twelve persons, including an Œconomus, one Principal, and three Regents. The five persons just named alone had to do with funds. The Œconomus was to have the principal charge of providing, out of the 21 chalders of victual, the table and household expenses of the College, and he was to do this under the charge of the Principal and three Regents. But, in consequence of a College table, and College mode of life, having ceased, such duty is now a mere "tale of the times of old—the deeds of the days of other years." The only other duty of administration that now remains is, "the duty to collect all the revenue and incomes of the College whatsoever, to summon debtors, meet them in the court in the name of the College, and to take all other lawful steps." The Royal Commissioners doubt, and any body that reads the passage of the charter already quoted, may doubt, whether the Œconomus had, in respect to this branch of his duty, to be responsible to anybody but the Visitors. As, however, the founder's intention was evidently to endow all the teaching part of the University, as it subsisted in his own day, it will scarce be questioned by any candid man, that those Visitors act within the limit of their powers under the charter, when, out of the surplus funds, they augment the salaries of the four Professors originally founded, so as to make them sufficient, without luxury, in our own day, or allow salaries to other Professors or Lecturers, legally appointed within the University. But, in regard to the legislation proposed for the University, the position to be remembered is, that the power of appropriating the surplus, according to the intentions of the founder, at present belongs not to the Crown, whose power is limited by its own charter, and by act of Parliament confirming that charter, but only to the Visitors; and so much of that power as has been exercised by Professors, whether of the College or University, is founded, not on charter, or on the authority of Parliament, but solely on usurpation.

On the relation of the Church to the Universities.

The tenour of complaints from a certain class of clergymen, more distinguished by their zeal than by their knowledge, would lead us to conclude that the Reformation had never taken place, or at least that the keys of St Peter had so far descended to a Presbyterian establishment, that knowledge could not be lawfully opened to the people of a free country, except by the hand of the Church—that the General Assembly had the prerogative of the Pope in instituting Universities, and that Presbyteries had received the power of Visitation, like the Bishops and Archbishops, the ancient constitutional Chancellors of the Universities. Persons that have been awed by the declamations alluded to, may well be surprised at the following explicit statement of the Royal Commissioners:—

"There are few national institutions of long standing, which have been more powerfully modified by the circumstances of the country than the Universities in Scotland; and they have undoubtedly been gradually adapted in an eminent degree to the particular demands upon them, arising from the circumstances of the people for whose benefit they were designed.

"*These Universities are not now of an ecclesiastical character, or in the ordinary acceptation of the term, ecclesiastical Bodies.* They are connected, it is true, with the Established Church of Scotland, the standards of which the Professors must acknowledge. *Like other seminaries of Education,* they may be subject to the inspection of the Church on account of any religious opinions which may be taught in them. The Professors of Divinity whose instructions are intended for the Members of the Established Church, are, in their character of Professors, members of the Presbytery of the Bounds, and each University

returns a Representative to the General Assembly of the Church of Scotland. But in other respects, the Universities in Scotland are not Ecclesiastical Institutions, not being more connected with the Church than with any other profession. *They are intended for the general education of the country, and in truth possess scarcely any Ecclesiastical feature, except that they have a certain number of Professors for the purpose of teaching Theology, in the same manner as other Sciences are taught.*"

Again, "*Neither their constitutions, endowments, nor provisions for public instruction, are founded on the principle that the Universities are appendages of the Church.* All the classes may be taught by laymen, with the exception of the classes of Divinity; and in no part of the system, except in the Theological Classes, is any distinction observed with reference to the views or pursuits of those intended for the Church."

The plain fact is, the Universities, out of the Theological Faculty at least, have no connexion with the Church, except that, under the "Act for the Security of the Protestant Religion and Presbyterian Church Government," all "Professors, Principals, Regents, Masters, or others bearing office in any University, College, or School within this kingdom" of Scotland, are required, before or at their admission, to subscribe the Confession of Faith "as their Confession of Faith, and that they will practise and conform themselves to the worship presently in use in this Church, and submit themselves to the Government and discipline thereof, and never endeavour directly or indirectly the prejudice or subversion of the same, and that before the respective Presbyteries of their bounds." The Presbyteries are the mere keepers of the record. The principal intention of the law was undoubtedly to exclude Episcopalians from the office of teaching in Scotland, as either Professors or Schoolmasters.

About 1640, a period when the General Assembly assumed to itself political powers that never would be tolerated in more settled times, that Assembly sent a Commission to visit the University of Glasgow. The Professors declined submitting to the authority of this Visitation, until it acknowledged and recorded that its powers extended only to ecclesiastical matters. But there are bodies in this world to whom the proverb is applicable—"in with the little finger, in with the whole hand." So at least it was with the Church Commission, which was pleased to declare a Professorship of *Medicine* superfluous, and to order its abolition!

In the Theological Faculty, the Church of course has great influence, and some control, especially in matters of doctrine. But no Faculty has been so conducted. Dr M'Gill, the zealous theological professor of this University, thus, in his evidence before the Commission, deploras the comparative inefficiency of this Faculty, which no man can be more studious to raise than he has been:—"Why should Divinity be thrown in the back-ground, and jumbled together in a confused and absurd manner, so that I am sometimes even at a loss to say, in the way in which Divinity is taught in Scotland, and has been for many years, whether the students came better out of the Hall than when they enter it!

"Do your observations apply equally to the other Universities of Scotland?—They do, and much more strongly. If I am allowed to speak upon other Universities, I would say, there is a most gross dereliction of duty in many of the Universities. The Commissioners must be acquainted with the state of Divinity in the Universities of Aberdeen, where there are two Colleges, in each of which there is a separate Professor. They teach only three months for their Theological Course; but besides that, they lecture only alternately—instead of each of them giving a whole Course, they lecture alternately. They make up only one Professor between them, so that each of them, in fact, teaches only six weeks in the year. Now, if the Commissioners will consider for a moment what I am doing, in the imperfect manner that I am doing it, they will see that I just teach as much as eight of them. I teach six months, and I teach two hours each day. Now, I say, that that loudly calls for a reformation, and for a public expression of disapprobation. *And by what authority is it done? It is contrary to every thing that is proper and decent, according to my apprehension.*"

By what authority, indeed! Was Dr M'Gill aware that the only theological chair really under the control of the Church was one of those complained of, which is under the authority of the Synod of Aberdeen? Was Dr M'Gill aware that its Professor is bound by charter to teach three times more than he does? Was Dr M'Gill aware that the Synod are bound by the charter, of which they profess to be such zealous guardians, to depose the Professor in question for not teaching to the extent it prescribes?

These are the men that seek the whole Universities to be placed under their charge!

Comparison of Mr Oswald's Bill, with the Commissioners' Constitution.

The order of Mr Oswald's bill is preserved; but for the sake of comparison the several clauses of the Commissioners' Constitution are, without any alteration but in the order, arranged to correspond with the Bill, of which the enactments, it will be observed generally coincide with the Commissioners' proposals, although there are occasional deviations. The Constitution as proposed by the Commissioners occupies four pages of their Report, between pages 288 and 292. In the notes, I have been desirous rather to furnish matter for reflection to others, than to obtrude upon them an individual's opinion. Mr Oswald's bill commences on the left hand, and when the Commissioners' Constitution corresponds, it is placed in a column opposite, to the right.

Preamble.—WHEREAS certain Commissioners, by virtue of Commissions issued by his late Majesty King GEORGE the Fourth, dated Twenty-third July and Twenty-eighth September One thousand eight hundred and Twenty-six, and by virtue of a Commission issued by His present Majesty, dated Twelfth October One thousand eight hundred and Thirty, were directed, amongst other things, to report to his Majesty their opinions on the statutes, laws and usages by which the several Universities and Colleges in Scotland were governed:

And whereas the said Commissioners made a Report to His Majesty, which has, by his Majesty's Command, been laid before Parliament, whereby, amongst other things, it appears that it would tend greatly to the better management of the property of the University of Glasgow if such property were vested in a Court to be established for that purpose, and that it is expedient to alter and amend in other respects the laws, statutes and usages by which the said University and the several Members, Students and Offices thereof are governed and regulated;

1. *Laws and Charters inconsistent annulled.*—BE IT THEREFORE ENACTED, by The KING's most excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, THAT so much of all Acts of Parliament, Royal and other Charters, Grants and Letters Patent, Foundations, Erections and Mortifications now in force relating to the University of Glasgow, or to the Members, Students or Officers thereof, or to any body or reputed body corporate of or in the said University, or to the Members, Students or Officers thereof, or any one or more of them, or to the Property or Revenue held by or in trust for the said Persons or Bodies, or any of them, and all laws, statutes and usages in so far as the same are inconsistent with or contrary to the provisions of this Act, shall be and the same are hereby Repealed and Annulled.*

2. *Interpretation.*—And be it Enacted, That in the construction of this Act, unless there be something in the subject or context repugnant to such construction, the word "University" shall be construed to mean University of Glasgow and College of Glasgow, and the word "Court" shall be construed to mean University Court of the University of Glasgow; and the word "Senate" shall be construed to mean Senate of the University of Glasgow; and the respective words "Chancellor," "Rector," "Principal," "Dean" shall be construed respectively to mean Chancellor, Rector, Principal or Dean of Faculties of the University of Glasgow, as the case may be; and the word Assessor shall be construed to mean any Person who shall be elected under this Act to be an Assessor, and as such a Member of the Court; and the word "Officer" shall be construed to mean any person who shall be appointed by the Court to any office in the University; and the word "Servant" shall be construed to mean any person appointed by the Senate to any subordinate office in the University; and that in describing any person or thing, any word importing the singular number shall be construed to mean also several persons or things.†

3. *Chancellor to be elected by Senate.*—And be it Enacted, That the Chancellor shall be elected by the Senate, on a day to be fixed by the Senate, at least Three Months previous to the day of the election, and shall hold his office for life; and that upon any vacancy in the office of Chancellor, another Chancellor shall be elected within Nine Months after such vacancy, and the installation of such Chancellor shall take place within Twelve Months after the occurrence of such va-

That, in future, the Chancellor of the University shall be elected as heretofore, by the Senatus Academicus, and shall continue in office for life—That the installation of the Chancellor shall take place within a Year after his appointment.

* This section accords with ancient precedent. In 1579 a Scotch Act of Parliament was passed to effect various reforms in the University of St Andrews. These reforms were made upon the recommendation of a Parliamentary Commission, and are known by the name of "Buchanan's Reformation"—the celebrated George Buchanan having been one of the Commissioners. The several changes recommended are to be effected:—"the auld foundations and erectionis of the saidis Collegis and haili Universitis, or any thing continit therein notwithstanding, whereanent his Majestie, with advice of his saidis Estatis, dispensis." Parliamentary authority indeed is the foundation of the Scotch Universities, at least ever since the Reformation. Thus, in the reign of James VI, we find the University of Edinburgh chartered by the King, we find Marischal College founded in Aberdeen by a nobleman, we find a University founded in the fishing town of Fraserburgh, or at least projected, by a commoner; but the King's foundation, the nobleman's, and the commoner's, all alike required, and all alike obtained, Parliamentary authority.

† Brevity in the other sections appears to be the object of this particular section. But the giving a peculiar meaning to any word by a special definition, leads to the danger of forgetting that peculiar meaning, and making use of the word in some other acceptation. A careful examination of the Bill will show, that the significations here defined have, in repeated instances, been departed from. And it may be doubted whether it were not better, as in the Aberdeen Bill, to have no section of this tenor at all; or, at least, to have the section made shorter.

*Mr Oswald's Bill.**Commissioners' Constitution.*

cancy; and that if any person elected Chancellor shall fail to be installed within the said period of Twelve Months, he shall thereupon *ipso facto* be held to have resigned his office, and the same shall be held to be vacant as at the expiry of the said Twelve Months, and another Chancellor shall be elected.*

4. *Rector to be elected by the Principal, Professors, Lecturers, Graduates and Students.*—And be it Enacted, That the Rector shall be elected by the Principal, Professors, Lecturers, Graduates and matriculated Students in the University, and shall continue Rector for Four Years;† and the first election shall take place on the Sixteenth day of November in the year One thousand eight hundred and Thirty-five, and the next and each following stated election shall take place on the Sixteenth day of November in every Fourth year thereafter.‡

5. *Who Preses at the election of the Rector.*—And be it Enacted, That at every Election of a Rector, the Principal shall be the Preses of the Election, and in his absence the Professor of the University then present, who shall for the greatest length of time have been a Professor in the University, shall be the Preses; and in the absence of the Principal and all the Professors, such Person as the Electors present shall name shall be Preses.

the Rector chosen under the present statutes, shall go out of office on the 31st of December, after the lapse of Four Years commencing the 1st day of January after his election; and the new Rector shall be chosen in the month of November preceding the expiration of the above term of incumbency; the day of election being fixed by the University Court, of which Three Months' previous notice shall be publicly given.

6. *Students who give regular attendance and Graduates enrolled to vote at election of the Rector.*—And be it Enacted, That no Student shall be allowed to vote at any Election of the Rector, unless he shall be *bona fide* attending one class at least of the University; and no Graduate shall be allowed to vote at any such Election, unless, at least a Week previous to his first voting as a Graduate, he shall have had his name enrolled as an Elector, in a Book to be kept for that purpose, and shall also have paid the sum of Five Shillings towards the funds of the University.

a Rector under the present Statutes of Visitation, must, in order to entitle them to vote for that Officer, have their names enrolled, upon production of the proper evidence, in the list or record of Graduates, at least Two Weeks preceding the day fixed for any Election of a Rector—That Graduates, when not attending any of the classes, shall pay the sum of Ten Shillings for the Library, upon each occasion on which they exercise the privilege of voting.

7. *Rector when to be installed.*—And be it Enacted, That the installation of the Rector shall take place within Three Months after his election; and that if any Person elected Rector shall fail to be installed within that period, or being installed, he shall fail to attend at least one meeting of the Court in any year, reckoning the year from the day of his election, he shall thereupon *ipso facto* be held to have resigned the office of Rector, and another Rector shall be elected in his stead.

8. *Occasional election of the Rector.*—And be it

* The Chancellor of the University has at present no power except to appoint a Vice-Chancellor—who in practice is commonly the Principal—to conduct the ceremonial of conferring degrees, and failing his appointing a Vice, the Professors appoint one for the interim. The new powers conferred by the Bill on the Chancellor, will be found under sections 27, 32, and 35.

† *Aberdeen Bill*—"Three Years." The present law of the University is one year; but an established courtesy makes the period in practice to be two years.

‡ The election of the Rector, according to the *Aberdeen Bill*, falls on the first Tuesday of January, instead of the 16th of November, as here put down, which, however, accords with the present practice of the University. The *Aberdeen* period seems the more convenient, as following holydays, which might be devoted well enough to the exciting preliminaries of an election, more especially if every student is to have a vote. The *Glasgow* period would be less objectionable were the right of students to vote confined to such as had previously attended one class an entire session. Were this restriction made, and were the election of the Rector to be for three years, each student, in undergoing his curriculum of four years, would have one opportunity of electing the Rector; which probably was intended by the Commissioners when they suggested the Rector to be elected for four years, and by all the students.

§ Were it not better to insert here, "who has not previously attended, with regularity according to the regulations existing at the time of his attendance, at least one class of the University for an entire session?" nor—

That the Rector shall be elected by the Principal and Professors, and by all the Graduates in the University, with the exception aftermentioned, and by Students of the University matriculated according to the mode hitherto observed, at a Meeting to be assembled for this purpose, at which the Principal, or, in his absence, the senior Professor present, shall preside; and in the event of an equality of votes, the President of the Meeting shall have an original and a casting vote—That the first election of Rector after the present Statutes of Visitation shall take effect and be held in the month of November, on which the Rector chosen under the former laws shall go out of office, the day of election being fixed by the *Senatus Academicus*, of which Three Months' previous notice shall be publicly given—That in the election of the Rector and of the Assessor, all the Graduates of the University shall be entitled to vote, with the exception of those who have obtained the honorary degree of Doctor in Laws, and with the exception of those who have obtained any other honorary degrees conferred after 1829—That continue in office for the space of Four Years, and

That no Student shall be allowed to vote who is not actually and truly attending the classes, and that all votes of Students shall be held to be incompetent in cases where the ticket has been obtained only to acquire a right of voting—That the names of all Persons admitted as Graduates of the University, from and after the publication of the present Statutes of Visitation, shall be enrolled in a Book to be kept by the *Senatus Academicus*, as a record of the names of the Graduates, in order to ascertain their right to vote for the Election of a Rector or Assessor; and all those who may have received Degrees prior to the first Election of

That the induction of the Rector shall take place within Five Months after his election.

That in the event of the death or resignation of

Mr. Oswald's Bill.

Enacted, That in the event of a vacancy occurring in the office of Rector, at any other than the stated period when a vacancy in such office occurs by lapse of time, another Rector shall be elected, to remain in office until the next stated election of the Rector; and in the case of such vacancy coming to the knowledge of the Senate during any Winter Session, and before the last Three Weeks thereof, the election of another Rector shall take place during such Winter Session, on a day to be fixed by the Senate; but in case of any such vacancy occurring at any other time, the election of the Rector shall take place on the Sixteenth day of November following.

9. *Rector's obligation by acceptance of office.*—And be it Enacted, That any Person being elected Rector shall upon acceptance of the office of Rector, be held to undertake to perform in person the duties thereof; and more especially to be present at the stated meetings of the Court, to take place as hereinafter provided, and that no Rector shall be entitled to appoint a Vice-Rector to act for him.

10. *Dean elected by the Senate.*—And be it Enacted, That the Dean shall be elected by the Senate, on the First Tuesday after the stated respective days of election of the Rector, and shall continue Dean for Four Years; and the installation of the Dean shall take place within Three Months after his election; and that if any Person elected Dean shall fail to be installed within that period, he shall thereupon *ipso facto* be held to have resigned the office of Dean, and another Dean shall be elected in his stead.*

11. *Assessor to be chosen by Senate and Graduates.*—And be it Enacted, That on the stated respective days of Election of the Rector, the Members of the Senate and the said Graduates enrolled as before provided, shall elect an Assessor, who shall continue Assessor and be a Member of the Court, under the provisions of this Act, for Four Years; and at every election of an Assessor by the Senate and Graduates, the Preses of such election shall be the person present at such election, who would have been entitled to be Preses of Rector.

12. *Occasional election of the Dean or Assessor.*—And be it Enacted, That in the event of a vacancy occurring in the respective offices of Dean or of the Assessor to be elected by the Senate and Graduates, in case such vacancy shall happen more than Six Months prior to the next following stated election to the said respective offices, another Dean or Assessor, as the case may be, shall be by the Persons entitled to vote at such election, elected within Six Months after such vacancy shall occur, at a time and place to be fixed by the Senate; and notice shall be given of such intended election to fill up such office of Dean or Assessor as the case may be, in the same manner as is required by this Act with respect to any stated election for electing a Dean or such Assessor, and the Person elected to supply such vacancy shall remain in office till the next stated election to such office.

13. *Assessors to be appointed by His Majesty.*—And be it Enacted, That it shall be lawful for His Majesty to appoint Two fit and proper Persons to be Assessors under this Act, who shall remain in office for the period of Four Years after their appointment, and from time to time to supply any vacancy which may arise by the death or resignation of any Person so appointed; and the Persons so appointed shall be Members of the Court under the provisions of this Act.

14. *Assessor to be appointed by the Town Council of Glasgow.*—And be it Enacted, That the Magistrates and Town Council of the City of Glasgow shall and they are hereby required to meet on the stated day of the election of Rector, or on some day not being more than Seven Days thereafter, in the present and every Fourth Year thereafter, and to elect a fit and proper Person to be Assessor under

Commissioners' Constitution.

the Rector during the aforesaid period of Four Years, the vacancy shall be filled up by a new election, which shall take place during the Session of the University then current; or if the vacancy happens during the vacation, in the month of November thereafter, or a day to be fixed by the Senatus Academicus, and, failing their doing so, by the Chancellor.

That the Rector, by acceptance, shall undertake personally to perform the duties of the office, and to be present at the University Courts, when not necessarily prevented from attendance—That the office of Vice Rector *ought to* [shall?] be abolished.

[In the University Court,] the Dean of Faculties for the time being.

continue Dean for Four Years; and the installation of the Dean shall take place within Three Months after his election; and that if any Person elected Dean shall fail to be installed within that period, he shall thereupon *ipso facto* be held to have resigned the office of Dean, and another Dean shall be elected in his stead.*

That an Assessor to be elected by the Principal, Professors and Graduates shall be chosen upon the day fixed for the election of Rector—That the Assessor to be elected by the Principal, Professors and the Graduates shall be a Member of some of the learned Professions, namely, the Church, Bar, or Medicine, or shall be a Professor in the University, or a Graduate thereof of not less than Ten Years' standing.

if such election had been an election for the Office

That in the event of death or resignation of any of the Assessors, the vacancy shall be supplied within Six Months by their respective constituents—That persons so chosen in consequence of death or resignation, shall continue in office for the remainder of the period of Four Years current at the time of their election.

* The Dean of the University was originally the Dean of the Faculty of Arts only, and appointed by that Faculty. Would it not be better to have, in his place, the Dean of the Faculty of Arts (not being a Professor, but being a Graduate in Arts of ten years' standing) appointed by that Faculty? And, if this were expedient, would the Dean of the Faculty of Medicine, appointed in a corresponding manner, not be preferable to the Assessor appointed by the Graduates and Professors conjointly. The Principal, being a Minister of the Established Church, a Member of the Presbytery of Glasgow, and *ex officio* Dean of the Faculty of Theology, each of the principal Faculties would have its representative. How a conjoint election by Professors and Graduates would act, it is not easy to foresee; but party jostling by packed meetings would probably be one of the consequences. By restricting to Graduates of the Faculty the candidates for the office of Dean, the importance of a Degere is obviously enhanced, more perhaps than it would be by merely constituting Graduates electors.

*Mr Oswald's Bill.**Commissioners' Constitution.*

this Act; and in case any vacancy shall arise in the office of such Assessor at any time between the stated days for the election of such Assessor, the said Magistrates and Town Council shall supply the same within One Month after it shall occur, and the Person appointed to supply such vacancy shall remain in office for the same time that the Person in whose place he is appointed would have remained in office; and the Person so appointed Assessor shall be a Member of the Court under the Provisions of this Act.

15. *At election of Chancellor, &c. Proposers to state that Candidates will accept.*—And be it Enacted, That at every Election of a Chancellor, Rector or Dean, or of Assessor to be appointed by the Members of the Senate and the said Graduates, the Mover or Seconder of every Person proposed as a Candidate, shall state that he has applied to the Person proposed for and received his consent so to propose him, and that such Person has authorized him to state to the Meeting that if elected he will accept of the office for which he is proposed, and discharge the duties of the same.

16. *Chancellor, Rector, Dean and Assessor to be different persons.*—And be it Enacted, That the respective offices of Chancellor, Rector, Dean and Assessor shall each be held by a different Person, and none of these offices shall be held by a Principal or Professor in the University.

17. *Court, Members of.*—And be it Enacted, That the Members of the Court shall be the several Persons hereinafter named or referred to; (that is to say) the Rector, the Dean, the Principal, the two Assessors to be appointed by His Majesty, the Assessor to be named by the Members of the Senate and the said Graduates, and the Assessor to be appointed by the Magistrates and Town Council of the city of *Glasgow*; and that Four shall be a quorum of the Court; the Rector or the Dean or the Principal being always one of such quorum.

That neither a Principal nor a Professor of any of the Universities shall be eligible to the office of Rector.

That the University Court shall consist of the Rector, being the Head or President of the Court, the Principal of the College for the time being, the Dean of Faculties for the time being, the Minister of *Glasgow* for the time being, not being the Principal or a Professor of any University, an Assessor elected by the Principal, Professors, and by all the Graduates of the University, an Assessor nominated by the Chancellor, not being a Principal or a Professor of any University, an Assessor nominated by the Rector, not being a Principal or a Professor of any University—That each of these Three Assessors shall be chosen for the space of

Four Years—That the Assessors to be nominated by the Chancellor and Rector shall be chosen before the First day of January following the election of the Rector—That Four shall be a quorum of the Court, and the Court shall have power at all times to adjourn.

18. *Stated Meeting of the Court—Business of the stated Meeting of the Court.*—And be it Enacted, That a stated annual Meeting of the Court shall be held on the first Monday of April in each and every year after the passing of this Act; and that at the said stated Court, the Person who shall

That a University Court shall be held immediately after the induction of the Rector—That a University Court shall be held once a-year, in the month of April, after intimation of it at least Fourteen days, by publication on the College gates.

have been appointed by the Court to audit the accounts of the University for the preceding year, which shall for that purpose be taken to have ended on the Thirty-first day of December preceding, shall deliver to the Preses of the Court his Report on the said Accounts; and the said Report, if approved of by the Court, shall be docketed, and then signed by the Members of the Court so approving; and the Court shall in each and every year cause a general and conveniently classified Statement of the said accounts, showing the receipt and expenditure, as also a stock account, comprising a view of the property and revenue possessed by the University, and of all burthens thereupon, and also a general Report of the state of the University as a seat of learning during the preceding year; and which Report shall specify the number of Students attending the several classes, and shall contain a list of the names of the Graduates for the year and of such Students as have gained prizes, and shall also state what improvements or alterations have been made, either in the educational system or in the management of the property or revenue of the University during the then past year; and in such Report shall also be contained whatever other observations concerning the interest of the University the Court shall deem called for or proper; and a printed copy of such Report and of such Statement shall be sent to the Chancellor and to each of the Members of the Court, the Senate and the Town Council of *Glasgow*; and the said Report and Statement shall also be, if the Court shall think fit, inserted in any of the Newspapers printed in *Glasgow*; and at the said stated meeting of the Court, the Officer appointed for such purpose shall lay before the Court a Statement of all sums of money which will become to be paid or payable out of the property vested in the Court, including, amongst other items, the respective Salaries payable to the respective Members of the Senate and to any Officer or Servant for the current year, which shall for that purpose be taken to have commenced from the Thirty-first day of December preceding; and the Court shall thereupon authorize the Officer appointed for such purpose to pay the said sums of money, or such part thereof as shall be thought expedient.

19. *Rector to be Preses of the Court.*—And be it Enacted, That the Rector, when present, shall be Preses of the Court, and in his absence the Dean shall be the Preses, and in the absence of the Rector and the Dean the Principal shall be the Preses.

That the Rector shall have an original and a casting vote; and in his absence, the Members shall preside according to the above order, but without any such double vote; and in the event of an equality of votes in the absence of the Rector, the consideration of the matter before the Univer-

sity Court shall be adjourned to a day, of which due notice shall be given to the Rector; and if, on

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that day, the Rector, after due notice, cannot attend, the presiding Member shall have an original and a casting vote.

20. *Persons going out of office may be re-elected.*—And be it Enacted, That all Persons going out of office by lapse of time under any of the provisions of this Act, may be immediately re-elected.

That the Rector shall be again eligible for office.

21. *Property of the University vested in the Court.*—And be it Enacted, That the Court shall have power to acquire and hold all kinds of property, heritable or moveable, and any right or interest therein or thereto, and that the whole property and revenue now belonging to the University, whether the same be now held by or vested in all or one or more Members, Officers or Students of or in the University, or in any other Persons, either as a Corporate Body or as individuals in trust for the University, or for all or any of the Members, Officers, Students or other Person connected with the University, or for University purposes; and from and after the first stated meeting of the Court, and in all time coming, the whole right of management and disposal of such property and revenue shall, *ipso jure*, and without any deed of transfer or conveyance, be vested or held exclusively in or by the Court, in trust for the same or similar purposes to which such property and revenue has or ought to have been applied, and the successors in office of the first members of the Court shall hold the said property and revenue, and all other property and revenue acquired by the Court, and shall transmit the same to their successors without charter, disposition, service, sasine, confirmation or other form known in law; and the Court shall, from and after the said first stated meeting, have power to sue and be sued in respect of such property and revenue, to effect sales, to grant conveyances, charters or other deeds, and to grant leases of all or any part of such property and revenue for any period not exceeding Nineteen Years, to draw the rents and profits thereof, and generally the Court shall have over the said property and revenue all the powers necessary for the management and administration thereof: Provided always, That no sales, feus or other alienations of any part thereof which may be of the nature of heritable property, shall be valid unless such sales, feus or other alienations have been effected by public roup or auction, after being advertised between Two and Four Weeks previous to such public roup or auction in Two of the *Glasgow Newspapers*.

That the whole administration and management of the Revenue and Property of the University and College, including funds mortified for Bursaries or other purposes, shall be vested in the University Court, which shall have power to appoint Factors or Collectors, to grant Leases, to draw Rents, and generally shall have all the powers necessary for the management and administration of the Property, but without the power of alienation; and that the Principal and Masters shall hereafter have no power whatever as to the management or administration of any of the Property of the College, except in so far as they may be Members of the University Court—That the University Court shall have the exclusive power of disposing of all surplus revenue and funds beyond what has been appropriated to specific objects of the University; and that in so far as it has been the practice,* prior to 1826, to divide the whole Revenue, after certain fixed deductions, among the Principal and Professors, as their salaries, the average of the said divisible Revenue for the Three Years preceding 1826 shall henceforth be the stated fund for the salaries of the Principal and Professors; and any sum accumulated beyond this shall be at the disposal of the University Court, for the increase of the salaries of the Professors, or for any other object strictly connected with the University, to which at the time it may be thought to be expedient to apply such surplus—That no Sales, Feus, or Alienations of any description whatever, of any part of the Property belonging to the College, or any Leases or Building Leases, beyond the usual period in the ordinary administration of Property, shall be valid, without the authority of a special Act of Parliament.†

22. *Donations vested in the Court, except Donor shall order to the contrary.*—And be it Enacted, That all donations and contributions of any property, heritable or moveable, either in aid of the funds of the University or for endowing Professorships, Lectureships, Bursaries or Exhibitions, or in order that the same may be kept or exhibited in the Museums, Libraries or Halls of the University, shall, unless the donor shall otherwise direct, vest in the Court for the purposes expressed by the donor, and the Court shall give such directions as it shall think proper in order to carry such purposes into full effect.

23. *Rules and Regulations to be instituted by the Court and Bye-laws.*—And be it Enacted, That the Court shall have the exclusive power to institute general Rules and Regulations for the government of the Members, Officers and Students of the University; and so far as is not inconsistent with the enactments of this Act, or repugnant to the laws and statutes of this realm, to institute Bye-laws to regulate the Senate, the respective elections of the Chancellor, Rector, Dean and Assessors, the induction of the Professors, and the admission, and admission-examinations of any Student, Exhibitioner or Bursar.

That the University Court shall have the general superintendence and government of the University.

24. *Court may alter the educational system of the University.*—And be it Enacted, That the

The University Court shall establish Rules and Regulations for the management of the several

* The practice here alluded to has no place in the University of Glasgow.
† To require so unmanageable and so expensive a device as a special Act of Parliament for effecting the sale of Scotch University property, seems absurd, so long as every Town Council exercises, with advantage, the privilege of selling borough property without any such Act; and experience proves that publicity, by sales advertised, and by accounts published yearly, is an adequate security for the proper exercise of this necessary privilege.

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Court shall have power to adopt and carry into effect from time to time such Rules or Regulations for the management and preservation of the Libraries and Museums, including all Collections of Specimens, Models and Apparatus belonging to the University, for the granting of any Degree, for the curricula of study, for the mode of teaching, for the hours and extent of teaching, and for fixing from time to time the Fees payable by the Students to the several Professors and Lecturers in the University, and also the Fees to be paid for a Degree for the extent of the Session, or for otherwise modifying the educational system of the University, as the Court may deem expedient: Provided always, that no such Rules or Regulations shall be of any validity until after the Court shall have obtained the opinion of the Senate thereupon; and provided further, That the Court shall have no power to permit in the University a shorter Session than Five Months for the faculty of Theology, or than Six Months for the faculties of Medicine and Arts.

sity, not inconsistent with the Statutes of Visitation, and with the sanction of the Chancellor.

25. *Court to provide and keep in repair Houses, &c.*—And be it Enacted, That the Court shall provide and keep in repair for each and every of the Principal and Professors a fit dwelling-house within the University grounds, for his residence therein; and that in each and every year, when any such Principal or Professor shall not be in possession of such house, the Court shall have power to order to be paid to him, out of the funds of the University, any sum not exceeding

per annum, in lieu of such house; and the Court shall from time to time make such orders as it shall think proper as to the persons who shall be permitted to occupy any of the houses belonging to the University; saving always and reserving and without prejudice to the rights of the present occupants.*

26. *New buildings may be erected by the Court.*—And be it Enacted, That it shall be lawful for the Court, if they see cause, from time to time to build such other fit and proper dwelling-houses as may be necessary for the accommodation of such of the Principal and Professors as cannot be provided with houses in the existing buildings, and also to build such other halls, class-rooms and buildings as may be required within the said grounds, and to order the amount of the expense of all such erections to be paid out of the funds of the University.

27. *Visitations of the classes—Chancellor, &c. may visit the classes.*—And be it Enacted, That the Principal shall visit each class within the University at least twice every Session, and shall at each such visit remain at least an Hour in such class, and shall at every stated meeting of the Court give in a written report of such visit, accompanied with whatever observations touching such visits he shall judge called for; and that it shall be lawful for the Chancellor, and each and every Member of the Court and of the Senate to visit any class in the University during the hours of instruction.

28. *Principal, how to act in case of a delinquent Professor or Lecturer.*—And be it Enacted, That the Principal, immediately on coming to the knowledge of any dereliction of duty in a Professor or Lecturer in the University, shall first privately admonish such Professor or Lecturer, and if such admonition shall prove ineffectual, the Principal shall, as soon as may be, bring such matter before the Court, for the consideration of the Court.

29. *Principal subject to the Court—Restrictions on the Principal's vote in the Court.*—And be it Enacted, That after the passing of this Act the Court shall have and exercise over the Principal the same jurisdiction as the Court has over the other Professors of the University; and that the Principal

Museums and Collections, in such terms as may appear to them to be best adapted for carrying into effect the views stated in the Report of the Royal Commissioners to His Majesty—That the University Court shall have full power at all times to frame Regulations for the management of the Library, including Rules respecting the purchase of books, books received from the Stationers' Hall or by Donation, catalogues, binding of books, &c. and also respecting every other matter connected with the Library—That the University Court shall have power to review the Regulations for the management of the Library contained in the present Statutes of Visitation, and to make any alterations on the same, with the sanction of the Chancellor, as may appear to be necessary, adhering to the general rules contained in these Regulations—That the University Court shall have power to fix and regulate, from time to time, the Fees payable by the Students to the several Professors—That the University Court shall have power to originate and carry into effect all improvements in the internal system of the University, after due communication with the Senatus Aca-

That as vacancies shall occur by the death of the incumbents in those Professorships to which a house has hitherto been attached, a particular house shall be assigned by the Senatus Academicus to each of the Professorships respectively, so that the same house may be permanently attached to the same Professorship, unless a different arrangement shall receive the sanction of the University Court; and that all repairs or alterations made on the houses of the Professors must be authorized and directed by the University Court.

That the Principal shall be empowered at all times to superintend the several classes of the University, and shall visit each not less than twice each Session.

That the Principal shall have the constant and ordinary inspection of the Professors.

* In an account of the Dutch Universities, in the printed (but not published) appendix to the Report of the Commissioners, it is stated that "when a free house is attached to a Professorship, then the estimated rent of it is deducted from the stated salary (about £200 sterling, each), unless where the house is attached, not to an individual Professorship, but to the senior Professor in a Faculty, as a reward of long services." A similar plan seems to be contemplated in the Aberdeen Bill, inasmuch as no provision is made as to Professors' houses, although several exist there as in Glasgow. In the Aberdeen Bill, accordingly, no sections corresponding to 25 and 26 of the Glasgow Bill are given.

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shall in no case be entitled to have a voice in the Court when any question shall come before the Court in which it shall appear that he is personally interested therein.

30. *Court may deprive any Graduate of his Degree.*—And be it Enacted, That the Court shall have power to deprive any Graduate of the University of his Degree in any faculty for immoral or other conduct unbecoming a Graduate, upon petition to that effect from the Faculty in which such Graduate has obtained his Degree, and proof to the satisfaction of the Court of the alleged misconduct.*

31. *Court may censure a Professor or Lecturer or suspend him for a year.*—And be it Enacted, That the Court shall have power, after due investigation, and after hearing all parties interested, to censure a Professor or Lecturer, or to suspend him from his office and from the exercise of all privileges, and from the receipt of all emoluments thereunto belonging, for a period not exceeding a Year, on account of contumacy, of neglect or violation of duty, or for immoral conduct; and during such suspension the said Court shall have power to appoint a substitute.†

32. *Court may suspend a Professor for more than a year, and with assent of the Chancellor may depose.*—And be it Enacted, That the Court shall have the further power, after due inquiry and trial, in which all parties interested shall be duly summoned and fully heard, to suspend a Professor or Lecturer from his office, and from the exercise of all privileges, and the receipt of all emoluments thereunto belonging, for a longer period than a Year, or to deprive him altogether of his office, and of all privileges and emoluments thereto belonging, in all time coming, on account of neglect or violation of duty, after repeated admonition, or for grossly immoral conduct: Provided always, That in the case of a Professor or Lecturer so to be deprived of office, the sentence of the said Court shall receive the assent of the Chancellor.

33. *A Professor having no class for two years, shall be held to have resigned—but if infirm, Court may appoint a substitute.*—And be it Enacted, That if any Professor in the University shall fail to have and teach a regular class in his proper department during any Two successive Years,‡ except when prevented by sickness or other infirmity, which sickness or other infirmity shall alone be ascertained or ascertainable by the certificate of Two Medical Practitioners to be nominated by the Court, such Professor shall *ipso facto* be held to have resigned his Professorship at the end of the second year of such failure, and the same shall be filled up in like manner as the same would have been filled up if such Professor had been dead: Provided always, That in the event of any Professor in the University becoming unfit to lecture or teach in consequence of sickness or other infirmity as aforesaid, the Court having ascertained the inability of such Professor to lecture or teach by the report of Two Medical Practitioners who shall be nominated by the Court, shall have power to appoint a competent substitute, and to allot to the substitute appointed such portion of the emoluments belonging to the Professorship as in the circumstances of the case shall seem to the Court to be equitable.

34. *Professors of a certain age may retire.*—And be it Enacted, That the Principal or any Professor on completing the Sixty-fifth year of his age, may, with consent of the Court, retire from his office, and the Court shall have power to make to such Principal or Professor so retiring a yearly allowance for life of such amount as may under the circumstances to the Court seem equitable; and

That the University Court shall have power, after due investigation, and after hearing all parties interested, to censure a Professor, or to suspend him for a period not exceeding a year; and during such suspension the Senatus Academicus shall have power to make due provision for teaching his class.

That the University Court shall have power, after regular inquiry and trial, in which all parties interested must be regularly summoned and fully heard, to suspend a Professor, for a longer period than a year, or to deprive him of his office; but in this latter case, such decision must receive the sanction of the Chancellor, to whom the same shall be immediately communicated.

That in the event of a Professor becoming unfit for the discharge of his duties, in consequence of infirmities or of old age, he shall be entitled, after resignation, to draw a certain proportion of the salary payable to his successor: Provided always, That the expediency of such resignation, and the propriety of the terms on which it is to take place, shall be approved of by the University Court.

That in future no appointments of Joint Professors, or of Assistants and Successors, shall take place, or be legal and valid, except in the case of the insanity of the incumbent, as hereinafter provided—That it shall be in the power of the University Court, upon proper cause shown, to direct and enforce, in such manner as the case may require, the resignation of any Professor, when he

* The power of degrading a Graduate does not at present belong to any authority within the Scotch Universities. The possession of such a power must be highly useful in furthering any attempt that may hereafter be made to elevate the character of Scotch degrees. Knowledge does not in all cases imply sound moral principle in the possessor; and instances have occurred where the respectability of University degrees has been prostituted by quacks to aid in their practices upon the ignorant. Besides, the proposal to give to Graduates important privileges as electors to high offices, as provided by this Bill, renders it necessary to bring Graduates, by some device or other, under the sway and awe of University authority.

† By a Declarator of the Court of Session in 1772. "the Principal and all the Professors of Glasgow College, with the advice of the Lord Rector and Dean of Faculty of the University of Glasgow, have the sole right and power of trying every one of the Professors of the said College for negligence of duty, or misbehaviour in other respects, and of inflicting on him, or them, the pains of suspension, deprivation, or such censures as their negligence or misbehaviour shall deserve." But, according to the Royal Commissioners, it is clear, from the subsisting charter which is entitled *Nova Erectio*, "that the Principal had the power, with the advice of the Rector and Dean, of censuring the Regents, and even removing them, if, after three admonitions, they did not reform." App. p. 224. A similar law prevails to this day in Marischal College, in virtue of a charter granted a few years after the *Nova Erectio* referred to. How this usurpation of powers on the part of the Professors, contrary to the terms of the charter, took place in the Glasgow University, does not appear.

‡ Instead of "any two successive years," the Aberdeen Bill has, "any two of four successive years."

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the Principal or any Professor on the completion of the Seventieth Year of his age may retire, or in the event of his declining to retire, may be superseded by the Court: Provided always, That the Court shall make such yearly allowance for life to such Principal or Professor so retiring or being so superseded as last mentioned, as may under the circumstances to the Court seem equitable, not being less than *
to grant to a retired Professor the title of Emeritus Professor, with or without a seat and a voice in the Senate.

35. *Endowments of a certain amount to be secured before any new Professorship is instituted.*—And be it Enacted, That no new Professorship shall be instituted in the University,† unless an Endowment secured to the satisfaction of the Court be first provided, affording at least ‡

per Annum, if the Professorship be in the Faculty of Theology, and at least ||

per Annum, if the Professorship be in any other Faculty; and in the event of the funds of the University, being in the opinion of the

Court, adequate to the endowment of any new Professorship, the institution of which the Court may think desirable, or funds being otherwise provided for that purpose to the satisfaction of the Court, the Court shall have power to apply to His Majesty by petition, praying His Majesty to institute such Professorship; and it shall be lawful to His Majesty to institute such Professorship accordingly: Provided always, That the institution of such new Professorship, if in any branch for which there is already a Professorship in the University, shall be made only with the consent and approbation of the Chancellor; and in all cases the Court shall have power to give to such new Professorships the name of the founders.

36. *Lecturers may be appointed, how.*—And be it Enacted, That the Court shall have power, after obtaining the opinion of the Faculty in which such Professorship is included, to appoint Lecturers in any branch of education for which there shall not be a Professorship; and that the Court shall have the exclusive power to give or to refuse the sanction of the University to the institution of Lectureships in any such branch of education by any private party; and that the period of every appointment of a Lecturer so appointed or sanctioned as aforesaid, shall terminate at the first stated annual meeting of the Court, which shall take place after the next ensuing stated election of a Rector.

37. *Lecturers may have certain salaries.*—And be it Enacted, That the Court shall have power to give to any Lecturer to be appointed by the said Court, such salary, not exceeding § a year: Provided always, That any Lecturer who shall fail to have and teach a class in the department to which he is appointed during a whole year, except from sickness or infirmity, to be certified in the same manner as in the case of a Professor, shall not be entitled to or receive any salary for such year.

38. *Appointment to certain Professorships to be by public competition.*—AND whereas the power of appointing to certain Professorships in the University has hitherto been vested in the Principal and certain of the Professors;¶ BE it Enacted, That after the passing of this Act, all such Professorships shall be filled up by the Court in the manner hereinafter described; (that is to say) on a vacancy occurring in any such Professorship, notice of such vacancy having occurred, and an invitation to candidates to come forward, shall be given by the Principal by notice put up on the College gates, and by Three Advertisements in one or other of the *Edinburgh* Newspapers, and by Three Advertisements in one or other of the *Glasgow* Newspapers, and by Three Advertisements in one or other of the *Aberdeen* Newspapers, and such other means of making such notice and invitation public shall be adopted as the Court shall think proper; and all such Advertisements shall be published within One Month after such vacancy shall become known to the Principal; and a meeting of the Court shall be held not less than Six Weeks, nor more than Three Months after the occurrence of such vacancy shall become known to the Principal; the time and place of which meeting shall be specified in the said Advertisements; and notice thereof also given by written or printed intimations to all the members of the Court, One Month at least before such meeting shall be held; and if at the said meeting of the Court the members present shall unanimously agree to appoint any individual to the vacant Professorship, such individual shall be by the Court declared to be duly appointed, but if the Court shall not at the said meeting unanimously agree to appoint some individual to such vacant Professorship, the vacancy shall be filled up by competition in the manner hereinafter specified; (that is to say) the Court

shall be proved to their satisfaction to be unfit for the duties of his office, and to give him a right to a certain portion of the salary during his lifetime; or in the event of insanity, to authorize the appointment of a Joint-Professor, with adequate provision for the original incumbent upon the above principle.

and provided always, That the Court shall have power

That any proposal for the founding of an additional Professorship must be submitted to the University Court; and that the same, if approved of by the University Court, shall not take effect, or the Professor become a member of the *Senatus Academicus*, without the sanction and consent of the Crown duly intimated to the Chancellor—That no individual or public body founding any Professorship, shall be entitled to reserve the right of appointment to the same.

* *Aberdeen Bill*—"Not less than a thirtieth part of the sum of all the salaries, exclusive of fees received by such Professor during all the years not exceeding thirty, wherein the said Professor has for a session each year, and personally, never less than two-thirds of an entire session, lectured or taught in the University." The same Bill provides for to supersede a Professor, on a similar retiring allowance, in the case of his "having, from insanity, or any other infirmity, for four successive years, been unable to lecture or teach one entire session."

† The *Aberdeen Bill* here inserts, "except by authority of the Crown, nor"—.

‡ £150 in the *Aberdeen Bill*.

|| £100 in the same.

§ £80 in the same.

¶ "Along with the Rector and Dean," should have been here added

shall at such last-mentioned meeting, fix a day not earlier than Six Weeks nor later than Three Months after such meeting, for the commencement of such competition; and notice of the day so fixed shall be given by the Principal to all Persons whom he shall know to be candidates, and also on the College gates, and by Advertisements in the same manner as is hereinbefore provided with respect to the notice of the vacancy having occurred; and all such notices shall be given and such Advertisements published at least One Month before the day appointed for the commencement of such competition.*

39. *Who may be Candidates.*—And be it Enacted, That every Person shall be admitted to competition for the vacant Professorship, provided he shall furnish to the Court testimonials satisfactory to the said Court as to his fitness for the office of Professor: Provided always, That in the case of the Professorship of Divinity, the Candidate shall be an ordained Minister of the Church of Scotland, or a licensed Preacher of the said Church.

40. *Court to appoint Examiners.*—And be it Enacted, That the Court shall have power to nominate such Persons to be Examiners to conduct every such competition as they shall think proper; and in order to induce qualified Persons to act as such Examiners, the Court shall at the meeting at which they are appointed to fix the day for the commencement of the competition, invite as Examiners the Professors, if any, in the Department corresponding to that in which the vacancy has occurred, in the Universities of Saint Andrews, Aberdeen and Edinburgh: Provided always, That the number of acting Examiners shall in no case be less than Three, nor more than Seven.

41. *Examinations, how to be conducted.*—And be it Enacted, That the Examinations in such competitions shall be conducted under the superintendence of the Court, and in presence of the Court, of the Senate, and of the Graduates of the Faculty in which the vacant Professorship is included; and the Examiners shall try all the Candidates as to the variety and extent of their attainments in the department of the vacant Professorship, and as to their fitness for communicating instruction therein, and shall receive any original printed or published work in the department of the vacant Professorship as any Candidate being the Author thereof shall submit for their consideration; and the Candidate found best qualified by an absolute majority of all the acting Examiners, after due consideration of the variety and extent of the attainments of all the Candidates in the department of the vacant Professorship, and their fitness for communicating instruction therein, and the merits of such printed or published works as aforesaid, shall be appointed to the vacant Professorship by the Court; and if, upon the Votes of the acting Examiners being taken, no Candidate have an absolute majority of the Votes of all the acting Examiners, the Examination shall be resumed of all the Candidates except the Candidate having the smallest number of votes, and so on, till some one Candidate shall have an absolute majority of the Votes of all the acting Examiners, in which case such Candidate shall be by the Court declared to be duly elected.

42. *Court to appoint Officer to receive Rents and Income.*—And be it Enacted, That the Court shall from time to time name a fit and proper Officer to receive the Rents, Profits or Income of the Property or Revenue vested in or held by the Court; and such Officer shall also be empowered to adjust all Accounts, to pay all Debts due by the University, and to transact all matters touching such Property and Revenue; but the said Officer shall never be appointed for a longer period than to the next following stated election of the Rector; and such Officer shall keep a regular Account of his intrusions, distinguishing therein the Receipts and Payments made on account of any Property or Revenue held by the Court for special purposes, from the Receipts and Payments made on account of any Property held by the Court subject only to be applied to the general purposes of the University.

* The Professorships in the appointment of which Professors have any vote are eight:—Divinity, Oriental Languages, Moral Philosophy, Logic, Natural Philosophy, Mathematics, Greek, Humanity. All the Medical Chairs, together with the Principality, and the Chairs of Church History and of Law, are at the disposal of the Crown. The disposal of these by the Crown now detracts from, rather than adds to its influence. The right of the Professors to vote in the disposal of certain of the Chairs was recognised by a Declarator of the Court of Session in 1772. The report of the University Commissioners, who embraced in their number the highest legal authorities existing in Scotland, says, "The grounds on which the Court proceeded in forming this judgment, have not been expressed. One of the most important articles—the election to Professorships—in the gift of the College was thus settled in the Charter entitled *Nona Erectio*, 'Eorum electio, presentatio, et admissio penes Rectorem, Decanum Facultatis, et Gymnasiarcham esto.' No one, therefore, except these three officers, the Rector, Dean and Principal, had any voice in the election of Regents, the only Professors originally existing in the College." The utter exclusion of the Public, and the absence of publicity which has hitherto characterized most of the proceedings of Universities, will perhaps account for the introduction of this usurpation and other irregularities. The following remarkable regulation, by the Parliamentary Commission of 1690; was returned by the University to the recent Royal Commission as one of the unrepealed regulations of the University:—"No Regent or Master of a class (albeit they have a presentation thairto) be admitted or received in any University or Colledge within this kingdom, without a previous tryall, and program, to be affixt upon the gates of the University or Colledge, into which he is to be received, inviting all persones to be present and dispute for the place; and in case, at the day affixt, any person compare and offer to dispute with the person sua presented upon any problematical subject, it is hereby declared that he shall be holden and obleist to dispute with any person sua offering to compete, and als that he undergoe a tryall by examination or otherways, as the Judges of the said Universitie or Colledge shall think fitt, and which Judges, all advyseing of the dignitie and merit of the parties competing, are to consider, not only the abilities and learning of the said parties, but also their piety, good life, and conversation, their prudence, fitness for the place, affection for the government of church and state now established, and their other good qualifications complexly, and the partie maist worthy is to be preferred to the said place, and in case any Master or Regent shall hereafter be admitted into any of the saides Universitites or Colledges without undergoinge the foresaid tryall by program and dispute in case of competition, their admission is hereby declared voyd and null, with this provision always, that the Principals, Professors of Divinitie, and other Professores in the saides Universitites and Colledges, shall not be holden to undergoe any such tryall at their admissions, but that they shall be presented and received as formerly." In King's College, Aberdeen, the Professorship of Divinity has been filled up by competition for two centuries. Every body a little acquainted with appointments to chairs made by Professors as patrons, will coincide with a suggestion made by Dr Jeffray, Professor of Anatomy, in his evidence before the Commissioners: "I beg leave to mention, that when there is a vacancy in any of the chairs to be filled by the Professors, it is the source of a great deal of cabal, and at times of ill-humour, and I think it would be for the advantage of the University, if the patronage were vested elsewhere." "You state that as the result of thirty-five years' experience in the College?" "I do."

*Mr Oswald's Bill.**Commissioners' Constitution.*

43. *Not more than One hundred Pounds to be retained in hand by any Officer or Servant.*—And be it Enacted, That the Officer appointed as aforesaid to receive the said Rents, Profits or Income, shall pay all Monies to be received by him from time to time, into one or other of the Chartered Banks, and that no Officer or Servant shall at any time have or retain above One hundred Pounds of such Monies in his hands for more than Ten Days, under the Penalty of Ten per centum on the amount thereof, besides the legal interest, and that such Penalty shall be recoverable from such Officer or Servant in any Suit before the Judge ordinary of the bounds at the instance of the Court.

44. *Court may cite parties and witnesses.*—*When an open Court.*—And be it Enacted, That the Court, in all matters over which the Court have jurisdiction which may come before them, shall have power to cite any Party interested therein to appear before the Court, and also to cite any Witness to give evidence upon oath, or otherwise; and the Court shall be open to any Professor, Lecturer, Graduate and Student of the University, unless the Court having considered the peculiar nature of the case shall deem it expedient not to admit such persons to be present.

45. *Senate, how constituted.*—And be it Enacted, That the Senate shall consist of the Rector, the Dean, the Principal and all the Professors in the University, and a Quorum of the Senate shall consist of at least One-half of the members thereof for the time being; and that the Rector, and in his absence the Dean, and in the absence of the Rector and Dean the Principal, shall be the Preses of the Senate; and in the absence of the Rector, the Dean and the Principal, the Professor of the University then present who shall for the greatest length of time have been a Professor of the University shall be the Preses of the Senate.

ference of opinion shall be adjourned to a subsequent day, of which notice shall be given to the Principal; and in case of his continued inability to attend, and of the same difference of opinion, the subject shall be referred to the University Court, provided that any Professor shall insist on such reference being made.

46. *Stated Meetings of the Senate.*—And be it Enacted, That the Senate shall be held on the first Saturday of each month, at such hour and in such place within the University Building as the Senate shall from time to time think proper and appoint.

47. *All Degrees to be granted by the Senate.*—And be it Enacted, That the Senate alone shall have hereafter the power of conferring a Degree in any Faculty; and that the Senate shall have power to confer any Degree in any Faculty, in any order in which they may think most expedient, and that no Appeal from the decision of the Senate in any matter or thing touching the granting of a Degree, shall be allowed either to the Court or any other Judicatory: Provided always, That any rule or regulation for granting any degree in any Faculty in force at the time such degree shall be granted, shall be duly observed before such degree shall pass the seal of the University.

48. *Ordinary discipline of the Students to be in the Senate.*—And be it Enacted, That the ordinary Discipline of the Students in the University, with power of dismissal and expulsion for immoral, disorderly or contumacious conduct, shall be vested in the Senate without appeal to the Court, except from Students, on account of being dismissed from any class or classes, or of being expelled from the University; and each Professor and Lecturer shall have the right of dismissing Students from his own class for disorderly or contumacious conduct therein, subject to appeal to the Senate and Court.

49. *Appointment of Bursaries now in Principal, or any of the Professors ex officio, to be in the Senate.*—AND whereas the Principal, Professors, and Officers of and in the University, or certain of their number, have or claim to have in virtue of their offices or otherwise, as well the right of patronage on mortifications for Bursaries, Exhibitions and Lectureships, or other rights therein

That the meetings of the University Court, when sitting in a judicial capacity, shall be open to the Public, unless, in the opinion of the Court, the peculiar nature of the case shall render publicity improper.

That hereafter there shall be no distinction between the Professors who are members of the Faculty or College, and those who are members of the University, all being hereafter members of the Senatus, with the same powers, rights, and privileges; and that the Professors who have hitherto formed the Faculty or College shall not be entitled to meet separately as a distinct body* —That the Principal shall preside in the Senatus Academicus, and shall have an original and a casting vote—That in the event of the Principal being absent from a meeting of the Senatus Academicus, at which there may be an equality of votes, the consideration of the matter of such dif-

That the ordinary Discipline of the University shall be vested in the Senatus Academicus thus constituted; an appeal to the University Court, in cases of discipline, being only competent from Decisions of the Senatus relating to the dismissal or expulsion of Students, or preventing Students from proceeding in the usual manner through the Curriculum of Study.

That Bursaries in the gift of the Principal and Professors shall only be bestowed after a public examination of the Candidates, from whom the Principal and Professors shall select the most deserving, such examination taking place in the manner prescribed by the Principal and Professors —That the exhibitions at Baliol College, Oxford,† the benefit of which is given to public Students of

* "It appears to be essential for the well-being of the University, and harmony of the Professors, that the distinction at present subsisting between the Members of the University should cease, the endowments already appropriated to the different Chairs remaining unaltered. The examinations and documents before us contain abundant evidence of the mischiefs arising from the different powers and privileges belonging to the two classes of Professors. This distinction appears not well founded in principle, as we cannot perceive on what ground it can be maintained that Professorships instituted by the Crown in the course of this century, should not belong to the College, and be on the same footing with Professorships instituted by the Crown so late as the middle of last century."—*Commissioners' General Report*, p. 21.

† Of these exhibitions, there are ten, worth each £150 a year, and lasting for ten years.

Mr Oswald's Bill.

and thereto, as certain other rights of patronage, or other rights which heretofore have been exercised by the said Persons or some of them: And whereas it is expedient that such rights should be vested in the Senate; BE it therefore Enacted, That excepting in so far as is herein otherwise provided all and every such patronage, and such other rights now vested in, or which may hereafter be granted to the Principal and Professors of the University, or to any of them, without words which shall in effect exclude any Member of the Senate to exercise such right, shall belong to and be exercised by the Senate, but subject to the conditions and provisions of this Act; and that the Court shall have power to enjoin and require the Senate to fill up any or all Bursaries, Exhibitions and Lectureships by competition.

50. *Senate to appoint Librarian, Keeper of Museum and Servants annually.*—And be it Enacted, That the right of appointment, superintendence and dismissal of the Librarian, Keeper of the Museum, Chaplain, and the several Servants and subordinate Officers of the University, excepting such Officers as shall from time to time, by virtue of this Act, be appointed by the Court, shall belong to the Senate: Provided always, That no appointment to be made by the Senate to any office or place shall be made for a longer period than One Year.*

51. *Senate may propose Regulations to the Court.*—And be it Enacted, That the Senate shall have power to originate and recommend, to the Court, any Rule or Regulation for the granting of a Degree for the curricula of study, for the mode of teaching, or for otherwise modifying the educational system adopted or to be adopted in the University; and all such Rules or Regulations thus originating and recommended, shall take effect upon receiving the sanction and consent of the Court.

52. *Professors divided into Faculties.*—And be it Enacted, That the Principal and all the Professors shall be divided into at least Four Faculties; namely, the Faculty of Theology, the Faculty of Law, the Faculty of Medicine and the Faculty of Arts; and that the Principal, the Professor of Divinity, the Professor of Church History and the Professor of Oriental Languages shall be Members of the Faculty of Theology; and the distribution of all the other Professors into the several Faculties shall be arranged as the Court shall direct and appoint; and each Faculty shall be entitled to examine Candidates for Degrees therein respectively, and to meet and consider of any matters affecting the peculiar interests of such Faculty, and of any Regulations which such Faculty may think proper to recommend to the adoption of the Court for the better management of the business within the department of such Faculty; but no decision of any Faculty shall have any force in the University, unless it be sanctioned by competent authority, or consistent with the Regulations of the University, existing at the time.

53. *Examiners for Degrees to receive Fees.*—And be it Enacted, That every Professor who shall be an Examiner of Candidates for graduation, and shall have been present at the examination undergone by any Candidate, shall be entitled to receive for each such Candidate, out of the funds of the University, such sum by way of fee as the Court may fix, and this sum shall be received by the Examiner, whether the Candidate be passed or rejected.†

54. *Special Meetings of Court or Senate may be called.*—And be it Enacted, That it shall be lawful for any Three or more Members of the Court or of the Senate respectively to require a Special Meeting to be held of the Court or of the Senate, as the case may be, and the Officer appointed for such purpose shall accordingly call a Special Meeting of the Court or of the Senate, to be held at the time and place mentioned in the written requisition to be signed by such Three or more Members: Provided always, That no Special Meeting of the Court or of the Senate shall be held until Forty-eight Hours after a written or printed Notice of such intended Meeting shall have been left at the residence of, or sent by post to, each Member of the Court or of the Senate, as the case may be, resident in *Glasgow*; and provided also, That no question or matter, other than such as shall have been mentioned in the Notice sent to each Member calling such Special Meeting, shall be entered upon at such Special Court or Senate.‡

Commissioners' Constitution.

the University of *Glasgow*, shall only be bestowed after a public examination of the Candidates, from whom the Principal and Professors shall select the most deserving; such examination being conducted either by the Principal and Professors, or by the Examiners of Degrees in Arts, as may be arranged by the *Senatus Academicus*, and the *Senatus Academicus* being entitled to re-examine any Candidate passed or rejected by the Examiners for Degrees.

That the University Court shall have power after due inquiry to remove the Librarian, Janitors and other inferior officers of the University.

That the Rector or Principal shall at all times have power to summon a University Court.—That the Rector shall also be empowered to call a University Court, to reconsider any acts and decisions of any Meeting of the Court.—That all Meetings of the University Court shall be duly intimated to the Members of the Court at least one week previously to the day of Meeting, except in the event of adjournments of Meetings of the Court.—That upon an application of any two of the Assessors of the University Court, or of any three Professors, or signed by fifty Graduates, stating the object of the application, the Rector shall be obliged to summon a Meeting of the University Court.

* It may be doubted whether the appointment of Librarian, and perhaps of Museum-keeper, should not be vested in the Court.

† The Rectorial Court shall alone have power to fix the Fees for Graduates, and to dispose of the said fees for University purposes, as part of the general funds of the University.—*Aberdeen Bill*, Sect. 29.

‡ All such special regulations for the government of the Senate were best left to the bye laws to be instituted by the Court; and special regulations for the Court only should be provided for by Act of Parliament.

*Mr Oswald's Bill.**Commissioners' Constitution.*

55. *No Member of Court or Senate to hold office of profit.*—And be it Enacted, That no Member of the Court or of the Senate shall be appointed to or hold any office or place of profit as an Officer or Servant, or be directly or indirectly, by himself or his partner, interested in any contract made by the Court.*

That neither the Principal, nor any Professor, shall be Librarian or Factor, or hold any other subordinate situation in the University.

56. *Intimation of Elections, how to be given to Electors, and Meetings of the Court and Senate to be intimated to the respective Members thereof*—And be it Enacted, That whenever any Meeting is to be held, under the authority of this Act, for the purpose of electing any Person to act in any character, or to hold any office or place in or connected with the University, except in the character of servant, and unless it is otherwise provided in this Act, every such Election shall be held within the hours of Ten in the forenoon and Six in the afternoon, and shall be intimated to the Chancellor, and to every Member of the Court and Senate, by the Officer appointed for such purpose, by a written or printed Notice, stating the time when and place where such Election is to be held; and a similar Notice of such intended Election shall also be affixed to the gates of the University, and published in at least Two of the Newspapers printed in *Glasgow*, not less than Two Weeks before the time when such Election is to take place; and every Meeting of the Court or Senate shall be intimated to the respective Members of the Court or Senate, as the case may be, by the Officer appointed for such purpose, by a written or printed Notice, stating the time when and place where such Meeting is to be held, to be left at the residence of or sent by post to each Member of the Court or of the Senate, as the case may be, resident in *Glasgow*.†

57. *Preses who has taken Chair to continue Preses, notwithstanding presence of Person who might have been Preses of such Meeting.*—Power to adjourn.—And be it Enacted, That at any Meeting to be held under the authority of this Act, when such Meeting had been constituted, and the Preses shall have taken the Chair, such Preses shall remain therein, and continue to officiate as Preses during the whole time such Meeting shall remain constituted, notwithstanding that any other Person, who, had he been present at the commencement of the Meeting, would have been entitled to be Preses of such Meeting, shall subsequently join such Meeting; and the fact of the Minutes of such Meeting being signed by any Person as Preses of such Meeting, shall be evidence of such Preses being entitled to preside at such Meeting, and also of his having so presided; and that every Meeting which shall be held under the authority of this Act may be from time to time adjourned by the majority of the Persons present, though not a quorum.

58. *Questions to be determined by majority of Votes, and Preses of Meetings to have a casting Vote.*—And be it Enacted, That every question or matter which shall come before any Meeting to be held under the authority of this Act, shall be determined by a Majority of the Votes of the Persons present entitled to vote; and the Preses of such Meeting shall, in the event of an equality of votes, have a casting vote in addition to his own deliberative vote.

59. *Proceedings to be entered in books.*—And be it Enacted, That the Preses of the respective Meetings, under the authority of this Act, shall order and direct that entries shall be made in books to be kept for that purpose, of all the acts, orders, proceedings and transactions of such respective Meetings, the entry of which acts, orders, proceedings and transactions shall be signed by the Preses of such respective Meetings; and the same, when so entered and signed, shall be deemed and taken to be original acts, orders and proceedings; and the same, or extracts therefrom, signed by the Officer to be appointed for that purpose, shall be allowed to be received in evidence in all Courts, and before all Judges, Justices, and others; and every Person who may desire the same may have delivered to him such extracts, paying for every Hundred Words to be contained therein the sum of Sixpence, and so in proportion for any greater or less number of words.

That regular Minutes of the proceedings of the Court shall be taken and preserved by a Secretary to be appointed by the Rector.

60. *Future Principals to be Professor of Divinity.*—And be it Enacted, That the Person who shall be appointed the successor‡ to the present Principal of the College of *Glasgow*, shall also be appointed Primarius Professor of Divinity and Professor of Biblical Criticism,|| and shall lecture or teach in the department of Biblical Criticism under all the regulations, conditions and restrictions to which other Professors of the University are subject.§

* Can such a provision be necessary? If so, the constitution of the Court and the other enactments of the Bill are not what they ought to be.

† The details of this section appear to have been ill considered.

‡ Seeing that the present Principal is by the Charter of the College a Professor of Theology, and bound to teach five times a week, why is he to be exempted?

|| The Commissioners decisively recommend the institution of a Professorship of Biblical Criticism.

§ According to the Aberdeen Bill, all the Professors are appointed by competition; and Section 51 enacts, "That the Professors of Divinity of the United University hereafter to be appointed therein to teach severally the three branches of Systematic Theology, of Biblical Criticism, and of Church History, shall succeed to the offices of Principal and Sub-Principal of the United University, in the order of their seniority in the said three Professorships; and the Principal shall be Primarius Professor of Divinity of the United University; Provided always, That during any temporary vacancy in the office of Principal, or during any absence of the Principal with permission of the Rectorial Court, the duties, privileges and responsibility of that office, but no part of the emoluments thereof, shall, during such vacancy or absence, devolve on the Sub-Principal; and that in the event of any Principal becoming unfit for the discharge of his duties, from sickness, bad health, old age, or any other infirmity, the duties, privileges and responsibility of such Principal, but no part of his emoluments, shall, so long as the said Principal continues disabled from such infirmity, devolve on the Sub-Principal; but the professorial duties of such disabled Principal shall be performed by substitute, as for the case of a disabled Professor has hitherto been provided." The Aberdeen Bill also provides an extra salary of £200. to the Principal, an economical arrangement, which brings both reward and emolument to long service as Professor of Divinity, while it provides for the office of Principal a person having experience in University affairs. In the Glasgow Bill, wherein there are many intimations and important duties left to the responsibility of the Principal, some provision corresponding to this one for a Sub-Principal is wanting.

*Mr Oswald's Bill.**Commissioners' Constitution.*

61. *Professors not to hold any other office.*—And be it Enacted, That the Professor of Law, the Professor of Practice of Medicine, the Professor of Surgery, the Professor of Materia Medica, and the Professor of Midwifery, shall severally be entitled to practise in their respective professions, in so far as is not inconsistent with their duties as Professors;* but with the said exceptions, no Principal or Professor to be hereafter appointed in the University shall, while he continues Principal or Professor, hold any other official or permanent situation, or be engaged in any regular trade or profession, without the written permission of the Court first had and obtained, and so long only as such permission shall not be recalled; and no Principal or Professor to be hereafter appointed shall hold at the same time more than one endowed Professorship: Provided always, That if any Person holding any such Professorship shall accept a second, he shall *ipso facto* be held to have resigned the first; and that if any Principal or Professor in the University shall accept a parochial charge, he shall *ipso facto* be held to have resigned his office in the University; and that no Minister of a Parish appointed to the office of Principal or to a Professorship in the University, shall be lawfully inducted into such office without first producing evidence of his having resigned such parochial charge, and if any such Principal elect, or any such Professor elect, shall be inducted without first producing such evidence, not only his induction, but his appointment, shall be null and void, and the vacancy shall be held to have taken place on the day of such unlawful induction.

62. *The office of Ordinary Visitors to cease.*—That the Ordinary Visitors shall no longer exercise the separate jurisdiction conferred upon them by the former Constitution.

63. *Court to fix Salaries.*—And be it Enacted, That the Court shall have the sole power to fix and alter the Salaries of the Principal and Professors of the University, under the following regulations and restrictions; (that is to say) as soon after the passing of this Act as may be possible, consistently with the other provisions of this Act, and with a due regard to justice and the rights and interest of every individual Professor, the Court shall annex to the office of Principal and to every Professorship, the following Salaries; (that is to say) to the office of Principal an annual Salary of

to every Professorship belonging to the Faculty of Theology an annual Salary of †
to the Professorship of Law, the Professorship of the practice of Medicine, the Professorship of Surgery, the Professorship of Materia Medica, the Professorship of Midwifery, and the Professorship of Anatomy, an annual Salary of ‡
each; and to each of the following Professorships, namely, the Professorship of Chemistry, the Professorship of Natural History, the Professorship of Botany, the Professorship of Natural Philosophy, the Professorship of Mathematics, the Professorship of Moral Philosophy, the Professorship of Logic, the Professorship of Greek, and the Professorship of Humanity, an annual Salary of ||
and as soon as the Principal and every Professor shall be in possession of a Salary not less than the stated annual Salary herein annexed to his office, but not sooner, the Court shall have the power to increase as the funds of the University may permit, and as to the Court shall seem proper, all or any of the aforesaid stated Salaries: Provided always, That any Professor failing to have and teach a class in his proper department during any one year, except from infirmity, certified as aforesaid, shall, during the said year, receive no Salary.

64. *Court to fix Salary on a vacancy occurring.*—And be it Enacted, That whenever any vacancy shall occur in the office of Principal, or in any of the Professorships, the Court shall fix the Salary to be paid to the Person to be appointed thereto, which Salary the Court shall not have power to increase until after the stated election of a Rector next after such Salary shall have been so fixed.

65. *Fees on Degrees to form part of the Funds of the University.*—And be it Enacted, That from and after the passing of this Act, no Principal or Professor of the University shall have a right to any part of the Fees exacted from Persons on whom Degrees are conferred, but all such Fees shall form part of the general funds of the University: Provided always, That the present Professor of Natural Philosophy and the present Professor of Moral Philosophy shall be entitled to such Compensation as may to the Court seem proper, for whatever loss they may sustain by being deprived of that part of the Graduation Fees which they have heretofore, in virtue of any decision of the Courts of Law or otherwise claimed and received, excepting in so far as such loss may be hereafter made up by Fees

* Accordingly, in section 63 these Professors are to have a different, and, of course, a smaller salary, from others not so privileged.

† £250 in the Aberdeen Bill.

‡ £100 in the same.

|| £200 in the same.

} With power to the Court to raise each Salary £100.

*Mr Oswald's Bill.**Commissioners' Constitution.*

received from the general funds of the University for examining Candidates for graduation: Provided also, That the Successors in office of the present Principal and of the present Professors shall have no claim whatever to any such Compensation.

66. *Common Seal, custody thereof.*—And be it Enacted, That there shall be a Common Seal or Stamp of the University, of which the Principal shall be Custodian; and all acts of the Court and of the Senate respectively which may be required to be given in evidence in any other Court, and all Degrees to be granted by the Senate, shall be impressed with such Seal or Stamp, and the same shall then be conclusive evidence in all Courts and before all Judges of the matters so authenticated by such Seal or Stamp.

67. *When stated days of Meetings happen on Sunday, Meeting to be held on Monday.*—And be it Enacted, That if any stated day whereon any Meeting is appointed to be held by virtue of this Act shall be a Sunday, such Meeting shall, instead of being held on such stated day, be held on the day next following such stated day.*

68. *Present appointments of Officers and Servants to cease.*—And be it Enacted, That the respective appointments of the Chancellor, Rector, Dean, and every Officer and Servant, at the passing of this Act, shall cease and determine immediately on the appointment of the several and respective Persons who are hereby authorized to be appointed to such offices or for the execution of the duties which, after the passing of this Act, will be imposed on them; and every Officer or Servant who shall be no longer retained as an Officer or Servant, shall receive such Compensation as the Court shall think proper, if the Court shall be of opinion that such Officer or Servant ought to receive any compensation for the loss of his office or place.

69. *Rights of Principal and Professors now in office reserved.*—And be it Enacted, That nothing herein contained shall be construed to affect or impair the rights of the present Principal and present Professors of the University, to the salaries and class fees, if any, now belonging to or enjoyed by them during the time they shall respectively continue to hold their present places; any thing herein contained to the contrary notwithstanding.

70. *Act may be repealed in present Session.*—And be it Enacted, That this Act may be varied, altered, or repealed by any Act or Acts to be passed during the present Session of Parliament.

Passages in the Commissioners' Constitution without corresponding provisions in Mr Oswald's Bill.

That University Meetings shall be composed of the Chancellor, of the Members of the University Court, of the Senatus Academicus, and of the Examiners for Degrees. That these Meetings shall only be assembled for the installation of the Chancellor, for the induction of the Rector and of the Principal and Professors to their respective offices, for the conferring of Degrees granted by the Senatus Academicus, and for the distribution of general Prizes; at which University Meetings the Graduates and Students of the University shall be entitled to be present, in places to be assigned to them respectively by the Chancellor or Senatus Academicus. That the Chancellor shall be entitled to preside at all University Meetings, and to summon and direct a University Court to be held for the consideration of any matters concerning the interests of the University. That in the absence of the Chancellor, the Principal shall preside at University Meetings.

That the Assessors to be nominated by the Chancellor and the Rector shall be chosen before the first day of January following the election of the Rector.

In the Aberdeen Bill, there are corresponding clauses a little amplified, but of questionable utility.

The Commissioners, farther considering the importance of preserving the connection which has hitherto subsisted between the Universities and the Church of Scotland, and of effectually securing the purity of the Doctrines maintained by the Members of the Theological Faculties in the several Universities; and considering that it is not necessary or expedient for them to form any collective judgment or opinion on any controverted question which may exist as to the rights or duties of Professors of Theology as Members of the Church Courts, or as to their subjection under the existing laws to the jurisdiction of those Courts; Statute and ordain, That without compromising or abridging the powers, whatever they may be, of the Church to exercise superintendence over all Professors in any of the Universities, under the existing laws of Scotland, in regard to the religious opinions they may disseminate, every Professor of Theology, including the Professor of Hebrew or Oriental Languages shall be an ordained Minister of the Established Church of Scotland; and that, in case any such Professor in the Faculty of Theology shall, by any lawful proceeding in the Church Courts, be deposed from the office of the Holy Ministry, or shall be suspended in the exercise thereof, on account of Heretical doctrine, whether taught in the University, or otherwise promulgated, or on account of any other Ecclesiastical cause; such sentence of the Church Court shall, *ipso facto*, infer a deprivation of his office, or a suspension of his functions, as a Professor in the University; and that the same rule shall apply to the Principal; such suspension taking effect from the intimation of the sentence of the Church Court to the Senatus Academicus of the University, and such deposition by a sentence of the University Court, proceeding on the sentence of the Church Court.

That the subscription to the Confession of Faith, and Formula of the Church of Scotland, shall be invariably required from the Principal and Professors before their induction, in terms of the Act of Parliament of Scotland, passed in 1690, cap. 17. and from all members of the University Court before acting in such capacity.

Mr Oswald's Bill makes no alteration in the existing law, so far as subscription to the Confession of Faith is required.

That the Rector shall have no power to pronounce any judgments or deliverances, except by and with the advice, and through the medium of the Court, as above constituted and regulated.

That the University Court shall have the power to review all Regulations and Decisions of the Senatus, and shall be a Court of Appeal from their proceedings in every case, except as hereafter provided.

That the University Court shall have power to issue directions to the Senatus Academicus, and to the Professors in order to enforce punctual attention to all regulations which may be enacted in regard to the mode of teaching in the University, and to enforce the due performance of all other duties imposed on the Professors.

That the University Court shall have power to rectify any other abuses to which their attention may be called.

* Fast days are not provided for by this section. In Scotland it is better to say the first, second, or third Tuesday of any month rather than any particular day by number.

Edinburgh

David Bruce

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8 AM
25 NOV
1835







