

The Universities (Scotland) Bill : a letter to the Lord Provost, magistrates and town council of the city of Edinburgh / by James Colston.

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THE

UNIVERSITIES (SCOTLAND) BILL.



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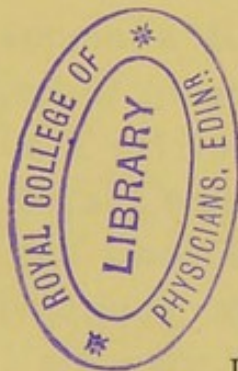
A LETTER

TO THE

LORD PROVOST, MAGISTRATES AND
TOWN COUNCIL

OF THE

CITY OF EDINBURGH.



BY

JAMES COLSTON.

EDINBURGH.

—
1883

The University of Edinburgh

A B E T T E R

TO THE

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A LETTER

TO THE

LORD PROVOST, MAGISTRATES AND TOWN
COUNCIL OF THE CITY OF EDINBURGH.

MY LORD AND GENTLEMEN,—

OF late years a new form of Government has appeared in our midst. It is called by the name of an 'Executive Commission.' Large powers are assigned to it.

In former times, the Imperial Parliament used to appoint a Royal Commission to inquire into any subject of great importance, where there was supposed to be a grievance. Hence, in Scotland, we have had Royal Commissions upon different subjects:—such as, The Constitution and Revenues of the various Corporations, the question of Church Accommodation, University Reform, Roads and Bridges, Law Reform, Endowed Educational Institutions, and several other social questions. But, note this fact:—The purpose for which these Royal Commissions were appointed, was to take the evidence of those who were prepared to give their views on the subject, and to submit these, as well as the views of the Members of the Commission which were embodied in a Report, to Parliament. With this Report, the functions of the Royal Commissioners ceased.

It was then left to Parliament, through the Govern-

ment of the day, or through the medium of a private Member of either House, to re-open the subject. The service which the Royal Commissioners, therefore, rendered, was the elucidation of public opinion, and the formulation of what, according to their mind, Parliament ought to do. In no sense had they any executive powers, except in compelling the attendance of witnesses to give evidence. The executive powers otherwise remained in the two Houses of Parliament.

This Executive Commission practically invests the Commissioners with absolute powers. In so far as the special matters it deals with are concerned, an Executive Commission wields more power than can be exercised even by the Government of the day. It is an approach to that personal form of Government, which the Liberal party so strongly opposed, when it was introduced by the Conservative party, through their late eminent leader, Lord Beaconsfield. It is subversive of the rights of the people, and ignores popular representation. It savours of imperialism, and is antagonistic to the principles of our British Constitution, and of local Government. No better illustration could be given of this, than the arbitrary power which is taken in this Bill with reference to the University of St Andrews on the one hand—and, on the other, the popular feeling which has already been aroused in the district of St Andrews, as well as in other parts of the country, and the determination to resist to the utmost any attempt to destroy that very ancient seat of learning.

The most recently appointed Executive Commission deals with the Endowed Educational Institutions of

Scotland. It is composed of seven members, with four to form a quorum, who have received large authority not only to take evidence, but to deal, as they shall see fit, with the management and funds of the various Institutions which come under the scope of their operations. No doubt, there is a provision whereby there may be an appeal, and parties heard. But the chances attendant on such appeal seem to be very slight. Let us hope that the Commissioners may do their work well and thoroughly. We cannot alter the state of matters now ; and the Commissioners are on their trial.

But, would it not have been well to see how this Commission fulfilled the object for which it was appointed, without immediately saddling the country with another Executive Commission in regard to our Universities ?

The University of Edinburgh is at present engaged in a great work. It is trying, by the aid of the citizens and other friends, to raise £100,000 for additional buildings. Already more than one-fourth of that sum has been contributed. Any one who has had to engage in the raising of large sums of money for any object, however good, is not long in finding out, that nothing is so disastrous to the enterprise as when people find out an excuse for not contributing on what they consider 'a principle.' This was well illustrated in the case of the subscriptions for the Royal Infirmary. Whenever the late Professor Syme raised the question of *site*, from that day the subscription list collapsed.

The introduction of the Universities (Scotland) Bill

at this particular time is sure to have a similar damping effect on the liberality of the citizens. *They* were not wise friends of the University who counselled any Parliamentary action during this Session. Two such movements as voluntary assessment and radical change cannot well go on together. Virgil, in reference to quite a different matter, gives the sage advice, which is well worthy of being thought of by those engaged in promoting this Bill—

‘Nec tibi tam prudens quisquam persuadeat auctor,
Tellurem Borea rigidam spirante moveri.’

But wisdom is not always to be found allied to learning, and the wisdom of the world is rarely to be met with in the purely literary or scientific mind. The scholar and the scientist have too much of the analytical in their constitution to take a broad view of any purely practical question, when dealing with their fellow-men; they cannot deal with such as a man of business in the ordinary acceptation of the term is likely to do. Besides, in all society, it will be found that there are those who invariably prove to be—

‘For close designs, and crooked counsels fit,
Sagacious, bold, and turbulent of wit;
Restless, unfixed in principles or place,
In power unpleased, impatient of disgrace.’

It would be interesting to know who are the prime movers in this matter. No doubt the Lord Advocate is sponsor of the Bill. But, be not deceived! There is some one or more behind the Lord Advocate. A very cursory perusal of the Bill will soon detect a Jacob's voice and an Esau's hand in it. In order further to show the truth of this, it is only requisite to quote the words of Lord Salisbury, when, during the

month of November last, he received the freedom of our Ancient City at the hands of the Corporation. He said,—

‘The statesmen who take office under any Government are naturally actuated by a desire to mark their term of office by measures beneficial to their country, and in order to frame those measures they must take the advice and accept the assistance of the permanent officials who constitute the central department. It is in the nature of every human being to think that he himself is the best person to decide on the questions which they have to decide upon, and that is a failing from which even those distinguished men who constitute our permanent official Government staff are not entirely free. . . . Each successive statesman, each successive Minister, contributes his little mite to the heap as it arises, till it attains at last a towering proportion, and the result is that in many matters—in the expenditure of public money, in the supervision of public works, in the administration of local justice, in the management of local sanitary and other affairs—there is a constant tendency to increase the power of those who are at the centre, and diminish the power of those who are in the locality. . . . We live in an age when the land is full of wild teachers, and our only security that the calm common-sense view of extravagant theories shall be taken is that the people shall be practised, no matter in how limited a capacity—that the people shall be practised in their daily life in the government of their fellow-men. . . . I have thought I might make these remarks as the first specimen of my services as a Guild brother, because I feel that it is on a community such as this that the foremost duty of defending local independence and local self-government should fall. It is vain for you to appeal to your political machinery; it is vain for you to ask either party of the State to help. A statesman in office is under the influence of a permanent official. He, by the etiquette of his political life, is master of his department, and his colleagues cannot interfere with him. If he has a majority in the House of Commons, that majority blindly follows, but at the end of the chains, although not seen, one permanent official wields the whole power of the State. If you mean to resist his well-intentioned and beneficent but most insidious and dangerous influence, you must take that duty upon yourselves, and insist that, as our State grows, as new functions are created, as new and beneficial laws are passed—that the first duty of assigning the management of those laws and the control of those new institutions shall be reserved to

those in the locality, and that the principle of local self-government which lies at the base of all our old institutions shall lie at the base of our new institutions also.'

The history of the Endowed Educational Institutions Bill was well known. The Liberal Government got it as an inheritance, in the pigeon-holes of their predecessors in office. The Education department was the prime moving influence behind the scenes, and there were outward influences again that moved that department.

We have, therefore, to pay heed not to the Lord Advocate, but to the unseen and unfathomable influences behind—the real propelling powers in this Universities (Scotland) Bill.

That there is need of University Reform, is an axiom the truth of which will be at once admitted. That there are some Chairs, the constitution of which demands reconsideration, very few will deny. That there are subjects of instruction which are not, and which ought to be, embraced in a properly equipped University education, will be granted on all hands. Nay, further, that some bursaries might be made more useful, and that mortifications—many of them of old date—might be more profitably employed, may be at once conceded.

Considering the past history of the University of Edinburgh, it is the sweeping powers invested in the Commission that constitutes the question of paramount difficulty; because, *so far as the academic or University influence has gone in the past, it has been rather antagonistic to a broader and more healthy development of the higher culture, and has favoured the narrower*

class interests and supposed privileges of Professors. The citizens of Edinburgh are naturally proud of their University. As a metropolis, Edinburgh is largely interested in her literary, educational, and scientific institutions. Its connection with the University, through its constituted authorities, is of very old standing. It is well, therefore, in view of the present state of affairs, that the citizens should understand several matters in the history of the University, which, through the lapse of years, may well-nigh have been forgotten.

The origin of the Edinburgh University was in a grant of eight thousand merks = £590 sterling—a legacy from Robert Reid, Bishop of Orkney, for the purpose of founding a college. The building was begun in 1581.

In 1583—exactly 300 years ago—the Town Council appointed Robert Rollok, then a professor in St Salvador's College, St Andrews, as professor in the College of Edinburgh. According to the custom of the times, while he gave lectures on humanity to his students, he also instructed them in mathematics and philosophy, which constituted the course for passing as a Master of Arts. In a short time, an assistant was provided for the humanity class.

Rollok seems to have been a man of great learning; because, three years later, he was appointed Principal of the College, and a year after he was chosen as Professor of Divinity—two other professors being added to teach the students philosophy.

King James VI. endowed the University with Church lands and tithes in the counties of Lothian and Fife. He took interest in the higher learning, and considered himself patron of the Edinburgh

University, ordaining that it should bear the name of 'King James' College'—*Academia Jacobi Sexti*.

From time to time the University has received bequests of money from well-disposed individuals, both for the purpose of endowing Professorships, and of helping deserving but needy students in the way of bursaries. From a small beginning it has grown to be an Institution of the greatest importance, not only to Edinburgh, but to the nation at large, and, it may truthfully be added, to the world.

While its Theological and its Law Chairs must be chiefly for the benefit of Scotsmen, its Medical and Surgical Professorships, as well as its Arts Chairs, have an important bearing on the whole scientific world. It is one of the most largely attended and best equipped of the Medical Schools.

Until the year 1858, the Town Council had almost the entire control of the affairs of the University, as well as the patronage of most of its Chairs. The appointments otherwise chiefly devolved on the Crown, with the exception of a very few, where there was a mixed patronage.

Prior to 1858, and when the Town Council were practically Governors of the University, there were continually disputes arising between the Corporation and the Senatus Academicus of the University. The Senatus considered themselves an ill-used body. They looked upon the Town Council as their enemies:—

'Not more almighty to resist our might,
Than wise to frustrate all our plots and wiles.
Shall we then live thus vile, the race of Heaven
Thus trampled, thus compell'd to suffer here
Chains and these torments?'

It may be, however, interesting here to note, as bearing upon what was previously stated,—what were some of the questions regarding which difference of opinion arose, and what were the results.

I. EXTRA-MURAL CLASSES.

This was a battle waged between the Town Council and the Senatus Academicus. The Royal College of Surgeons* had established extra academical

*The history of the Royal College of Surgeons is somewhat interesting. The Surgeons and Barbers of Edinburgh were erected into a corporation by a seal of cause granted by the Town Council in 1505. King James V. afterwards ratified this charter or seal; and Queen Mary, in consideration of the great attendance required of Surgeons by their patients, granted them an immunity from serving upon juries, and of watching and warding within the city. This immunity was afterwards confirmed by an Act of the Scottish Parliament.

In 1657, the Corporation laid aside the functions of Barbers, and the Apothecaries were, by an Act of Town Council of that year, with consent of the Surgeons, admitted into the body. In 1682, an Act of Council was passed, recommending the Surgeons to supply the town with a sufficient number of persons to shave and cut hair, under their control or supervision. In 1722, the surgeons and barbers were separated from each other in all respects, except that the barbers were still obliged to enter their apprentices in the register kept by the surgeons.

By a charter of King George III., dated 14th March 1778, the Corporation was erected of new, under the designation of *The Royal College of Surgeons of the City of Edinburgh*.

The President of the Royal College of Surgeons (as well as his predecessors when united simply as a Corporation under the Act of the Town Council) was, until the year 1833, when the Municipal Reform Bill passed, a constituent member of the Town Council.

This fact led to considerable irritation and acrimony. This may be best illustrated by a short reference to the evidence of the late

or extra-mural classes. The Town Council passed a regulation whereby attendance on such classes sufficed to qualify for a degree, without attending classes on similar subjects in the University. The Senatus on the other hand opposed this. They denied the right of the Town Council to interfere in the matter. The question was raised in the Law Courts. The Professors were found in the wrong. It is well for Edinburgh, and for its University, that this arrangement became final. What would the Edinburgh Medical School have been, if the Professors of

Sir Robert Christison, when, as Professor of Materia Medica in the University, he was examined by the Royal Commissioners, on the 21st October 1833. (Report, p. 364.) He says :—‘ Another serious objection I have is, that the Town Council has been, and will continue to be, open to the admission of men who may, and often indeed must, be prejudiced against the University at large, and also in regard to individual professors. This took place under the present *régime*, in one department, the Medical. The president of the Royal College of Surgeons is a member of the Town Council, and the only medical man there. It seems plain that the governing body of the University should not be so constituted, that it may run the risk of falling into the hands of a medical man, and that medical man the head of a rival establishment. The president of the Royal College is no longer to be a town councilman, but there is still a risk of the introduction of medical men into the new town council, and medical men too, not of the first station. . . . I fear that medical men may obtain admission into the body, from whose known sentiments I should dread the worst effects on the character and success of the University, and whom I for one could never look up to with respect.’

The Burgh Reform Act, already referred to, constituted the Town Council, with the exception of the Dean of Guild and the Convener of Trades, a direct representation from the ratepayers of £10 and upwards, within the ancient and extended royalties. It need hardly be added that Dr Christison’s fears or prognostications were never realised.

the University had not been placed in competition with the extra-mural lecturers ?

The Town Council was, therefore, on this subject, in advance of the Senatus ; and time has confirmed this view.

2. THE PROFESSOR OF SURGERY.

When the Regius Professor of Surgery was first appointed, the Town Council ordained that all graduates should make attendance on his Lectures. The Professor of Anatomy had previously had a commission from the Town Council to teach Surgery, and he had taught the science for thirty years. He expressed his willingness to give courses of lectures on Surgery of the same length as the courses of the Regius Professor. The Senatus espoused the cause of the Professor of Anatomy. But the Town Council, considering the fact of the foundation of a new chair for a special branch, confined him to the subject of Anatomy. This arrangement still continues.

The Town Council was, therefore, on this subject, in advance of the Senatus ; and time has confirmed this view.

3. THE PROFESSOR OF GENERAL PATHOLOGY.

When the Professorship of General Pathology was instituted by the Crown, the Town Council ordained that attendance on that class should be made imperative on all graduates. The opinion of the Medical Professors was opposed to the addition of that class, imperatively to the curriculum. They stated, as a reason, that no such Professorship existed in any other

British University.* While they ought to have hailed it as a great boon conferred on their own seat of learning, and as giving it a great advantage over all others ; on the other hand they seemed to do all

* On this subject, as well as that of the former, Professor Thomson speaks very strongly (Report of Commission, p. 378). 'The University (Edinburgh) appears to me to have sustained more injury from the difficulties experienced in getting new professorships instituted, than from any tendency to multiply these unnecessarily. These difficulties have in a great measure arisen from the interest, more frequently imaginary than real, of those already holding chairs, to prevent any increase in the number of competitors for the favour of voluntary students, and their apprehension that an extension of the course of study imposed on compulsory students would diminish the number coming to the University. On these occasions, the existing professors have always been ready to maintain, that the branch of study for which a new professorship was proposed was already taught, either by some individual member of their body, or at least by several members collectively. It was on grounds of this kind that the institution of the chair which I myself have the honour to fill, was, a short time ago, opposed by the Senatus Academicus. In the answer to the objections of the Senatus, which I had occasion to submit to the Town Council, I took occasion to remark, that, for the opposition offered on the part of the Senatus Academicus to the two new professorships of general pathology and surgery, I was by no means unprepared. The late Professor Stewart has observed, that "the Academical Establishments in some parts of Europe are not without their use to the human mind. Immovably moored to the same station by the strength of their cables, and the weight of their anchors, they enable him to measure the rapidity of the current by which the rest of the world are borne along." I have had too frequent occasions, in the course of a life—a considerable portion of which has been devoted to the teaching of medicine—to notice the unfortunate tendency in our Academical Institutions to remain stationary, which has been so happily described by Mr Stewart, to feel any degree of disappointment or mortification at a resistance being made to my humble endeavours to promote the improvement of medical education at this University.'

in their power to lessen the importance of the subject. Considering the fact of the position which the subject of Pathology now holds in the scientific world, and the wonderful discoveries which have been made by those eminent scientists who have devoted their life's energies and talents to this important branch of medical study and research, it seems almost ludicrous at this time of day to have to call attention to the unfortunate and retrograde attitude taken by the medical professors of the University at the time.

The Town Council was, therefore, on this subject, in advance of the Senatus; and time has confirmed this view.

4. THE MATRICULATION FEE.

The Fee used to be 12s. 6d. Upwards of fifty years ago, the Town Council increased this to £1. It is from the Funds so derived that the Library is supported, the Librarians' salaries paid, and other requisite University charges are disbursed. The Senatus opposed the increased charge. They did not think this additional burden on the students necessary. But the increase was made, and it remains to the present day. Considering the very large attendance of students at the University at the present time, contrasted with the period when the increase took place, the revenue derived from the Fee Fund must form an important factor towards the University expenditure. Because now—

'She gathers tribute large, and on the board
Heaps with unsparing hand.'

At the present time there is a proposal to increase the Fee to 30s.

The Town Council was, therefore, on this subject in advance of the Senatus ; and time has confirmed this view.

5. A LAY PRINCIPAL.

Originally Universities were clerical institutions. The Principal was always a Member of the Theological Faculty. The Town Council of Edinburgh broke down this monopoly in the year 1858, when they elected the late Sir David Brewster in succession to the late Very Reverend Principal Lee. Edinburgh is the only Scottish University at the present time where there is not a Theologian as Principal.

6. OTHER SUBJECTS.

There were other questions of minor importance which are detailed as grievances in the Report of the Royal Commissioners, already referred to, which formed the subject of debate between the Town Council and the University. In some of these recourse was had to the Law Courts ; but, invariably, it turned out that the Corporation was in the right. Sufficient evidence has been adduced, however, to show the truth of what has been already stated, viz., *that the Academic or University influence has been rather antagonistic to a broader and more healthy development of the higher culture, and has been inclined to favour the assumed privileges of the Professors, and to narrow the usefulness of the University.*

6. THE TOWN COUNCIL PATRONAGE.

This also was a question on which there arose great difference of opinion. The Senatus was divided, although by far the majority held views antagonistic to the Civic Corporation. Whatever might be said in favour of a change, no one can deny that the Civic patronage was exercised for the good of the University; and among the many appointments made, which secured warm commendation, the names of Sir William Hamilton, John Wilson (Christopher North), Forbes, Goodsir, Bennett, and though last, not least, Sir James Simpson, will long live in the memory of the Modern Athens.

The University Act of 1858 took the patronage, as well as the control of the University affairs, out of the hands of the Town Council. The Bill, which was brought in by a Tory Government, was strenuously opposed, particularly in reference to the question of patronage, and the following result was arrived at by way of compromise, and which is embodied in an Act of Parliament:—*

The appointments to those chairs, of which the

* In this relation a question will naturally arise: Has an Executive Commission power to alter any matter or arrangement which has been determined by a special enactment of Parliament, and is therefore statute law? When an Act of Parliament is repealed, either in whole or in part, by subsequent legislation, the Acts which are to be so altered are always recited in the Bill dealing with them. There is no reference in the present Bill to previous Acts passed with regard to the Universities. *Query*—Can an Executive Commission appointed by Parliament effect such changes in a less formal way than Parliament itself? In an ordinary Bill the omission of the Acts to be dealt with would prove a stumbling-block to

Town Council were patrons, were vested in the hands of seven curators, four of whom are elected by the Town Council, and three by the University Court.

The control of the affairs of the University is in the hands of the University Court, which consists of the Rector, the Principal, the Lord Provost of Edinburgh, and the five Assessors. The five Assessors are appointed as follow :—One by the Chancellor, one by the Town Council, one by the Rector, one by the General Council, and one by the Senatus Academicus. Under the new management, the University has continued to prosper. The number of students matriculated during this session, up to the present time, is 3280. It is expected, however, that the summer session will increase this number by nearly 200 students. The result will be, therefore, the largest matriculation that the University has ever seen.

Under the Universities (Scotland) Bill, great and sweeping changes may be effected in the affairs of the Metropolitan University; and in view of these it may be proper to note the chief powers, as they may affect that seat of learning, which are sought to be conferred on the proposed Commission. These are :—

1. To examine all University office-bearers as to the rules and ordinances now in force, and to require production of documents and accounts.
2. To revise endowments, whether for the benefit of professors, students, or others; and to

Lord Redesdale passing the Bill. The absolute and salutary rule is—That statute law must be specifically dealt with by a subsequent Act, if it is to be repealed or altered.

alter the conditions on which they are held, if it appears that the interests of learning and the main design of the donor, so far as consistent with the promotion of such interests, may be better advanced thereby.

3. To transfer the patronage of bursaries from private patrons to the Senatus, and of professorships from private patrons to the University Court.
4. To provide that it shall not be necessary for any principal, professor, or other University officer to subscribe the acknowledgment or declaration mentioned in the Act 1707, cap. 6, or the declaration mentioned in the Act 16 & 17 Vic., cap. 89.
5. To regulate by ordinance the powers, jurisdiction, and privileges of office-bearers in the Universities; and also the constitution, powers, jurisdiction, and privileges of the various bodies connected with its management—the Senatus Academicus, General Council, University Court, and Court of Curators in the University of Edinburgh.
6. To regulate the time, place, and manner of presenting and electing all University officers.
7. The next class of powers relates to the course of study.
8. To make ordinances for founding new professorships, where they are required, and where there are sufficient means for their endowment, and to provide for assistants to professors where there are sufficient funds for that purpose.

There are obviously two matters which will require carefully to be looked at, in the above powers, from a citizen point of view.

Taking them in the order in which they appear above, the power referred to in No. 3 would require some explanation. If by the term 'private patron,' is to be understood the right of presentation of corporations, then it is high time that the Town Council, the Merchant Company, the Clubs in connection with various counties, and others were paying heed to the provisions of the Bill. The proposal to transfer the right of bursaries absolutely to the Senatus, raises a very grave question, even in the interest of the University itself. The academic mind turns at once towards merit, and confers bursaries as it would confer honours. Now, though this may, as a rule, be good, it is not without its drawbacks. There is such a qualification as poverty, which, although it may not be looked upon as a merit, is yet on the other hand no demerit. The conferring of bursaries only after competition, practically makes the bursary an *honour* rather than a help. It gives to the youth who can afford to pay to a coach or grinder the fee exacted for the services of the latter an immense advantage over the poor lad whose limited resources do not enable him to pay such fee. How many poor lads are there who, after having passed through the University, have taken a respectable position in life, and this all owing to the pecuniary aid they received by being fortunate enough to obtain a bursary? Poverty ought always to be looked upon as an important consideration in connection with bursaries. Besides, is the Senatus the proper body to have the sole control

of bursaries?*

The proposal seems to narrow the general interest in University instruction to those who are directly connected with it. This is not likely to conduce to great liberality in the bursary-giving public in future. And it should not be forgotten in this connection—a fact which Professor (Dr John) Thomson stated before the Royal Commission already referred to (p. 378), viz. :—‘It is well known from history that the greatest encouragers of learning and science have not always been themselves learned and scientific men.’ Nothing should be done that is calculated to dry up the sources of liberality towards our great seats of learning; and the transference of bursaries to the entire control of the Senatus may have this unfortunate result. It is well, however, in any circumstances, that the term ‘private patron,’ should have a definition, so that no misunderstanding may arise in regard to its meaning.

The next power sought for, and which is of importance to the citizens, is raised under No. 5. It is to regulate the constitution of the University Court and the Court of Curators. Here, again, is the old debated question, which arises practically, between town and gown. It will be for the Town Council, on the part of the citizens, to assert and fight for the city’s rights, and see that the Commissioners shall have no power to alter the constitution of the Court of Curators, as arranged by Act of Parliament. The

* Some idea of the importance of this question may be gathered from the fact, that in 1878 the capital value of bursaries in the hands of the University was £89,536, or thereby. In 1882, it was £144,807, or thereby.

smouldering embers of professorial dislike* to the civic representation have, from time to time, burst forth into a flame, and that dislike has revealed itself in a way not creditable to the University.

The professors were very much annoyed at the result of the compromise already referred to, and

* The late Sir Robert Christison, in a letter sent in July 1870 to a meeting of the Edinburgh University Conservative Club in London, referring to the Constitution of the Curatorial Court, thus wrote:—‘All men of observation dreaded the result, and the fear has been realised, viz., three members of high qualification and social position, and of impartiality and independence, who cannot be approached by any mere canvasser or canvassing trick, and four members of a totally different position, in general open to every canvassing practice, and acting under a variety of influence totally alien to the only true question—the qualifications of the respective candidates.’ This most offensive language which was not consistent with fact, was sufficiently rebutted at the time.

It is right also to observe that, about this time, the question had likewise been raised in the University Court.

The Lord Provost of the time (the late Mr Law) thus alluded to the attacks made on the city’s curators in a communication to the Town Council. He said:—‘Certain professors in the University, and their allies in Edinburgh and elsewhere, are endeavouring to carry out their long cherished purpose of removing the popular element altogether from the University Courts, and substituting a larger infusion of that particular exclusive clique in Edinburgh, who are more ready to follow their lead and do their bidding, than impartial and independent citizens are or are ever likely to be. . . . Few of you will remember the clamour which followed the election of Sir James Simpson. . . . The medical faculty, the literary classes, the professors, and the *elite* of society, were all in favour of Simpson’s opponent. It might almost have been believed that he was the idol of Europe for the time being. . . . Simpson was a nobody then—a mere upstart, an extra-mural lecturer, a poor man, a diligent student—eager for an opportunity to distinguish himself. Simpson was nevertheless elected; the idol had to make way; and in a very few years, the youthful professor outstripped his lofty opponent, and all his

though they were disappointed, they still entertained hopes of eventually gaining the victory. They practically said,—

‘ What though the field be lost ?
All is not lost ; th’ unconquerable will,
And study of revenge, immortal hate,
And courage never to submit or yield.’

Hence from time to time attacks have been made on

compeers either young or old. The idol of that day never rose one inch higher in public estimation ; while the one waxed, the other waned. . . . I have reason to know and believe that the position of the Town Council in the government of the University, has tended to thwart several measures of self-aggrandisement which some of the professors have proposed, and hence their eager desire to get quit of us altogether. . . .’ When the University Bill (1858) was before Parliament, the Town Council of that day were assured that their patronage was not to be interfered with ; and in the Bill, as originally drawn, no attempt was made to touch it. But, at the very last stage, the Senatus of the University sent to London a professor, whose statements on many subjects have often been challenged, and he indulged in allegations in private, about the manner in which the Town Council had exercised its patronage, which we had no opportunity of confuting, and which, I venture to say, he would not have dared to make in public. A deputation from the Town Council hurried up to London, and it is believed—as indeed Dr Christison in his letter read at the late London meeting admits, that had they strongly opposed the Bill, it would have been impossible to have carried it, at that late period of the session. Sir William Stirling Maxwell, however, proposed the present Board, in which the Town Council was to have a majority of votes, as a compromise ; and as a compromise the deputation accepted it. Any attempt, therefore, to make us worse now, would be nothing less than the violation of a solemn compact.

In another part of the communication, Mr Law says :—‘ Was there no intriguing on the part of the professors at the election of a principal two years ago ? Were there not deeds done at that election which could not bear the light, and for which the perpetrators, professors of the University and others, were forced to apologise ?’

the civic representation, which were extinguished as they arose. But at no time was this so very successfully done as in the year 1870. Since that time there has been no attempt to re-open the question in public. In the Report of the Royal Commissioners, who were appointed to inquire into the Universities of Scotland (1878), evidence was led on the subject. It may be proper, therefore, to give a brief narrative of what is contained in that Report.

Four witnesses seem to speak favourably of the Civic representation at the University Courts, viz. :—

The Very Rev. Principal CAIRD approves of a curatorial body partly from the University and partly from the City. (7137-7144.)

The Rev. Dr LINDSAY ALEXANDER thinks no change is desirable in University Courts, except that Council might have an additional assessor. (5550-5551.) This proposal, however, does not touch the question of patronage.

Professor MASSON approves of Curatorial Court, and is against having either a Dean of a Faculty, or any member of Senatus connected with the appointment of a Professor. (7327-7331.)

Professor GRAINGER STEWART thinks the Curatorial Court should be enlarged to fifteen, giving to the Town Council at least eight, and the remainder to the University Court. He disapproves of any representation of the Senatus among the Curators. (8495-8501.)

Ten witnesses take a different view. They are desirous to reduce the Civic element in the Constitution of the Curatorial Court ; but they all differ as to the Bodies from which the additional members are to be elected. On this latter subject, their views may be characterised as resembling chaos of old—*rudis indigestaque moles*. The witnesses are,—

Principal Sir ALEXANDER GRANT, Bart., who thinks present Constitution of Curatorial Court would be above reproach

if two members were added, to be elected by the Court of Session. (216.)

Professor DOUGLAS MACLAGAN wishes two Curators added, one from the Senatus, and one from the General Council (7417-7420.)

Professor BALFOUR suggests that some of the Curators might be appointed by General Council, and wishes Curators to hand over patronage of Botany Chair to Crown, receiving other patronage in exchange. (7355, 7356. 7358-7360.)

Professor CRUM-BROWN has no desire to increase Crown patronage, but concurs with previous witness as to transfer of Botany Chair, and terms of transfer. (1537-1539.)

Professor CAMPBELL FRASER recommends the introduction of a third element into the body of Curators, by the Crown appointing one or two additional Curators. (3506-3512.)

Dr JAMES MATTHEWS DUNCAN does not think patronage on a satisfactory footing, does not recommend any better plan, but is clear that the Curators from the Town Council should not be a majority of the Court. (7219-7226.)

Dr ALEXANDER WOOD thinks Curatorial Court very objectionable, because it is too little connected with the University. (10,024-10,027.)

Professor NORMAN MACPHERSON thinks present constitution of Curatorial Court should be altered ; but seems to have no definite idea as to how it should be ; because he suggests various ways. (3139-3145.)

The Rev. Dr PHIN would transfer patronage to the University Court, or he would like introduction of a nominee or nominees of the Crown, provided there is also additional representation from the University element. (8169, 8170.)

Professor P. G. TAIT would transfer the patronage of all Chairs to the Senatus, except the Members of the Faculty in which the Chair is vacant. (1246.)

Two witnesses adopted a medium course, viz. :—

JOHN M'LAREN, Advocate (Lord M'Laren)—Would transfer present Curatorial patronage to the University Court, or divide it—leaving a number of Chairs in the gift of the Town Council.

JAMES MACKNIGHT, W.S., thinks the past doings of the Curators judicious ; but would not object, when a professorship is vacant, that the Dean of the Faculty in which the Chair is placed be made a Curator *pro tempore*. (4880-4884.)

There were other witnesses examined in reference to the University ; but they did not tender evidence on the subject of patronage. These were—

Sir Robert Christison, Bart. ; Professors Blackie, Charteris, Hodgson, Fleeming Jenkin, Kelland, Lister, Liston, Lorimer, Sir H. Oakley, Rutherford, Sanders, Sellar, Simpson, Spence, Turner, and Wilson. There were also the Rev. Dr Thomas Smith, Professor Donaldson (Aberdeen) ; and A. Taylor Innes and R. Vary Campbell, Advocates ; John Christison and R. Bruce Johnston, Writers to the Signet ; Dr Thomas Harvey ; and John Small, M.A., Librarian.

The Royal Commissioners reported in February 1878. The Commission consisted of the Lord Justice General (Inglis), the Duke of Buccleuch and Queensberry, the Lord Moncreiff, Sir Lyon Playfair, C.B. ; William (now Lord) Watson, LL.D. ; Dr John Muir, James A. Froude, Dr A. Campbell Swinton, Dr T. H. Huxley, and Dr J. A. Campbell. The names of Sir William Stirling Maxwell, Bart., and Lord Ardmillan, were included in the Commission, but these two gentlemen died during the inquiry.

The proposal of the Royal Commissioners was as follows :—(p. 158). 40. That the Court of Curators in Edinburgh be enlarged by the addition of two members, one to be elected by the General Council, and the other the President the Royal Society of Edinburgh, for the time being, *ex officio* ; and that in making appointments to Professorships, the votes of those members of the Court alone who are present be admitted.

In reference to the Constitution of the University Court, they recommend (p. 152) that three Assessors be appointed by the General Council,—two by the Senatus Academicus, one by the Chancellor, and one by the Rector. There is no mention, however, of the Lord Provost, or of the Assessor appointed by the Town Council.

The remaining powers refer chiefly to matters which at present devolve on the University Court. It forms no part of the object of this Letter, therefore, to deal with these, except in so far as the Constitution of the University Court may fall to be considered. On this subject, the Town Council will require to take care that its rights are preserved intact.

The next point of importance for the citizens is contained in sections 10 to 15, wherein provision is made for the transfer of certain properties from the Board of Works, or other Government department, to the Universities. Let us, therefore, see what are the properties which are to be so transferred.

These refer to—

1. The Edinburgh Botanic Gardens, and all buildings therein.
2. The Edinburgh Royal Observatory, on the Calton Hill, with, of course, all its appurtenances.
3. The official residence of the Astronomer Royal, being the house known as No. 15 Royal Terrace, and the grounds and pertinents thereof.

The only one of these that seems to call for special attention at present is the Botanic Gardens. Though

used for scientific purposes, these grounds, which have been hitherto under the control of the Treasury, and have been maintained by the public purse, contain some of the most unrivalled views of the City of Edinburgh. From their first establishment, they have been open under certain restrictions to the inhabitants. The course of time has served to increase those privileges to the general community. Forty years ago, free access was to be had only on Saturdays, between the hours of 10 a.m. and 4 p.m. Now, the gates are open to the public every lawful day from sunrise to sunset. The gardens are largely resorted to by all classes of the community. They virtually constitute one of the public gardens of the city, and are included in the Government estimate for public parks. The supervision of them is vested in the Regius Professor of Botany, and the Curator. The present incumbent of the chair seems to have no great faith in the public. It is well known how many obstacles he placed in the way of having a door to the garden on the west side entering from the Arboretum. The control of the latter is under the Board of Works, and, as that department did not care to come into collision with the Treasury, considerable delay occurred before the access could be obtained. Thanks to the kind and prompt intervention of Lord Rosebery, the Professor's opposition had to give way. If the University is to get the absolute proprietary of these gardens, it would be well for the Town Council to take special care that a clause should be inserted in the Bill, preserving inviolate the rights of the citizens of Edinburgh, which have existed for more than two generations. But why should the Botanic Gardens be transferred to

the University? The University does not want them, and could not uphold them properly, and the city is satisfied with the present arrangement. 'Let well alone,' might be a wise course.*

And as to the Arboretum, it is proper to mention that there is no reference to it in the Bill. The Arboretum has been hitherto regarded practically as an addition to the Botanic Gardens, although its control has vested, as we have seen, in another department of the Government. It was originally designed chiefly for scientific purposes; but it was also to be used as a pleasure or recreation ground for the citizens of Edinburgh, and there are certain conditions as to the admission of the public, which it would be well to see secured.

If the Arboretum, along with the Botanic Gardens, is to be handed over as a preserve of the University of Edinburgh, without the Town Council having some authority over it, in the public interest, it will be a most glaring piece of jobbery, and may serve to teach the Town Council in the future not to part so easily with £18,000 of the citizens' money—being the amount paid for the grounds by the Corporation.

A question will naturally arise—Why is the Bill silent regarding the Industrial Museum? That Institution had its origin in connection with the Chair of Technology, conducted by the late lamented Professor George Wilson. The building has been

* On this subject, it would be well to peruse and weigh the cogent letters of such an eminent practical authority as Mr Thomson of Clovenfords, *vide Scotsman* of 25th and 28th April.

erected at the public expense, and there is a direct communication between it and the University buildings. Yet the Museum remains under the control of a separate body, while it is proposed that those properties already referred to, which are vested in the public through the Government of the day, should be handed over to the University of Edinburgh. To leave the Industrial Museum as it is, and deal as is proposed with the other Government properties, is an inexplicable anomaly, and is not in consonance with any principle. Besides, it would be a great help to the recently-appointed Professor of Natural History, if his rights in the Museum were more clearly defined; and considering that the Bill is so comprehensive, it is the more remarkable that the Industrial Museum should not be referred to in it.

It would thus appear that there are several important issues which may be raised under this Bill; and the public naturally looks to the constituted authorities to protect their rights. Supineness or indifference on the part of the Town Council may prove fatal to the interests of the public. It is with the view of averting such a state of things that the present Letter has been written.

The foregoing remarks have not been dictated by any antagonistic feeling towards the University or the higher learning. On the other hand, they have proceeded from an earnest desire that the benefits of both should be extended; for the advancement of the University and the higher learning is not a matter for

professors and graduates only. The city and the nation at large reap the benefit, and must, therefore, be intensely interested in it.

But the most important question of all must necessarily be :—

Who are to constitute the Executive Commission, and to wield the extensive powers proposed to be given to them?

On this subject the Bill is meantime silent. It does not even give the number of the Commissioners. If, however, the members to be appointed are such as are likely to take a large and comprehensive grasp of the subject, and to break down many of the academic monopolies * which the present administration presents, they will effect a radical reform. Nothing could be done more effectively in this way than by an extension of the system of recognised extra-mural lectures on science and other cognate branches of learning. The claims of women for the higher learning will likewise fall to be provided for. Besides, it would be well to consider whether provision should not be made by the Commissioners for throwing open the benefits of the University to those of the industrial classes in the city, who might wish to take the advantage of its teaching by evening classes. This has already been done in the new Victoria University at Manchester with marked success. And it is only fair, in so far as the working classes contribute their share of the money which has been given to the support of the University in any grants from Government, that their claims should not be ignored.

* An example of this may be pointed out in the fact that Professors frequently conduct classes of 400 students.

If, on the other hand, the Commissioners are swayed by the purely academic consideration, and are chiefly guided by the professorial opinion, then, if the experience of the past may be taken as an indication of the results, the cure the Commissioners are expected to effect may, in the long run, turn out to be worse than the disease.

I am,

MY LORD AND GENTLEMEN,

Your obedient Servant,

JAMES COLSTON.

23 REGENT TERRACE,
EDINBURGH, *1st May* 1883.

A P P E N D I X.

THE following Extracts, from Speeches made at a Meeting of the Citizens of Edinburgh, held on Monday, July 5, 1858, when resolutions were passed in favour of the Town Council retaining the patronage, will be read now with some interest :—

THE LATE DR ROBERT CHAMBERS.

He thought the citizens of Edinburgh should strenuously resist the taking away of the patronage of the University Chairs from the Town Council ; and for this plain reason, that to take away the patronage from the Town Council, would be taking it away from the citizens of Edinburgh themselves. To parody a saying which was used in the French Revolution, the Town Council was in its personality the accident of a day, but the people of Edinburgh were permanent. The Town Council, in fact, was just whatever the people of Edinburgh chose to make it, and was simply the organ through which the citizens gave expression to their opinions and worked out their own purposes. He had no doubt whatever that certain recent circumstances * had weighed very much with Ministers

* The allusion here made, as well as that in the beginning of Lord Ormidale's remarks, has reference to the action of the Town Council in the long-debated question of Trinity College Church. This is made plain in a letter written to the *Times* by Dr R. Chambers a few days thereafter. It is a singular fact that, though the majority of the Town Council was much abused for the course they pursued, and charges were made of gross sectarian bigotry actuating the members, in the long-run the Lord Chancellor and the other members of the Court of Appeal decided in the Town Council's favour. The decision of the House of Lords fell upon the censors of the Corporation as a most crushing blow.

in London in regard to the treatment which the Corporation had received in connection with this measure ; but if they (the Ministers) would exercise the same magnanimity which he was now humbly calling upon the meeting to exercise, and would look only to the permanent interests of the citizens, and he was bound also to say, to the whole history of the exercise of that patronage by the Town Council, he had no doubt they would do that justice to the City of Edinburgh and to the Town Council which had been demanded from them as yet in vain. . . . The Town Council, in exercising this patronage, proceeded not upon the personal opinion of its members, but upon the testimonials of individuals thoroughly qualified to judge, which were laid before them, and by the general sentiments of the people at large.

THE LATE LORD ORMIDALE

(At that time Mr R. MACFARLANE, Advocate).

He said,—While he was free to admit that the Town Council sometimes showed indications of a feeling which he thought it would be better if they withheld—he knew this, that they were amenable, and had always shown themselves to be amenable, to public opinion. It was the fault of the citizens themselves if the Town Council continued in the wrong path ; and they had it in their power to redress any evil which they might find to exist in that body. But, what was the position in which they now found themselves ? It was not that he, as a humble individual, and after a probably slight consideration of the subject, was of opinion that the patronage should remain where it stood for centuries, but *they had the deliberate opinion of the author of the University Bill himself* (the Lord Advocate—now Lord President Inglis) *that the patronage should remain where it had hitherto been.* That learned Lord was a citizen of Edinburgh, and had the best possible opportunities of knowing how the thing worked, whereas the movers of the clauses in question were strangers to Edinburgh * and to its institutions and inhabitants. Nor could they ignore the fact that the Royal Commissioners of 1833, including many of the most eminent men of their day,—while they suggested a great many changes and improvements, the greater number of which were embodied in this Bill—did not say that the Town Council ought to be deprived of this patronage. On the

* Sir W. Stirling Maxwell, Bart., and the Hon. E. P. Bouverie.

contrary, their opinion was that the Council should continue to exercise that patronage as heretofore. He thought, therefore, it lay emphatically with those who sought for a change to give satisfactory reasons for proposing it. There were two classes of individuals who were chiefly to be found opposing the exercise of the patronage by the Town Council; one class probably small in number, but bitter in feeling—the class of disappointed candidates and their immediate friends; and another class—probably a much larger class—who opposed everything in the shape of popular institutions—everything which emanated from the body of the people. With that class he had never sympathised, and could never sympathise.

THE LATE SIR JAMES Y. SIMPSON, BART.

(At that time Professor SIMPSON.)

He said,—Various reasons had been urged in favour of taking the patronage out of the hands of the Town Council. He was not aware of any of these reasons which did not apply to any other board or system that could be proposed. It was said that many of the Councillors were not acquainted with the subjects taught in the Chairs. He granted that; but where could they get any Board that was acquainted with these subjects? Was the Lord Advocate, who exercised the Crown patronage, acquainted with the whole subjects of Anatomy or Midwifery? One of the great clamours against the Town Council was, that its members asked the opinions of others. But the Secretary of State, or the Lord Advocate must do the same thing. Further, he might say that he thought the Town Council a much better body than anybody that they could get to elect to some Chairs, because they were free from errors to which some others would be subjected; in this way that he took it for granted that they knew comparatively little about any individual Chair to which they elected, until they gathered up their knowledge about it, and about the individuals competing. But if they had the University Court, with perhaps a Professor of Medicine, of Law, and of Literature on it, why the physician, or the *litterateur*, or the lawyer would think that if a Chair in the Faculty of Law, or a Medical Chair, or a Chair in the Faculty of Arts were vacant, he knew the best man for it. . . . He was not aware that, with one exception, any great

teacher was ever rejected by the Town Council who was a candidate for any chair. That exception was Sir David Brewster, who was a candidate for the Chair of Natural Philosophy. He was the greatest prince in science that we have. But he was beaten on the occasion to which he referred by Professor Forbes, who was elected in his stead, and he believed rightly, because it was the best teacher that was wanted; and it was well known that Sir David Brewster was afraid to speak in any public assembly. He thought the Council right in that case; but he defied the enemies of the Town Council to point out any other instance of an error being committed—though he did not think that was an error.

THE LATE LORD BARCAPLE

(At that time Mr E. F. MAITLAND, Advocate).

He said—Any gentleman who might have misgivings as to the manner in which the Town Council had exercised their patronage should read the paper before him, where he would find the names of most eminent persons indeed, occupying the chairs of which the Town Council had the patronage. The Town Council has been charged with acting upon sectarian or political feeling, but he could only say—and he spoke from personal knowledge of this matter, from having carefully watched many of these elections—that he would be a bold man who would venture to go to a Town Councillor of Edinburgh, and upon any sectarian or mere political ground, ask him for his vote in the election of a Professor. One thing, at least, might be said in favour of the present system: it had brought forward a great many excellent candidates, not from Scotland alone, nor even from Britain alone—they had had a large quantity of the best possible elements placed before the Town Council when they came to an election, because every man of science and every man of literature, all the world over, who possessed a reputation and the knowledge of our language, knew that if he laid his claims before the Town Council of Edinburgh, they would get a respectful and fair consideration. And if any man said Nay, he would tell him, from his observation, that he was utterly and absolutely mistaken.

THE LATE LORD MELBOURNE.

When the Chairs of Surgery and Pathology were instituted by the Crown, the Prime Minister of the day (Lord Melbourne) in advising His Majesty to place in the Town Council the patronage of these chairs, thus expressed himself:—‘He has observed with great pleasure the liberal, impartial, and judicious use which this body, for a considerable time back, has made of their academical patronage.’”



