Report ... on communication from the Senatus Academicus, respecting the publication of the University programme.

REPORT

OF THE

COLLEGE COMMITTEE

ON COMMUNICATION FROM THE

SENATUS ACADEMICUS,

RESPECTING THE

PUBLICATION OF THE UNIVERSITY PROGRAMME.

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1839.

MINUTE OF COUNCIL,

CONTAINING

COMMUNICATION FROM THE SENATUS ACADEMICUS.

Edinburgh, 1st October 1839.

The Lord Provost informed the Council that he had called this meeting in consequence of what had occurred in putting in force the resolution of Council of the 24th September, relative to the publication of the Programme of the course of study at the University during the ensuing session; and which resolution had been duly communicated.

The following minute of the College Committee was then read:—'*Edinburgh, 26th September* 1839.—College Committee.—Mr Gordon 'stated to the Committee, that having received official intimation of 'the Council's resolution of the 24th current, he had waited upon Sir 'William Hamilton, and communicated the same to him; and that he 'had this day been informed by Sir William, that on consulting the 'Senatus Academicus, the Senatus were of opinion that the Pro-'gramme was a matter falling to be adjusted by them alone, and that 'they would superintend its publication. In these circumstances, the 'Committee, having no other course left them, directed Mr Gordon 'to publish the Programme, in conformity with the Council's resolu-'tion of the 24th current, adding before his signature the words "By authority of the Patrons of the University." The first publica-'tion to be in the newspapers of to-morrow.

'The Committee further directed the Clerk to communicate the 'said resolution and this minute to the Senatus Academicus.' (Signed) 'James Stark, *Preses.*'

There was then laid before the Council the following communication from the Senatus Academicus:—'*Senate-Hall, College, 28th*

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There was then laid before the Council the following communication from the Senatus Academicus:—'*Senate-Hall, College, 28th*

'*September* 1839.—SIR,—In compliance with the direction of the 'Senatus Academicus, I transmit through you, to the Lord Provost, 'Magistrates, and Town Council, the accompanying extract from their 'minutes of a meeting held this day. I remain, Sir, your most obe-'dient servant,' (Signed) 'W. HAMILTON.' (Addressed) 'JOHN 'SINCLAIR, Esq.'

'Copy Minute of a Meeting of the Senatus Academicus of the Univer-'sity of Edinburgh, held on the 28th September 1839.

'There were read to the Senatus,

'1. Letter from Mr Sinclair to Sir William Hamilton, enclosing,

'2. Copy of a Minute of the Town Council, dated 24th Septem-'ber 1839.

'3. Copy of a Minute of the College Committee, dated 26th Sep-'tember 1839.

'Whereupon the following resolution was agreed to by the Senatus.

'The Senatus protest against the publication of the Programme by 'the Patrons in the newspapers of yesterday, because it supersedes 'an act of the Senatus hitherto unchallenged, and because it ex-'punges the announcement of an important course of lectures pro-'posed to be delivered. The Senatus decline any further responsi-'bility in the publication of the Programme for the ensuing session, 'and resolve to transmit without delay to Government a statement 'of the circumstances.

'Sir William Hamilton was authorized to transmit immediately the 'preceding resolution to the Magistrates and Council. Extracted 'from the minutes of the Senatus Academicus.'

(Signed) 'W. HAMILTON.'

The Magistrates and Council approved of the Report of the Committee above engrossed; and remitted to the College Committee the foregoing communication from the Senatus, in order that they may consider whether a statement on the subject referred to in it should be prepared and forwarded to the Government; and to prepare the draft thereof, if they are of opinion that such a statement should be sent off; and to report generally on the subject.

JAMES FORREST, *Lord Provost.*

REPORT

OF THE

COLLEGE COMMITTEE.

Edinburgh, 7th October 1839.

THE circumstances which led to the proceeding now complained of by the Senatus Academicus are shortly these. July 15, 1836.

About three years ago, Sir William Hamilton was appointed to the Chair of Logic and Metaphysics, the class-fee of which was, in the autumn of last year, ascertained and determined by the Magistrates and Council, as Patrons of the University, to be L.3. 3s. for all Students without distinction.

Previous to the Act of Council determining the amount of fee, Sir William, in the session of 1837–38, had been taking from a certain description of Students a fee of Four Guineas; and in a letter addressed by him to the Patrons after the act of Council above mentioned fixing the amount of fees, he took upon him to predict that means would be devised by Professors to obtain a higher remuneration from their classes than the Act of Council allowed. 'Is it to be imagined,' says he, in one passage of this letter or pamphlet, 'that 'a Professor will now be found to give his Pupils two hours a day, for 'a course of more than five months, on a difficult and abstract science, 'and for an inferior fee? If he cannot afford to resign his chair, *he 'will either withdraw a moiety of his instruction, or divide it into two 'classes, allowing only those to attend both who pay a double fee.* But 'though the Professor may thus in part remunerate himself, this will 'be at the expense of the best interests of the Students.'

It soon appeared that in these words Sir William was merely foretelling what he himself would do; for, in the session immediately following, he divided his lectures into two courses, one upon 'Logic,' and the other upon 'Metaphysics,' charging a full fee for each course. The Patrons remonstrated with Sir William on this proceeding; and in the correspondence which ensued, the Professor attempted to justify his conduct, and assigned as his reason for not asking the consent of the Patrons to the step he had taken, that their right of administration

of the University '*did not extend to an interference with the arrange-*
'*ment of such educational details.*' The Council, however, judged dif-
December 4, 1838. ferently; and, in the month of December last, approved of a Report of the College Committee, wherein they expressed themselves 'of opi-
'nion, that *no more than one fee is exigible by the Professor of Logic*
'*and Metaphysics, for a complete course on these subjects;* and that Sir
'William Hamilton should be required to conform to this resolution.'

About ten days ago, the period for preparing the Programme of classes for the University returned; and notwithstanding all that had taken place, the Patrons found, to their surprise, that Sir William again intended to divide his lectures into two courses, although in a different way. Last year the courses were 'Logic' and 'Metaphysics.' What he now proposed was to divide his lectures into a 'First Class
'of Logic and Metaphysics,' and a 'Second Class of Logic and Me-
'taphysics.' The Council therefore felt it to be their duty, in the discharge of the trust reposed in them as Patrons of the University, to protect the public against what they considered an improper encrease in the fees of an important branch of education, and also to vindicate their own rights, as Patrons, to prevent the division of an existing class, or the institution of an additional class, without their
Sept. 24, 1839. sanction. Accordingly, on the 24th ultimo, they passed this resolution, which they communicated to the Senatus Academicus: 'The
'Magistrates and Council having had before them a copy of the pro-
'posed Programme of the classes of the University for the ensuing
'winter, are of opinion that the words "*Second Logic and Metaphy-*
'*sics* (*Friday, Nov.* 8), *Three o'Clock*," and the word "*First*," in
'the line immediately preceding, are, as stated in the Programme, at
'variance with the acts of Council and the rights of the Patrons, and
'accordingly direct the words above quoted to be deleted from the
'Programme, and the Programme to be printed and published as so
'amended.'

Had this resolution been complied with by the Senatus, all would have been well. But instead of this, intimation was given, that the preparation and publication of the Programme was the proper act of the Senatus alone, and that the Patrons had no right to interfere. No alternative, therefore, was left to the Patrons but to direct the Secretary of the University to prepare the Programme in conformity with the resolution of the Council, and to publish it as by their order and authority.

The Senatus protest against this step, 'because it supersedes an
'act of the Senatus, hitherto unchallenged; and because it expunges
'the announcement of an important course of lectures proposed to
'be delivered.'

The Committee beg leave to remark, that the preparation and publication of the Programme, the act referred to in this protest, has been by no means, as therein described, the unchallenged act of the Senatus. So far from this being the case, the Council, as Patrons, have frequently exercised the right of interference in this matter (supported by the Court of Session in a late decision), and in a special manner have they done this since the year 1832; for, on the appointment of a Secretary of the University, as a distinct officer from the Secretary of the Senatus Academicus, the Council passed various resolutions describing his province and duties; and '*among those du-* '*ties which the Patrons can more properly and imperatively assign to* '*the Secretary*, are the following:— Act of Council, 5th December 1832.

'1*st*, The Secretary will have the charge of the proceedings relative to the matriculation of Students, and the matriculation will take place in his office, upon a notification that the fee has been paid as formerly at the Library.

'2*d*, And, further, to relieve the Library department of duty not properly belonging to it, *the lists of the several classes will be handed over by the Professors to the Secretary*, and not to the Librarian as formerly.

'9*th*, *He will also have the charge of seeing the Programme of the classes properly adjusted and advertised.*

'Finally, the duties enumerated under these thirteen heads, with others that will arise from the time of an individual being so much devoted to it, having reference directly to the University at large, and to matters under the immediate control of the Patrons, *the Secretary will discharge them upon the instructions of the Magistrates and Town Council*, and under the appointment which he will receive from them.'

In these resolutions, the right of the Patrons to prepare and publish the Programme is distinctly asserted, and the principle, as well as the actual practice, of the interference complained of clearly established. From the date of his appointment, the Secretary of the University has uniformly subscribed his name to the Programme. It is very true, that the name of the Secretary to the Senatus has also appeared affixed to the Programme, together with the words, 'By order of the Senatus;' but such a circumstance only shows the extreme anxiety of the Patrons to avoid all *unnecessary* interference with the ordinary course of proceeding. In point of fact, however, the whole matter was under the charge of the Secretary of the University appointed by the Council, and not of the Secretary appointed by the Senatus.

The Committee will only further add, in reference to the latter part of the protest, that it is most unfair to confound the Act of Council

in striking out the announcement of a second class of Logic and Metaphysics, with a desire to obstruct the delivery of an important course of lectures. The importance of this course the Patrons have had no opportunity of ascertaining, no communication having been made to them on the subject, although the Council intimated, in the strongest terms, a considerable time ago, their willingness to give a favourable consideration to any proposal regarding it, made to them through the Senatus. The Patrons had certainly a right to expect that this offer would have been answered in a different way than by placing in the Programme, on the eve of the session, the announcement of this class, without any communication to the Patrons.

The course of lectures proposed to be delivered might or might not be important; but, in the circumstances of the case, it was impossible that the Patrons could permit its announcement. In the former session, Sir William Hamilton, instead of teaching Logic and Metaphysics, as had been done for thirty years, at one hour and for a single fee, had taught Logic at one hour and Metaphysics at another, and had charged a fee for each. He was repeatedly and expressly told that this would be disallowed; but he insisted that he was 'substantially right,' although he might have been 'formally 'wrong;' and proposed to call his two classes *Logic and Metaphysics, first and second.*

The Patrons do not consider that the mere alteration of the name makes any material difference in the case. They are anxious for the advancement of learning; but they are also desirous that it be not rendered unnecessarily burdensome to the public. They repeat, that every proposal transmitted through the Senatus will receive the most candid consideration; but they would not be doing their duty to the public were they to allow any Professor, on his own motion, to subdivide or multiply his classes, or to make unauthorized exactions on the time and money of the Students.

All which is reported by

JAMES STARK,

Convener of the Committee.

Edinburgh, 8th October 1839.

The Magistrates and Council approved of the foregoing Report, and of new remitted to the College Committee to forward the same to the members of Government and others.

JAMES FORREST, *Lord Provost.*