

REPORT
OF THE
Commissioners

Appointed to inquire into and report upon the matters referred to in a resolution of the Senate of the University of Toronto passed on the 20th day of January, 1905.

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO

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Commissions and COMMITTEES

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TORONTO.

To His Honour WILLIAM MORTIMER CLARK, &c., &c., &c.,

Lieutenant-Governor of the Province of Ontario:

The Commissioners appointed by your Honour by Royal Commission under the Great Seal of the Province, bearing date the 2nd day of February, 1905, to inquire into and report to your Honour upon the matters referred to in a resolution of the Senate of the University of Toronto, passed on the 20th day of January, 1905, in the following words:—

“That the President and Professor McLennan having brought to the attention of the Senate certain anonymous communications which have appeared in the public press reflecting on their conduct in connection with the awarding of the 1851 Exhibition Scholarships in the years 1900 and 1904, and in other matters, and having requested that an investigation be made into these charges: Be it resolved that a Committee be appointed to inquire into the said matters and to report thereon and that the Committee do consist of the Vice-Chancellor and four other members of the Senate to be nominated by him,”

have the honour to report as follows:—

The inquiry was opened on the 11th day of February, 1905, after notice of the meeting had been given to the President and Professor McLennan, and to the Editor of “Saturday Night,” in which newspaper the anonymous communications referred to in the resolution appeared, and after public notice in the newspapers of Toronto.

Counsel appeared on behalf of certain persons who had intimated to your Commissioners their desire to be heard, and also for the President and for Professor McLennan.

The taking of evidence and the argument of counsel were completed on the 15th day of April, 1905.

At the opening of the inquiry and before its close as well as during the progress of it, your Commissioners publicly intimated their willingness and desire to hear any one who deemed himself to be in a position to throw light upon the subject of the inquiry and who should desire to be heard.

I.

The only specific charges pressed upon the consideration of your Commissioners were those relating to the awards in the years 1900 and 1904 of what is known as the “1851 Exhibition Science Research Scholarship.” These scholarships of £150 a year tenable for two years are offered every second year by His Majesty’s Commissioners for the Exhibition of 1851, to students of science in the University who have indicated high promise of capacity for advancing science or its application by original research. Regulations governing the award of the scholarships were passed by the Commissioners for the Exhibition of 1851, in England and forwarded to the University of Toronto. It will be convenient to discuss separately the two awards which have been questioned, and to take up first the award of 1900, made to Mr. John Patterson.

Of the regulations governing the award, the only one which it is necessary to consider in connection with the award of 1900 is the eighth, which is as follows:—

“8. The candidate must indicate high promise of capacity for advancing Science or its application by original research. Evidence of this capacity is strictly required, this being the main qualification for a scholarship. The most suitable evidence is a satisfactory account of a research performed, and the Commissioners will decline to confirm the nomination of a candidate unless such account is furnished, or there is other equally distinct evidence that he possesses the required qualification.”

Upon receipt from the Commissioners of the Exhibition of 1851 of the offer of a scholarship to be competed for in the year 1892, the matter was considered by the University Council, on 29th September, 1890, and referred to a Committee who on 4th May, 1891, reported that “The scholarship shall be open only to Honour Candidates in Physics and Chemistry and shall be awarded to the candidate who sends in the best thesis on some branch of physical science. Such thesis must either furnish some evidence of originality or shew an intimate acquaintance with the present state of our knowledge with regard to such branch. Full references to the original papers must be furnished where necessary.”

This report was adopted and was referred to a Committee to be put in proper form for insertion in the University Calendar, and this regulation has ever since remained in force.

In each of the calendars since that date until that for 1904-5, notice of the scholarship has been inserted in the following form: “The 1851 Exhibition Science Scholarship of the value of £150 sterling given by the Commissioners for the International Exhibition of 1851, is awarded once in two years by the University Council for research in” (the subjects are, down to 1902-3, including that year, stated to be “Physics” or “Chemistry” and afterwards “Science.”) “Subject to satisfactory report as to the progress in study, it is ordinarily tenable for two years at home and abroad.”

In August, 1899, the Commissioners of the Exhibition of 1851 authorized the award of a Probationary Bursary, of the value of £70 in any year in which the University authorities were unable to recommend a candidate as fully qualified for a scholarship.

On 6th November, 1899, the University Council instructed the Registrar “to post a notice concerning the award of the 1851 Science Scholarship in 1900, and with it the regulations for the award of the scholarship or in lieu thereof the bursary offered when no candidate of sufficient merit presents himself for the scholarship.”

There is no evidence before your Commissioners as to what the notice so posted contained.

On 27th February, 1900, the University Council resolved: “That all theses in competition for the 1851 Science Scholarship should be handed in not later than Tuesday, March 20th,” and notice to that effect was posted on the bulletin board of the University.

In pursuance of this notice theses were handed in to the Registrar within the prescribed time by Messrs. Davidson, Good and Hogg.

Mr. J. W. McBean had intended to compete and to hand in a thesis, but had failed to complete it by the time fixed; he applied to the University Council at its meeting on 28th March, 1900, to extend the time for putting it in, but the Council decided that no extension of the time should be allowed.

Professor McLennan’s connection with the competition was detailed by him in his evidence to the following effect, and his statement is accepted by

your Commissioners as being correct: Towards the 20th March, 1900, Mr. Patterson spoke to him about the scholarship and expressed some regret that he had not a thesis on the work he had done in the autumn under Dr. Chant's direction, and also about the advisability of his applying for a bursary, which after some conversation he decided to do. At this time Professor McLennan had never read the Regulations of the Royal Commissioners governing the award of the scholarship, but shortly after his conversation with Mr. Patterson he read them over and came to the conclusion that according to them a thesis was not absolutely necessary. Upon reaching this conclusion, he tried to find Mr. Patterson to tell him of it, not being aware of the Regulation of the University Council which made a thesis essential. Failing to find him, Professor McLennan himself took a report which Mr. Patterson had left with him, of his laboratory work, to the Registrar and offered it with an application for the scholarship on Mr. Patterson's behalf. He did this because he thought he should have been familiar with the regulations and should have told Mr. Patterson when he spoke to him about the bursary that a thesis was not essential in an application for the scholarship. The Registrar, however, refused to receive the application, because the time fixed by the University Council for handing it in had by this time expired. Professor McLennan then informed Mr. Patterson of his view of the regulations and a letter from Mr. Patterson, of 27th March, 1900, was prepared by him after consultation with Professor McLennan, and delivered to the Registrar. In this letter, Mr. Patterson applied for a bursary in case his work should not be deemed sufficient for a scholarship; and accompanying the letter was an account of the experimental work upon which he had been engaged.

Speaking generally, your Commissioners are of opinion that it is quite proper for a Professor or instructor to encourage any student to become a candidate for any prize or scholarship; but it is inadvisable that any one who has actively promoted the candidature of a student should afterwards accept the position of a judge in the competition.

Mr. Patterson's letter was read at a meeting of the University Council on 28th March, 1900, being the same meeting at which the application of Mr. McBean above mentioned was submitted and refused.

At the same meeting, the President, Dr. Miller, Mr. McLennan and Dr. Kenrick were appointed a committee "to examine and report upon the theses submitted in competition for the Science Scholarship."

The members of this committee (other than the President, who took no part in its deliberations) considered the qualifications not only of Messrs. Davidson, Good and Hogg, who had handed in theses within the time fixed by the Council, but also those of Mr. McBean, who had handed in no thesis owing to the refusal of the council to permit him to hand one in after the time fixed, and of Mr. Patterson, who had after the time fixed handed in an account of his scientific investigations; and they unanimously recommended Mr. Patterson for the scholarship. Their recommendation was adopted by the University Council on the 19th April, 1900. No written report from the committee is in evidence, but the resolution of the Council is as follows:—

"The Council resolved to recommend to Her Majesty's Commissioners that the 1851 Science Scholarship of 1900 be awarded to Mr. John Patterson. This recommendation was based on the report of the members of the staff appointed to read the theses submitted."

The report here referred to is that made to the Council by Dr. Miller, Dr. Kenrick and Professor McLennan.

Your Commissioners are of opinion that under the circumstances the recommendation that the scholarship should be awarded to Mr. Patterson was irregular, and should not have been made.

The regulations passed by the University Council, supplementing those attached to the offer of the scholarship by the Royal Commissioners, prescribed a thesis as the basis of the award to be made, and the Council had fixed, and refused to extend, the date before which theses were to be handed in by students intending to compete. If no candidate had sent in a thesis in due time, or if all the candidates who did so were found unfit for the scholarship, it would no doubt have been competent to the Council to nominate some other student (if in the absence of a thesis there were other equally distinct evidence that he possessed the required qualifications.) But the evidence of Dr. Miller, Dr. Kenrick and Professor McLennan shews that the regulations passed by the University Council had been entirely lost sight of and that the scholarship was awarded to Mr. Patterson under the impression that the regulations sent out by the Royal Commissioners, which do not make a thesis imperative, were the only ones governing the Council in making the award. Considering, therefore, that a thesis was not essential, and that its late arrival or entire absence might be overlooked, notwithstanding the posted notice, and that other proofs of the qualifications of a candidate might be accepted in its stead, they selected, in good faith, the candidate whom they considered from their knowledge of his work, the best of the five before them, and treated his failure to comply with the notice calling for theses by a particular date as of no importance.

Although the President was a member of the University Council on 4th May, 1891, when the regulations in question were adopted, they were not present to his mind in 1900 when the recommendation was made. Professor McLennan had never been a member of the Council and is not shewn to have ever been aware of them. The same remark applies to Dr. Miller and Dr. Kenrick.

Your Commissioners are of opinion that it was competent to the University to make local regulations requiring candidates for the scholarship to submit a thesis within a given time. Having done so, and having posted a notice year by year of a given date for receiving the theses, it was unfair to recommend the award of the scholarship to a candidate not complying with such regulations when a candidate who had complied was deemed qualified on his merits to receive the award.

This being the case and the President and Professor McLennan being aware that the Council had notified intending candidates to hand in theses by a particular date, they must share in the responsibility of having treated the candidates who complied with this notice and those who did not do so as standing upon an equal footing.

After the announcement of the recommendation and after it had been despatched to the Royal Commissioners, a protest signed by thirty-six undergraduates, including the unsuccessful candidates, Messrs. Good, Hoop, Davidson and McBean, was made in writing to the council, in the following terms:—

TORONTO, 11th May, 1900.

“To the University Council,

“GENTLEMEN:—

“We beg to call your attention to the following statements which we believe to be true, in connection with the recent award of the 1851 Exhibition Science Scholarship to Mr. Patterson.

“1. A notice was posted on the bulletin board announcing that all theses had to be handed to the Registrar by the 20th of March.

"2. A draft of a thesis was handed to the Registrar by Mr. McBean on the 20th of March, with an application to the council to have the time for handing in the theses extended, but the extension was not granted.

"3. Mr. Patterson stated many times between Christmas and the 20th of March that he had no intention of competing for the scholarship.

"4. About the 20th of March Mr. Patterson was advised to prepare a report of his laboratory work, and acting upon this suggestion he prepared such report, and handed in an application (not to the Registrar) to be permitted to compete for the bursary in case the scholarship were not awarded.

"5. Unknown to Mr. Patterson, Mr. McLennan presented this laboratory report to the Registrar in competition for the scholarship, but the Registrar refused to accept it, on the ground that the competition had been definitely closed at the time of the meeting of the Council on the 20th of March, by the rejection of Mr. McBean's application for the extension of the time, and by the appointment of examiners for the theses submitted on the 20th of March.

"And whereas this has given rise to very unfavourable comment among the student body at large, and has already injured the departments concerned, both in the sympathy and practical support of the students:

"And whereas there has apparently been some irregularity in the granting of the scholarship.

"We, the undersigned, your petitioners, humbly pray that steps may be taken by you to remove from the minds of the students the suspicion that there has been unfairness in the matter."

A meeting of the Council was held on the 16th May, 1900, to consider the protest, at which Dr. Miller, Dr. Kenrick and Professor McLennan were present by invitation, the President being also present as a member of the Council.

The committee to whom the theses of the candidates had been referred at the meeting of the Council on the 28th March, 1900, that is to say, the President, Dr. Miller, Dr. Kenrick and Professor McLennan, were asked for an explanation of the statements made in the protest, and they appear, according to the evidence of Dr. Kenrick (the only witness who deals with this part of the case) to have made a verbal report to the Council of the circumstances under which they had decided to recommend Mr. Patterson. From their verbal statements, a written report was prepared in a rough form at the Council meeting, several members of the Council and Committee, including the President taking part in its preparation. The report so drawn up is as follows:—

"The Committee to select a nominee for the 1851 Exhibition Science Research Scholarship beg to report as follows on the petition of Mr. J. G. Davidson and others, dated May 11th, 1900:

"The statements of the petitioners that theses had to be handed in by the 20th March, and that Mr. McBean's application for an extension of the time was refused, are true. It is also the case that Mr. Patterson did not present a thesis in competition for the scholarship. He applied for the bursary which might be awarded in case no one was deemed fit for the scholarship. In this connection he sent in a report of work done by him in the laboratory during the winter.

"The Committee after full consideration of the theses and of the capacity for research exhibited by Messrs. Davidson, Good and Hogg unanimously concluded not to recommend any of them for the scholarship. The cases of Messrs. McBean and Patterson were then brought

before the Committee, although the Registrar informed the Committee that Mr. McBean had withdrawn his application in consequence of not being allowed an extension of time. The members of the Committee, who were familiar with Mr. McBean's work, were of the opinion that he was inferior to Mr. Good, and consequently refused to recommend him.

"In considering Mr. Patterson's application for a bursary, it appeared from the report of his laboratory work that he possessed those qualifications which the Royal Commission deem essential for a scholarship. These qualifications are set forth in Section 8 of their "General Regulations" as follows:—

"The candidate must indicate high promise of capacity for advancing Science or its applications by original research. Evidence of this capacity is strictly required, this being the main qualification for a scholarship. The most suitable evidence is a satisfactory account of a research already performed, and the Commissioners will decline to confirm the nomination of a candidate unless such an account is furnished, or there is other equally distinct evidence that he possesses the required qualification."

"It will be noted that in making nominations the Committee are not restricted to a consideration of the thesis presented but may nominate a student who has not sent in a formal thesis or made application either for a scholarship or bursary. The duty of the Committee is to select the student with the highest promise of capacity for advancing Science, or its applications, by original research. It was in accordance with this regulation that the Committee, instead of awarding the bursary for which he had applied, considered Mr. Patterson worthy of the scholarship, and they accordingly so reported to the Council. It will be seen from the above that in deciding the award of the scholarship the case of no candidate was prejudiced by failure to comply with the posted notice in respect of the date."

The language of this document does not convey a true impression of the real facts as given in evidence before your Commissioners by Dr. Miller, Dr. Kenrick and Professor McLennan; on the contrary it appears to your Commissioners and would naturally be understood by the students to mean that the qualifications of Messrs. Good, Hogg and Davidson were first considered and deemed insufficient before those of Messrs. McBean and Patterson were brought before the Committee.

The evidence of Dr. Miller, Dr. Kenrick and Professor McLennan shews that the claims of all five candidates were considered together and that Mr. Patterson was recommended for the scholarship because they thought him the best of the five.

Furthermore, the language used naturally though perhaps not necessarily leads to the conclusion that Mr. Patterson was the only candidate of the five who possessed the qualifications which the Royal Commissioners deemed essential to the scholarship, while the evidence before your Commissioners shews that this was not the case.

Although the President took part in the preparation of this document he was not personally aware of what had taken place in the Committee and his knowledge must necessarily have been derived from the statements of the other members of the Committee as he had taken no part in its deliberations.

Your Commissioners cannot find upon these facts any wilful misstatement by the President or Professor McLennan in the answer to the students' protest.

It cannot be assumed that Dr. Miller, Dr. Kenrick and Professor McLennan, all being present and able to explain to the Council the view of the regulations upon which they had acted in recommending Mr. Patterson, should have misstated in any way the actual order in which they had taken up the claims of the various candidates; they could have had no motive for doing so, for it is carefully pointed out in the reply to the students that under the only regulations by which the Committee imagined the competition was governed, a candidate who had handed in a thesis in due time was in no better position than a candidate who had handed in no thesis at all. Your Commissioners therefore conclude that the incorrect or ambiguous language of the reply to the students should rather be attributed to the error of the draftsman than to intentional misstatements by any member of the Committee.

Many of the circumstances which have led your Commissioners to this conclusion were, however, not known to the students to whom the answer was furnished, and your Commissioners are not surprised that they should have considered the explanation an unsatisfactory one.

II.

The award to Mr. E. F. Burton of the scholarship offered for competition in the year 1904, by His Majesty's Commissioners for the Exhibition of 1851, was attacked upon the ground that Mr. Burton was not eligible under the regulations prescribed by the Royal Commissioners, and that the award to him was brought about by misrepresentation on the part of the President and Professor McLennan.

The only one of the regulations necessary to be considered in connection with this award is the seventh, which is as follows:

"7. The candidate must have been for the last full year prior to the time of nomination a student of the institution by which he is nominated; or must have been a student of such institution for a full year ending within twelve months prior to the time of nomination; and since ceasing to be such student have been engaged solely in scientific study.

Mr. Burton had obtained the degree of B.A. in June, 1901, and since that date had been at first tutorial fellow in mathematics in the University of Toronto, and latterly down to the time of his nomination for the Exhibition of 1851 Scholarship, he had been assistant demonstrator in Physics, in the University at a salary varying from \$530 to \$870 per annum.

He was also entered upon the Register of the University from the year 1901 to the year 1904 as a graduate-student and engaged in the work required for the degree of Ph.D.

Mr. Burton handed in to the Registrar a thesis within due time, as did also Mr. J. W. McBain, B.A., Mr. R. E. DeLury, B.A., and Mr. E. Forster, B.A., and four undergraduates. The receipt of these theses was reported by the Registrar to the University Council at a meeting held on 4th April, 1904. The following is a copy of the minutes of this meeting, shewing the action taken:—

"Professor Lang and Dr. Miller questioned the eligibility of Mr. Burton for the scholarship. On motion of Dr. Miller, seconded by Professor Mackenzie, the Council agreed that the application from Mr. Burton be not accepted.

“On motion of Professor Lang, seconded by Professor Miller, it was agreed that Dr. Ellis should be one of the committee of award and that he should select his colleagues.

“In reply to an inquiry from Principal Galbraith it was decided that students from the School of Practical Science were eligible for the scholarship.

“On motion of Dr. Ellis, the Vice-President and Professor Baker were named as the additional members of the committee of award.”

On 5th April, 1904, the Registrar notified Mr. Burton that the council had decided that he was ineligible.

On 6th April, 1904, Mr. Burton addressed the following letter to the Registrar:

“TORONTO, April 6, 1904.

“MR. JAMES BREBNER, B.A.

Registrar, University of Toronto.

“DEAR MR. BREBNER,—I beg leave to acknowledge the receipt of your letter of the 5th instant, together with my thesis submitted to you for competition for the 1851 Science Scholarship.

“You can easily understand that, after my interviews with President Loudon and yourself in December, 1902, such action came as a great surprise to me. I wish, therefore, to state my case to the members of the Council in the hope that they will reconsider their former action.

“It is as follows: In December, 1902, I asked the Registrar if I were eligible to try for the said scholarship. He could not tell me, so I laid my case before the President, who promised to look into it. After some days Mr. Brebner suggested to me that a test case might be submitted to the Scholarship Commissioners. On seeing the President, after he looked into the papers bearing on the matter, he told me that it was not necessary to submit the test case as I was manifestly eligible for the scholarship. From that time to this, no objection has been made to my candidature by any one until the action of the Council. I have shaped my course in accordance with the above assurance from President Loudon, and am, therefore, greatly disappointed at the decision of the Council.

“I beg leave to ask that the matter may be reopened at a subsequent meeting of the Council when this statement may be laid before them.”

On 7th April, 1904, a special meeting of the Council was held. The minutes of this meeting shew the action taken, and are as follows:

“The Council was called together to consider a letter from Mr. E. F. Burton with regard to his eligibility as a candidate for the 1851 Scholarship. The President stated that he had informed Mr. Burton in 1902 that he would be eligible for the scholarship and stated the practice in McGill and Queen’s Universities. It was suggested by Dr. Ellis that there might be two recommendations to the scholarship if Mr. Burton’s thesis was considered worthy of the award. Professor Baker suggested that the matter be referred to the Commissioners by means of a cable message. It was moved by Dr. Reeve and seconded by the Vice-President and resolved that the Council reconsider the decision as to the eligibility of Mr. Burton for the scholarship. On motion of Chancellor Burwash, seconded by Professor Walker, it was resolved to submit Mr. Bur-

ton's thesis to the examiners subject to the decision of the Commissioners as to the eligibility of the candidate in such circumstances. On motion of Chancellor Burwash, seconded by Professor Wrong, the President, the Vice-President, and Chancellor Burwash were appointed a committee to submit the case to the Commissioners with a request for the decision by cable. On motion by Dr. A. B. Macallum, the President, Principal Galbraith and the heads of all the science departments were appointed a committee to draw up regulations with respect to the award of the scholarship, hereafter.

"Dr. Ellis desired to resign as one of the committee of award, but the council declined to grant his request."

The Committee appointed by the Council at this meeting thereupon on the 9th April, 1904, prepared and forwarded the following letter, signed by the President, to the Secretary of His Majesty's Commissioners for the Exhibition of 1851:—

"DEAR SIR:

"I write to you to obtain a decision of the Board of Commissioners with regard to the following case:

"One of the competitors for the 1851 Exhibition Scholarship here, graduated (Bachelor of Arts) in June, 1901, with honors in Mathematics, having taken previously Mathematics and Physics in which he obtained honor standing throughout his course. Since then he has been tutorial fellow in Mathematics in the University and latterly assistant demonstrator in Physics at a small salary. I may say that in December, 1902, this gentleman announced his intention of becoming a candidate for the 1851 Exhibition Scholarship to be awarded this year (1904) at the University of Toronto. He was at that time informed by me that he would be eligible and accordingly proceeded to engage in research work. The question has now been raised as to whether under the regulations of the Commissioners such a candidate is eligible, and the University Council, before deciding between this candidate and others, desires to have the decision of your board upon the question of his eligibility.

"As the time is too short to receive a written communication from you, I shall be obliged if you will cable me at the expense of the University."

On the 25th April, 1904, a meeting of the Council was held. The minutes of this meeting are as follows:—

"The President laid on the table a copy of the letter to Major-General Ellis with reference to Mr. Burton's eligibility and stated that he had received a cable to the effect that Mr. Burton was eligible.

"On motion of the Vice-President, seconded by Professor Baker, the following report from the Committee of Award was received:

"To the University Council:

"Report of the committee appointed to make a recommendation in connection with the 1851 Scholarship.

"1. Eight theses were submitted to the committee for examination.

"2. The subject matter of seven of these was chemical, of the eighth physical.

"3. The committee had no difficulty in arriving at the opinion that of the chemical theses submitted that by Mr. McBain is the best.

"4. The committee has, however, been unable to agree on a recommendation as between Mr. McBain and Mr. Burton, the author of the physical essay, owing to the difficulty experienced in estimating the relative merits of researches on such different subject matters.

"5. The decision is therefore left to the Council.

"6. The committee is of the opinion that the Council might adopt some local regulations which would facilitate the award of this scholarship in the future.

"It was suggested by Dr. Ellis that the members of the staff under whom Mr. Burton and Mr. McBain had worked be asked to appear before the council.

"The Council agreed to the suggestion and adjourned to meet on Thursday, April 28th, at one p.m."

The cable message laid on the table by the President at this meeting is as follows:—

"President University, Toronto. Scholar eligible Exhibition 1851."

A meeting of the Council was held on 28th April, 1904, the minutes of which are as follows:—

"As Dr. McLennan was present the Council asked Dr. Miller and Dr. McLennan to speak on behalf of Mr. McBain and Mr. Burton respectively. After both these gentlemen had been heard, on a division the scholarship was awarded to Mr. Burton."

Your Commissioners do not feel it necessary to determine whether upon the true construction of the regulations of the Royal Commissioners Mr. Burton was eligible or not, but think that at all events there is room for two opinions upon the question. The President in advising Mr. Burton beforehand that he was eligible for the scholarship acted not only upon his own view that the regulations should be so construed but also upon his knowledge of the fact that they had already been so construed in the case of a candidate from another University. Your Commissioners are unable to say that any fault can be found either with the President or Professor McLennan in connection with the award of this scholarship. The facts of the case were fairly laid before the Royal Commissioners in the letter which had been prepared by the committee appointed by the Council for the purpose, and the message cabled in reply was an absolute and unconditional decision that Mr. Burton was eligible for the scholarship upon the facts stated. On the strength of that decision, the Council were fully warranted in treating Mr. Burton as an eligible candidate.

A letter from the Secretary of the Royal Commissioners, dated 26th April, 1904, was received in due course and is as follows:—

"With reference to your letter to this office dated 9th instant and to the telegram I sent to you yesterday, I am directed to inform you that although it has been previously decided that a student who after graduation remains at his College as demonstrator remains eligible to a Science Research Scholarship it seems doubtful whether this construction of the rules should be applied after the lapse of twelve months from

the date of graduation. As, however, the candidate you refer to who graduated in 1901 was told that he remained eligible for the scholarship offered to the University in 1904, and proceeded to engage in research work accordingly, the Commissioners have decided to consider him eligible but they must not be taken to be laying down a general rule applicable to similar cases in the future."

This letter was not received until after the Council had acted upon the cable message above mentioned by recommending Mr. Burton, and their recommendation had been despatched to the Royal Commissioners.

The manner in which Professor McLennan advocated the merits of Mr. Burton as compared with those of Mr. McBain when he and Dr. Miller were requested by the Council at their meeting of 28th April, 1904, "to speak on behalf" of Mr. Burton and Mr. McBean respectively, has been made the subject of attack, and he has been accused of having dishonestly disparaged a portion of the thesis of Mr. McBain by a remark made in the course of the discussion.

The evidence satisfies your Commissioners that the matter referred to in the remark was of small importance and the incident does not call for further comment.

The suggestion that Mr. Burton was practically promised the award long before it was actually made was unsupported by any evidence, and it is in the opinion of your Commissioners entirely without foundation.

III.

Although the only specific charges pressed upon your Commissioners were those relating to the awards in the years 1900 and 1904, the inquiry was not confined to them. The general charges made against the President and Professor McLennan necessarily involved an investigation into the academic conduct and management of the University, and particularly of the Department of Physics, of which department the President is Senior Professor and Dr. McLennan is Associate Professor.

The general charges affecting the capacity, character and conduct of the President, your Commissioners find not to be supported by the evidence and to be unfounded. The evidence shews, however, that the Presidency is heavily weighted with a multiplicity of duties not necessarily attaching to the office and of such a nature as in the judgment of your Commissioners to interfere seriously with the general oversight and careful co-ordination which are necessary to efficient and harmonious working in any large institution.

Of the duties at present discharged by the President, as mentioned in the evidence, those which seem to belong more properly, though not all of them necessarily, to the office are the supervision of the teaching in all departments of the University; the conduct of examinations in all Faculties; the Chairmanship of the Educational Council; the Chairmanship of the University Council, of the Board of Arts Studies, of the Committee on Memorials and Petitions, of the Committee on Journals and Printing, of the Library Committee, and the Chairmanship or membership of many other committees of more or less importance: the conduct of a large correspondence; and the preparation of an Annual Report upon the progress and efficiency of the University.

Of the other duties with which, under the present arrangements and constitution the President is charged, but which seem naturally less closely connected with the Presidency, the most important are the following: As Head of the Department of Physics, the responsibility for that Department, with a certain amount of lecturing, devolves upon the President. As Vice-

Chairman of the Board of Trustees, it becomes his duty to examine in detail all the accounts of the University before countersigning cheques for payment, about five thousand accounts having to be dealt with in this way in a year. The President also has the general superintendence of the grounds and buildings, including that of all workmen employed on the premises. It also falls within his duties as Vice-Chairman of the Board of Trustees to prepare the Annual Estimates of Receipts and Expenditures for submission to the Board. The President has also charge of the University Press, and oversees the publication of the annual volumes of University Studies.

To this wide range of duties, with their multiplicity of detail, which has characterized the Presidency, and not to any incompetency or inefficiency in the President himself, must be attributed whatever dissatisfaction or lack of harmonious co-operation may have existed in the University in regard to the matters of which complaint has been made. As likely to afford at least partial remedy for the evils complained of, your Commissioners venture to make the following recommendations:—

First.—That the President be relieved of some of the duties which in their nature are less closely connected with his office and in particular (a) that he be relieved of the position of Professor of Physics and of so much committee work: (b) that the financial and other details of work at present falling within his duties as Vice-Chairman of the Board of Trustees, be transferred to some officer to be appointed for that purpose; and

Second.—That in respect of duties essential to his office, the President's hands be strengthened by a clear definition of his responsibilities and powers and by the increase thereof where necessary, and in particular (a) that provision be made for a larger measure of personal supervision of the various departments, with a view to promoting co-ordination and central control; and (b) that the President be charged with more direct responsibility, and allowed to exercise more real power, in respect of appointments, suspensions and dismissals, co-operating therein with the Board of Trustees and so removing this vital department of University administration as far as possible from political control.

In respect of the general charges affecting Professor McLennan, your Commissioners find that they were not supported by the evidence, and the conclusion which they have reached is that Professor McLennan is an able member of the staff, indefatigable in the performance of his duties and in promoting the interests of the University, and that there does not appear to be any ground for the accusation that his activity in these respects was attributable to any undue desire on his part for professional advancement or personal aggrandizement.

Your Commissioners have the honour to submit with this report a copy of the testimony taken before them and the exhibits therein referred to.

All of which is respectfully submitted.

(Signed) W. R. MEREDITH,
Chairman.

“ CHARLES MOSS,
“ W. P. R. STREET,
“ T. C. S. MACKLEM,
“ A. B. AYLESWORTH.

TORONTO, 16th May, 1905.

Lieutenant-Governor.



~~PROVINCE OF ONTARIO.~~

Edward the Seventh

~~Victoria~~

*by the Grace of God, of the United Kingdom
and of the Welsh Dominion before the late King
of Great Britain and Ireland, Queen, Defender of the
Faith, &c., &c., &c.*

Queen,

*To the Honourable Sir William Ralph Meredith,
Chancellor of the University of Toronto the Honourable
Charles Mackenzie - Chancellor of the said University,
the Honourable William Purvis Ruchport Street one of
our Justices of the High Court of Justice for Ontario
the Honourable Thomas Street Mackenzie Point of View
College and Allan Bristol Ashworth of the City
of Toronto in the County of York and Province of
Ontario Esquire of our Council for the said Province
of Ontario*

Our Commissioner *S* *in this behalf.*

GREETING:—

Attorney-General.

Whereas *in and by Chapter Seventeen
of the Revised Statutes of Our Pro-
vince of Ontario, entitled "An Act respecting
Inquiries concerning Public Matters," it is enacted*

*that whenever the Lieutenant Governor of Our said Province in
Council deems it expedient to cause inquiry to be made into and
concerning any matter connected with the good government of Our
said Province, or the conduct of any part of the public business thereof,
or the administration of Justice therein, and such inquiry is not regulated
by any special law, the Lieutenant Governor may, by the Commission
in the case, confer upon the Commissioners or persons by whom such
inquiry*

inquiry is to be conducted, the power of summoning before them any party or witnesses, and of requiring them to give evidence on oath, either in writing (or on solemn affirmation by them or parties entitled to appear in civil matters), and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine, and that the Commissioners shall then have the same power to enforce the attendance of such witnesses, and to compel them to give evidence and produce documents and things, as is vested in any Court in Great Britain, ~~and that no party or witness shall be compelled to answer any question or give evidence to which he might tender himself liable to criminal prosecution.~~

And whereas it has been made to appear to the Executive Government of Our said Province that *the Senate of the University of Toronto at a special meeting held on the twentieth day of January 1905 passed the following resolution (set out verbatim)* and it has been further made to appear that the officers *have been named*

And whereas the Lieutenant Governor of Our said Province of Ontario in Council deems it expedient that mention should be made into the *matters referred to in the said resolution*

Now Know Ye that We, having and upon our full trust and confidence in you the said

set out verbatim

do hereby, by and with the advice of Our Executive Council of Our said Province, appoint you the said

set out verbatim

to be Our Commissioner in this county

to inquire into and to report to Our said Lieutenant-Governor upon
*the matter referred to in the said
proclamation.*

Giving to you Our said Commissioners full power and authority to
summon before you any party or witnesses, and to require them, or them,
to give evidence in oral, or in writing (or in solemn affirmation
of such party or witnesses as, or are entitled to affirm in civil matters),
and to produce to you Our said Commissioners such documents and
things as you may deem requisite to the full investigation of the premises,
Together with all and every other power and authority in the said Act
mentioned and authorized to be by Us conferred on any Commissioners
appointed by authority or in pursuance thereof.

And We do require you Our said Commissioners forthwith after the
conclusion of such enquiry, to make full report to Our said Lieutenant
Governor touching the said investigation together with all or any
evidence taken by you concerning the same.

To have, hold and enjoy the said office and authority of Commissioners
for and during the pleasure of Our said Lieutenant-Governor.

In Testimony whereof, We have caused these Our Letters to be
made Patent and the Great Seal of Our said Province of
Ontario to be hereunto affixed.

Witness: The Senate

T. C. C. C. LIEUTENANT-GOVERNOR of Our said PROVINCE OF ONTARIO.

At Our Government House, in Our City of Toronto, in Our said
Province, this day of in the
year of Our Lord one thousand eight hundred and ninety
and in the year of Our Queen

By Command,

Secretary.

