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MEMORIAL

OF THE

TRUSTEES

OF THE

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UNIVERSITY OF MARYLAND,

TO THE

Legislature of Maryland.

Baltimore:

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1837.

*Dr. Duncanson
with the
of
S. S. Cote
15th Oct*

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N. H. SANDS & PIPSON

1887

MEMORIAL.

*To the Honorable the
General Assembly of Maryland:*

The Trustees of the University of Maryland have perceived, that a Bill was recently reported to the House of Delegates which proposes to constitute the Professors of the Medical Department of said University a part of the Board of Trustees thereof.

The Trustees in their last Annual Report to the General Assembly, furnished in obedience to law, took occasion to state, that they had been informed by the Medical Faculty of their intention to apply for a seat at the Board, and the Trustees likewise availed themselves of the opportunity therein to set forth, in brief terms, some of the considerations which actuated them in objecting to such a modification of the charter, as will give to the Medical Faculty a participation in the government of the Institution. The Trustees in presenting their customary Annual Report at the period required by law, stated therein, as was fit and proper, what they believed to be required for the interests of the Institution entrusted to their care, and they should have considered themselves derelict in duty, had they failed to express their opinions upon a subject of so much importance which they were informed would be brought before the attention of the Legislature.

Inasmuch as the government of the University of Maryland is organized like that of all other Universities, the controlling power being vested in a Board of Trustees composed of individuals free from the influence of personal interest, and therefore more likely to act for the general good: and as the difficulties into which this University had been thrown by its original Faculty government, had been surmounted by the prudent management of the Trustees, to whom the Legislature in their wisdom had subsequently confided the control of its affairs; it was difficult for the present Board to

surmise upon what show of propriety the Medical Faculty would base the application which we were informed they intended to make, for a participation in its government. Nor have we been able to find in their memorial to the Legislature, any just reason for a departure from that form of government, which long experience indicates as the only one competent to avoid the ill consequence growing out of personal interests, often conflicting, and resulting in harsh altercation, and distracted counsels. The Trustees however consider it their duty to remark upon some of the statements of that memorial :

Admitting the present prosperous condition of the University with regard to its pecuniary affairs, the Medical Faculty complain of a gradual diminution of its pupils, which they refer "either to inefficiency in the discharge of their own duties, or to misgovernment on the part of the Trustees." It would little comport, either with the official character of the Trustees, or with the desire they have to maintain the ability of the Medical Faculty, to institute a disparaging comparison between its present members and their predecessors : but when the legitimate government is impugned, either directly, or by implication, its functionaries cannot allow themselves to withhold a statement of the actual circumstances, that have tended to affect injuriously the interests of the Medical Department.

It will be recollected that about the year 1820, the University of Md. was strengthened by the appointment to one of its medical chairs of Professor Granville Sharp Pattison. That distinguished gentleman brought with him a reputation as a lecturer, which at once attracted to the halls of the University of Maryland, a great increase of pupils, and his unrivalled ability as a teacher of anatomy, soon arrested most of the students, who, until then, had uniformly passed on to the University of Pennsylvania. To his brilliant, and extensively known talents as a lecturer, the great and sudden accession of patronage to the University of Maryland, was generally and justly attributed. He continued to command large classes for five years, and until he resigned his chair to accept a more desirable appointment in the University of London. From the period of Professor Pattison's retiring, the class began to diminish until reduced to its present number, which has varied but little for eight years past. It must likewise be within the knowledge of most persons, that during the period of from twelve to fifteen years past, many new medical schools have gone into operation, competition being thus increased, the classes are diminished, State pride operating upon many students to withdraw them from other Institutions to patronise those within their own boundaries. Among those Institutions which have gone into operation during the above-mentioned period, and calculated to affect injuriously the classes

in the Medical department of the University of Maryland, it will be sufficient to mention the medical department of the University of Virginia, the Medical College of South Carolina, two Medical Institutions in Ohio, the Washington Medical College of Baltimore, and the Jefferson Medical College of Philadelphia; to the last of which Institutions we find Professor Pattison *now* attached, and drawing crowds of Medical Students, from those sections of country in particular which formerly supplied the classes of the University of Maryland.

The Board of Trustees fearing the effect of Professor Pattison's withdrawal from the Institution which had been confided to their government, were desirous to fill the vacancy occasioned by his resignation to the greatest advantage, and upon the nomination of the Faculty appointed Professor Nathan R. Smith, then of the Jefferson Medical School, and confided the Anatomical and Surgical departments to him in connection with Dr. Davidge. The Jefferson School from which Professor Smith came, grew in favor slowly compared with the unparalleled advances it has made since Professor Pattison has joined it; its class which had never reached 100 students previous to his appointment, having within the last three years, as we have learned, so increased as to be ~~nominal~~ 400. His presence, once gave great increase to the class of the University of Maryland, it is now productive of the same result in the Jefferson Medical College. Nor will such results appear surprising when the untiring exertions of that gentleman to elevate the Institution in which he may be a Professor, are considered. Animating his colleagues with his own zeal, no section of this country is left ignorant of their plans for the improvement of Medical education; and they can annually supply to all, and do furnish to most of the physicians, and students in the United States, and adjoining provinces, a Medical circular at once acceptable to the profession generally, and useful to their particular school.

All appointments to Professorships that have been made by the Trustees of the University of Maryland, and that have been accepted, with one exception, that of Professor Ducatel, have been made upon nominations from the Faculty of Physic.

Relying upon a general assertion of mis-government on the part of the Trustees, the Medical Faculty have specified but one instance in support of it, viz: "the adoption of the regulation by the Trustees, which required of the students to take the ticket of the Demonstrator of Anatomy, as a requisition for graduation," and which they say, is "altogether new in the schools of this country." If the Faculty mean by the "new"-ness of the regulation in the schools of this country, its *recent introduction*, the statement of the

*as is stated
above*

fact does not weigh against the propriety of the regulation, as these schools have only of late years become awakened to its necessity. If the *novelty* of a regulation is to be received as sufficient objection to its adoption, then is *improvement at an end*. But if it be intended to support the extract from a letter embodied in their memorial, which declares "that such regulation obtains in no other school in the United States," then we must be permitted to express our surprise at their want of information concerning the organization of other schools. In a recent publication "on the present state of Medicine in the United States, by Professor Dunglison of the Jefferson Medical College," and late of this school, will be found the following statement, "that by most of the Medical Institutions a year's attendance upon the Clinics is properly required: and by some the same length of attendance on practical Anatomy, in addition to the two courses delivered by the Professor of Anatomy, is held to be indispensable." This statement of Professor Dunglison accords with our previous knowledge of the fact, that in several of the Medical Institutions such a requisition does exist; in all of them Dissections are pursued, and in all of them Practical Anatomy, a knowledge of which is only to be obtained by Dissection, is held to be the basis of medical knowledge.

In the University of Edinburg, the Medical Athenæum of Europe, and well known as the School in which the founders of our Medical Institutions were educated, no one can obtain the degree of Doctor of Physic until he has attended one course of Dissections and one course of Anatomical Demonstrations; and to obtain the degree of Surgeon, he must have attended two courses of these (besides fulfilling the other requisitions of the University.) In the curriculum of medical studies of the University of London, *Practical Anatomy* (the same as Dissections and Demonstrations) is set forth with the other branches requisite to be studied in that University to obtain the Diploma of "Master in Medicine and Surgery." Similar requisitions exist elsewhere in Europe. But why seek authority to justify action, right in itself, and the result of necessity? If that action were an innovation upon custom, still, should the authorities of the University of Maryland hesitate to order what is evidently right? Will the State of Maryland declare to those to whom she has delegated her trusts, that they must always *follow* and never *lead*? By its own enactments the Legislature has proclaimed otherwise. By the 15th Section, Chap. 159 of session 1812, it is provided, that no student shall be admitted to the degree of Doctor of Medicine, except he shall have attended *each of the Lectures prescribed by the ordinances at least one term*. Upon the recommendation of the Medical Faculty, who considered the performance of such a duty calculated to pro-

mote the welfare of the school, and who thus thinking properly disregarded the consideration that no such precedent had been established by other institutions, the Board of Trustees *passed an ordinance, prescribing*, among other duties to be discharged by the dissector and demonstrator, *that of delivering Lectures upon Practical Anatomy*. The duty of lecturing being thus ordained by the Trustees, on the recommendation of the Faculty, the law came into operation and required the attendance of the student as a requisite for graduation, the wisdom of the Legislature thus providing at the same time against the wilful neglect of the student, and for the just remuneration of the officer discharging the duty. If the law had not thus required the attendance of the student, the Trustees admit that there are other considerations which would make it obviously proper. It is not denied that a minute and accurate knowledge of anatomy is indispensable to constitute a good Physician and Surgeon: it is universally admitted, as well by those who teach as by those who learn, that the book of nature, the subject itself, affords under the guidance of a competent Anatomical Dissector and Demonstrator, the most useful lessons, the firmest basis on which to erect the superstructure of medical knowledge; and it is equally conceded that such a course of instruction *should* be attended. In view of these facts, the act of 1825 supplementary to the act, founding the University, provides (among other officers) for the appointment of an Anatomical Dissector and Demonstrator, doubtless for the purpose of securing an efficient individual. The office being thus created, and the Trustees charged with the duty of filling it with a competent person for the faithful and skilful discharge of the arduous duties assigned to that office, the Trustees admit that they would not be able to appreciate the justice of that rule of action, which would provide remuneration for prescribed duty performed by one officer, and not for that executed by another.—The Trustees have deemed it their duty alike from policy and obedience to the law, to provide an Anatomical Dissector and Demonstrator of indisputable capacity, one admitted by the Faculty to be every way competent to impart the knowledge or science sought for; and if they had not made him, by the advice of the Faculty, a Lecturer, for the pay of whom the law provides, they would still have felt it a duty, to secure the assiduous, contended, and continuous performance of his numerous and arduous duties as Dissector and Demonstrator by a just provision for his remuneration: if they had not done this, the Trustees could only expect to engage in this toilsome department, the services of a succession of tyros to instruct novices.

The Trustees acknowledge that the objection on the part of the medical faculty to this act of their government, admitting as the faculty

do the necessity of the student being taught practical anatomy, was received with surprise, and that surprise has been heightened by their assertion, that it "has precipitated the decline of patronage;" of which we have already shown the incorrectness, and referred the result to other causes. If however "the greater expense of the course in the University of Maryland," has precipitated the result, as has been stated by the faculty, it seems strange that the faculty has not placed that increase of expense to the right account, for while the demonstrator of anatomy receives but a single fee of ten dollars from each student, the medical faculty are in the receipt of two fees of \$20 each from each student, although it must be obvious to all, that the labor performed by the demonstrator can scarcely be less than that performed by any one of the Professors.

The law of 1812 required of the student to attend each of the lectures prescribed by the ordinances of the university *at least once*, before he should be admitted to the degree of Doctor of Medicine. In 1833, the Trustees, in *compliance with the solicitation of the faculty of physic*, resolved that no student should be admitted to the degree of Doctor of Medicine, unless he had attended *two* full courses of lectures of the six Professors; at the same time they abolished one of the chairs by the advice of the faculty, who voluntarily and upon their own suggestion, taxed themselves with a per annum pension in consideration of the retiring of the Professor of that chair. Although these changes were made in the exercise of powers conferred by the legislature of Maryland upon the Trustees, they are yet required in candour to say, that at the time, they had doubts with regard to their policy, and probable advantage, nor would they have been instituted but for the urgent desire of the faculty of physic to that effect. We thus find that nearly simultaneous with that action of the Trustees relating to the demonstrator's department, an ordinance was passed at the request of the faculty, doubling the expense of the medical student, that is, he was required to attend each of the Professors *twice* instead of *once*, making a difference in the cost of medical education of \$120, in favor of the Professors and against the student. And yet you are strangely left to infer by a neglect to mention these facts, and indeed you are told by the positive declaration of the faculty of physic, that the required expense for the privilege of dissecting and demonstrations, and attending a course of lectures on practical anatomy, a privilege which all concede the students will have and must pay for somewhere, "has precipitated the decline of the class." Or to place the additional expense in an apposite relation with each other as controlling causes to influence the selection of the student in the choice of a school, you are asked to believe that the student *is regardless*

of the additional expense of \$120, but that he will not consent to pay by regulation \$10, which if left to his option, it is undeniable he will pay to some one.

The Trustees do not deem it necessary in this form to say more in defence of the propriety and justice of their action in relation to the Department of the Dissector and Demonstrator; except to state, that previous to the action complained of, the incumbent of that Department was required by ordinance passed at the instance of the Faculty themselves, to pay the one-seventh part of the current expenses of the school; nor would they have extended to such length their remarks upon this subject, but that the Faculty of Physic have singled it out as cause of special complaint. Disinterested as are the Board of Trustees, they have been governed in this matter by what they considered a due regard to the attainments of the graduates, the rights of the instructor, the interests of society, and the character and prosperity of the Institution entrusted by the State to their government. In concluding this part of the subject, the Trustees feel it due to themselves plainly to deny the statement made in the memorial of the Faculty, that they had failed to reply to the petitions thereon. After the most deliberate investigation of the whole ground of complaint, by a committee appointed for that purpose, who made an elaborate report thereon, (a copy of which was furnished to the Faculty) the Trustees were confirmed in their opinion of the correctness of their action, and this opinion was respectfully communicated as well to the Faculty, as to that portion of the students who thought with them.

In their annual report recently submitted to the Legislature, the Board of Trustees took occasion to mention some of the views which presented themselves in opposition to a participation by the Faculty in the government of the Medical Department. To that report the Trustees beg leave to invite the particular attention of the Legislature; it is not their present intention to repeat what is therein set forth. They will merely add, that should the Medical Faculty be allowed to participate in the general government of its department, beyond that regulation of its appropriate internal arrangements which they have always and exclusively exercised, that all the other Faculties of the University will have the same claim to participation in the government of their respective departments. This being granted, by a temporary unity of action among the individual members of each Faculty, and aided by but a small minority of the Board of Trustees, each Faculty, respectively, will be able to manage its own affairs in opposition to the views of a large majority of that Board, and the general controlling power will finally, if not immediately cease: then the officers who do not participate in the government will have no redress of grievances, inas-

much as there will be no impartial appellate tribunal; the conflicting interests of the different Faculties, and those which frequently exist among the individual members of each faculty, will come into unrestrained action, and a condition of things will arise similar to that which existed previous to the December session of 1825, when a portion of the Medical Faculty, that Faculty being then divided and each portion by turns constituting the government de facto of the University, declared that the institution was in a state of anarchy; and that the purposes of the Legislature in granting the charter were likely to be entirely subverted. These representations of the Faculty were fully corroborated by a report of the joint committee of the General Assembly, appointed to examine into the state and condition of the University, and made on the part of the Senate by Mr. Tilghman, and of the House of Delegates by Mr. Maxcy. From that report we beg leave to make the following extract. After setting forth at length the general organization and pecuniary condition of the University, the report proceeds to state, that although \$100,000 has been granted by the Legislature at various times, "None of the Faculties of the University has gone into full operation except the Faculty of Physic and the Faculty of Law: *That all the funds received under the authority of the State have been applied to the benefit and under the direction of the Faculty of Physic.* With respect to the charter, your committee are unanimously of opinion that it is radically defective, and requires fundamental alterations. It will be recollected that the regents are composed of the members of the four Faculties. This makes the body too numerous and unwieldy. In consequence of this, your committee found that although the University has been in operation for more than thirteen years, the regents had not had even one meeting a year, regularly, during that time.

"The charter provides that the regents shall make rules and regulations for the discipline of the University. This duty has been entirely neglected.

"The law granting a lottery for the benefit of the University requires, that the money arising from it, should be paid to the regents and expended under their direction. This has never been done, but with the exception of a very trifling sum, all the money has, from the neglect of the regents to act, gone immediately into the hands of the Medical Faculty, and has been expended entirely under their direction.

"The body of regents is too heterogeneous in its composition, and being made up in part of Professors, who have strong personal interests, often conflicting and opposed, will necessarily be distracted in its counsels and measures.

"After mature reflection upon the existing difficulties and their remedy, your committee have unanimously determined to recommend, that a supplement to the law establishing the University should be enacted, which shall abolish the Board of Regents, and also all the members of the different faculties except the Professors belonging to each, and to substitute in their place a Board of Trustees consisting of fifteen members, *none of whom shall be professors*, or have any personal interest to be affected. The Governor of this State for the time being to be President of the Board, which shall elect from their own body a Vice President. The Trustees to have the power of appointing the Provosts, Professors and Lecturers, and also the Dissector and Demonstrator of Anatomy, and the same to dismiss at pleasure.

"From conversations with the different members of the Board they found the opinion to be general, that a change is necessary.

"In conclusion your committee beg leave to recommend this Institution not merely as a medical school, but as an University, where all branches of learning may be taught, to the fostering care and patronage of the Legislature."

Such was the magnitude of the evil resulting from the original government, which, it is seen from the above report, resolved itself finally into one merely of the Medical Faculty, that we find the committee of the Legislature recommending an entire re-modelling of it. The Medical Faculty in their recent memorial admit the existence of "unhappy collisions in which the Faculty participated"—these however the Faculty state in their memorial "occurred in relation to fiscal affairs in regard to which they seek no power"—"only soliciting that their department may *continue to participate justly* in any pecuniary aid which the State may render to the University." True, the Medical Faculty did participate in unhappy collisions relating to fiscal affairs, applying as they did the entire munificent grants of the State to their own benefit, and refusing to account for their disbursements to the legitimate authorities of the University, the Regents, when called upon so to do. Thus the funds, until the accession of the present Government, were entirely diverted from the channel originally contemplated, none being appropriated by the Medical Faculty to the establishment of the other Departments of the University Scheme, which it was, and we presume, still is, the expectation of the Legislature to see in full operation: and if, according to the *same measure* of justice, "they *continue*," as they solicit in their memorial, to "participate *justly* in any pecuniary aid which the State may render to the University," there will be little reason for those, who desire to see more than a mere Medical Department, to expect a realization of their wishes.

But the "unhappy collisions" of the Medical Faculty, as must be known to a portion of them, turned *likewise on the regulations of*

the medical department, a division in their Counsels having been not uncommon, as well in relation to individual prerogative, as to particular faculty arrangements. The right of teaching private classes during the session was claimed, and contested, by different members of the Faculty at various periods, and with great warmth; and the appointment, assignment of duty, and allotment of privileges, to the then Demonstrator of Anatomy, Dr. Turnbull, were fruitful themes of dispute between the Faculty, the Professor of Anatomy, and the Professor of Surgery.

Hence it was, and in conformity with the views presented in the report which we have quoted, that the Legislature created the present Government of the University. Not contemplating the establishment of a mere isolated school of any one department of learning, not intending to restrict their action to the rearing, merely of a Medical College, but proposing a more becoming object for State enterprize by founding an University, complete in all its parts; and experiencing the evil of entrusting the fulfilment of their plan to those whose conflicting, and personal interests, might mar the general scheme, the Legislature, in their wisdom, determined to guard against a recurrence of the evil, by adopting that form of government which now prevails, and has been found to be productive, of the happiest results in all the universities of this country; a government, administered by a Board of Trustees, free from the influence of personal interest, and therefore looking to the promotion of the general good—removed from the operation of prejudice or partiality by official station, and therefore unbiassed in extending justice to all those employed in performing the detailed duties necessary to the fulfilment of the whole design.

The Trustees of the University of Maryland do not expect, more than those of other similar institutions to be exempt from complaints growing out of resentments, resulting from the just and necessary exercise of authority. The interests which have been confided to their keeping by the State, are of too important a nature for the Trustees to allow any default in the execution of duties assigned to their official agents. And if in the just discharge of their trust, they have occasionally been compelled to require a greater fidelity and attention, in the performance of duty from some of those agents, the necessity for such action may be regretted, but the fulfilment of duty should not be condemned.

In conclusion, the Trustees beg leave again to invite the attention of the Legislature to their last Annual Report, and likewise to the Report and accompanying documents submitted to the General Assembly by their Joint Committee on the University, at December session, 1825.

By an examination of these we feel assured, that such information will be obtained as cannot do other than convince the Legislature, of the too probable failure which is likely to attend their ori-

ginal design, of establishing an University complete in all its parts, by such a modification of its present government as has been solicited.

If, however, the Legislature are inclined to bestow any further consideration on the subject, or to pass any act with reference to the government of the University, the Trustees respectfully ask them first to inquire fully into the acts of the government which has been assailed ; and to that end they desire that a Committee be appointed.

Respectfully submitted,

By order of the Executive Committee,

NATHANIEL WILLIAMS,

Vice President Board of Trustees.

great danger of establishing an Executive Council in all its parts
 by such a modification of its present government as has been so-
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Respectfully submitted,

By order of the Executive Committee,

NATHANIEL WILLIAMS

First President Board of Trustees

REFERENCES.

1. Centre Building. **2.** Front Wings. **3.** Lateral Wings. **4.** Porticos. **5.** Solitaries. **6.** Wash and Store Rooms. **a.** Front Portico. **A.** Entrance. **B.** Hall. **C.** Parlours. **D.** Office. **E.** Dining Room. **G.** Patients Dining Rooms. **H.** Halls. **J.** Rooms for Patients. **K.** Attendants Rooms. **L.** Sink and Bath Rooms. **M.** Passages. **O.** Water Closets. **P.** Wash Room. **Q.** Store Room. **R.** Passage to Solitaries. **S.** Enclosed Area, 2200 square feet. **T.** Arched Passage Way. **U.** Proposed Chapel.

The Centre Building is four stories and a basement: the Wings are three stories and basements. The arrangement of rooms is alike in each.