

A HISTORY OF THE FINANCIAL ADMINISTRATION
OF THE UNIVERSITY OF MANITOBA 1877 - 1932

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ABSTRACT

This study of the administration of the University of Manitoba focuses on problems that arose due to efforts to maintain private control of a publicly funded institution. Leading members of Manitoba's professional, business and religious communities represented various interest groups on the governing body of the University. Conflict between these groups and over proposed formulas for extension of government control of the University resulted in the retention of a system of financial administration that was totally inadequate. This lax system ended in scandal in 1932: the discovery of a loss of almost one million dollars by the University.

The scope of this thesis encompasses three main problems. The history of the financial administration of the University of Manitoba was traced from University archives through its various phases before and after reorganization in 1917. I conclude that University leaders and the provincial government failed, for a number of reasons, to establish a sound system of financial administration for the growing institution until after 1932. Secondly, I have analyzed the story of the Machray defalcations and the findings of the Turgeon Commission. I argue that the provincial governments, the governing bodies of the University, and the community all shared responsibility for the negligence in providing safeguards for the assets of the University. Finally, this thesis provides additions to the existing historiography concerning

community leaders of early Winnipeg. It is my argument that the actions of John A. Machray, a highly respected member of the Winnipeg social elite, were not entirely an aberration from the norm: that, in fact, business leaders in the boom and bust era of early Winnipeg did adopt broad interpretations of business morality and legalities in order to survive the changing tides of fortune. This contention is supported on evidence of the unquestioned control and freedom allowed to Machray by his colleagues in the management of the University funds.

The first three chapters of the thesis deal with the financial administration of the University of Manitoba as it evolved from 1877 until financial disaster struck in 1932. The final two chapters present a financial analysis of the University trust funds and their progressive impairment until 1932. The nature and extent of the defalcations are considered along with the methods of embezzlement and their concealment. To conclude, there is an evaluation of the responsibilities, motives and attitudes of the people involved and of the social and political climate that provided the setting.

CHAPTER 1

ACQUISITION OF LAND GRANT 1877 - 1898

In 1877, the University of Manitoba was founded by legislation of the Province of Manitoba. Chiefly responsible for persuading the government to establish the University was Alexander Morris, Lieutenant-Governor of Manitoba from 1872 to 1877.¹ The purpose of the legislation was

to establish one University for the whole of Manitoba (on the model of the University of London) for the purpose of raising the standards of higher education in the Province, and of enabling all denominations and classes to obtain academical degrees.²

The University began as a non-teaching institution with functions limited to examining candidates and granting degrees. The unincorporated, denominational colleges provided instruction and would affiliate with the University in order to take advantage of its benefits.

Before 1877, the function of the colleges had been to prepare students for higher education at such universities as Cambridge and University of Toronto and to train young men in theology.³ The foundation of the University secured for the colleges the power to establish, with the consent of their church governments, faculties for conferring theological degrees and the opportunity to prepare their students

for the examinations leading to academic degrees provided by the University.⁴ The colleges did not have the power to confer degrees and St. John's College, in particular, had been trying in previous years to gain the right to confer degrees in theology.

Ontario had experienced a bitter struggle in its attempt to determine the role of government in higher education. Although government financial assistance was sought, and some sort of equitable distribution of provincial aid was demanded to establish institutions of higher learning, state control or interference was resented by the denominational colleges in Ontario. The University Act attempted to forestall such problems in Manitoba.

The legislation went through without any formal consultation with the colleges. This, and the prematurity of a provincial university in 1877, accounts in part for the lack of controversy and quiet passage of the Act.⁵ However, Morris engaged in informal discussions with the leaders and supporters of the colleges: Manitoba College (Presbyterian), St. John's College (Anglican), and St. Boniface College (Roman Catholic). The legislation was designed such that the Manitoba University was not to be involved in teaching and that the colleges were to retain their autonomy. This made it acceptable even to St. Boniface College.⁶ The colleges, in affiliation with the University, gained for their students the benefit of being able to obtain degrees without leaving the province. The colleges could also hope to share

in the future advancement of the University's growth and prestige.

The University of Manitoba was to be financed by fees, endowments, and a provincial grant not to exceed \$250. The Province of Manitoba was in a poor financial position to meet the needs of its rising population. By the terms of the Manitoba Act, and until 1930, public lands in Manitoba were under the jurisdiction of the Canadian Government.⁷ Sources of revenue were inadequate to provide the services, particularly educational services, that were the responsibility of the Province.

In 1872, the Dominion Government allocated a grant of land for educational purposes:

Sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be, and are hereby set apart as an endowment for purposes of education.⁸

In 1879, the terms of administration of the School Lands were established.⁹ The School Lands were to be administered by the Dominion Government. The Minister of the Interior was responsible for the sale of School Lands, the investment of the proceeds in Dominion securities, and the payment of the interest, less the cost of administration, derived from the investments to the provincial government. Although advances from this prospective income were made to the Province each year, sales of School Lands were delayed, and much remained unsold by the turn of the century. The administrators adopted a policy of withholding School Lands from sale

until a high price could be obtained for them. Although high prices were consistently paid for School Lands, the provincial government repeatedly expressed dissatisfaction with the system and emphasized the advantages of provincial control in order to meet the changing educational needs of the Province.¹⁰

In 1878, a special committee of the University Council suggested that application be made to the Dominion Government for a land grant. At that time, the University Council consisted of twenty-six members: seven members from each of the three colleges, three representatives of "Convocation" or the graduates, and one representative each from the Roman Catholic and the Protestant sections of the Provincial Board of Education. The Chancellor was Bishop Machray, the Vice-Chancellor was Hon. Joseph Royal, and the Registrar was Major E. W. Jarvis, who had worked on the survey of the route of the Canadian Pacific Railway under Sanford Fleming.

The internal workings of the University administration in these days cannot be clearly determined because in 1898 a fire destroyed the McIntyre Block and the University records housed in that building. The Minutes of the University Council previous to 1884 were lost in the fire.

On February 20th, 1880 the University Council forwarded a petition requesting a land grant to the Dominion Lands Branch, Ottawa.¹¹ As a result of continued pressure from the University Council upon federal representatives, the Manitoba University Land Grant was proposed by an Order-in-

Council on May 20th, 1884. It was confirmed as part of the "Better Terms Act" of 1885 which was designed by the federal government to settle Manitoba's claims in regard to control of its public lands. The statutory grant to the University was to be:

An allotment of land not exceeding one hundred and fifty thousand acres of fair average quality shall be selected by the Dominion Government and granted as an endowment to the University of Manitoba for its maintenance as a University capable of giving proper training in the higher branches of education and to be held in trust for that purpose upon some basis or scheme to be framed by the University and approved by the Government.¹²

In contrast to the School Lands endowment which was administered by the Dominion Government, the University of Manitoba was to be charged with the task of controlling its own land grant, upon a basis approved by the government.

On September 3rd, 1885, the University Council appointed a Land Committee to meet the terms of the statute in order to obtain the Land Grant. This committee was composed of Bishop Robert Machray, Hon. Joseph Royal, Archbishop Alexandre Taché, and Dr. King of Manitoba College.¹³ On January 14th, 1887, the members of the Land Committee reported that they had devised a scheme for administering the lands as required by the statute. On June 15th, 1887, the Dominion Government approved the University scheme. (See Appendix I.)¹⁴ The scheme provided that the University would be responsible for the keeping of complete records of all lands provided by the grant. The University would have control over land sales and rentals and over the disburse-

ment or investment of all proceeds or income realized from these lands. However, from the time that the Land Grant was proposed until 1888, the University Council hoped to have the endowment commuted to a money grant in lieu of land.¹⁵ At that time, land generally was valued at one dollar per acre, and the total grant was considered to be worth \$150,000. The new University was not anxious to tackle the task of administering large holdings of public lands.

When no commutation was forthcoming, the University decided to take on the responsibility and expense of selecting the lands as well as their administration. Because of the careful selection process employed by the University, the lands eventually obtained were better than average quality, better in quality than the Act actually provided.¹⁶ However, contributions from revenue of this land endowment to the expenditures of the University were to be delayed for several more years.

In 1883, the University received a large bequest, the Isbister Trust. According to his will, Dr. A. K. Isbister intended this trust to provide

a general scholarship or prize fund for the encouragement of meritorious students and scholars in the various places of education in the Province for both sexes, from the Common School to the Colleges and Institutions and Private Schools, where the highest education is given, without any distinction of race, creed, language or nationality. In the lower schools this encouragement may take the form of prizes, and in the higher schools that of scholarships, of sufficient value to maintain or help to maintain, the holder at a College or University, either in Canada, Great Britain, or elsewhere, and I leave the Governing Body of the

Manitoba University free to carry out the objects of the trusts now confided to them in the manner which to them may seem best.¹⁷

These terms of Dr. Isbister's will were to cause contention among members of the governing body of the Manitoba University. While he did state that the University Council was to have a free hand in administering the trust fund, Isbister also clearly indicated his intention to provide assistance or encouragement to students for continuing their education.

Alexander Kennedy Isbister was born and raised in the Northwest and received his early education at St. John's School in Red River.¹⁸ He had continued his scholastic career in Britain, but maintained his interest in the Canadian West.

Dr. Isbister left annuities to his two sisters and the balance of his estate to the University of Manitoba. Converted to cash, this amounted to \$83,215.57. During the lifetime of the annuitants, the estate remained in the hands of the executors in England. Local solicitors for the executors were the Winnipeg law firm of Archibald and Howell, later to become Archibald, Machray and Sharpe. The University persuaded the executors to allow the funds of the estate to be invested in Manitoba. In return, the University increased the value of the annuity to Dr. Isbister's beneficiaries.

Until the death of the last beneficiary in 1901, the investment of the Isbister Funds was administered by six trustees, three chosen by the University and three by the

executors. The firm of Archibald and Howell acted as investment agents for this trust committee and an employee of the firm, R. H. Shanks, acted as secretary.¹⁹ In 1888, Mr. Heber Archibald, of the firm of Archibald and Howell, became a member of the University Council, representing St. John's College.²⁰ The Isbister Trust was gradually increased through transfers of revenue to the capital account. Heber Archibald had considerable control over the management of the trust funds through his firm and through his connection with the University. However, there was no hint of suspicion or any evidence that the Isbister Trust was misused during this time.

The financial resources of the University were so inadequate that, until 1884, the examiners were not paid.²¹ In that year, the Board of Studies proposed a scale of payment for examiners that varied according to subject. In 1885, the number of graduates of the University increased from eighteen to twenty-nine,²² and the sum required to pay examiners jumped accordingly. The Board of Studies, which was appointed by the colleges and the University Council to consider all academic matters, then proposed to Council that the University should draw on the revenue of the Isbister Trust Fund to assist in the payment of examiners.²³ The Council adopted this practice on the rationalization that payment of examiners constituted an expense in connection with the administration of the Trust Fund because scholarships were awarded on the basis of examinations.

This practice was criticized, among other things connected with the administration of the Isbister Trust, by Chief Justice Taylor in 1891. He argued that, according to his will, Dr. Isbister wished to assist students in the continuation of their education, not to reward them on its completion. As a result of this criticism, the granting of Isbister Scholarships to graduating students was stopped in 1893 in accordance with the intent of the endowment. However, the practice of drawing on the revenue of the Trust Fund to help pay University expenses in connection with examinations continued. The terms of the trust clearly allowed the University complete freedom in the management of the fund.

Financing to meet University expenses was assisted, then, by the revenue of the Isbister Trust. The Province, as well, gradually increased its annual grant to the University. (See Appendix VIII.) The grant was increased to \$500 in 1882 - 1883, to \$1,000 in 1885 - 1886, to \$2,000 in 1887 - 1888.²⁴ In addition, receipts from marriage licences were assigned to the University from 1884 to 1889. Each college received the amount paid by members of the religious denomination to which they belonged. All other marriage licence fees were divided equally among the colleges.²⁵

The number of students being examined by the University rapidly grew and, in 1888, there were sixty-seven graduates.²⁶ Increased funding was going to be necessary to meet the expected expansion of the University. Representatives of

Manitoba College, St. John's College, and the Protestant community wanted the University to begin teaching and develop on the same lines as the University of Toronto. The University looked even more expectantly to the Dominion land grant to finance these increasing demands.

After the completion of the transcontinental Canadian Pacific Railway, and as railway lines extended throughout southern Manitoba, the population of the province rose very quickly. The population grew from 62,260 in 1881 to 152,506 in 1891.²⁷ Immigrants to Manitoba until the late 1880s were predominantly from Ontario and they brought their ideas about education with them.

On September 6th, 1888, the University Council, on a motion by J. A. M. Aikins, seconded by F. C. Wade, appointed a Land Committee:

to take immediate steps to have the lands provided for in the University Grant selected and conveyed to the University and to report to the Council any proposition the Government may make to commute for a money grant in lieu of land.²⁸

Until this time, only 14,000 acres had been selected for the University Land Grant.²⁹ This Land Committee consisted of the following members:

Bishop Robert Machray, Chancellor
Hon. Joseph Royal, Vice-Chancellor
T. A. Bernier (Registrar)
Rev. Dr. King (Manitoba College)
Hon. Chief Justice Taylor (Manitoba College)
Rev. Father Lory (St. Boniface College)
Rev. Dean Grisdale (St. John's College)
Canon O'Meara (St. John's College)
H. Archibald, (St. John's College)
Dr. Jones (Medical College)
Dr. Chown (Convocation)
W. R. Muloch (Convocation)

In December, after Wesley College had affiliated with the University, two of its representatives on the University Council, J. H. Ashdown and R. R. Cochrane, were added to the Land Committee.³⁰

Matters concerning the Land Grant were handled as they arose by a sub-committee appointed by the Land Committee. The sub-committee was composed of the following members: J. A. M. Aikins, W. R. Muloch, J. H. Ashdown, H. Archibald, and F. C. Wade, Secretary. The sub-committee frequently met in Mr. Wade's office in the McIntyre Block. The progress of the work was reported to full meetings of the Land Committee.

James Albert Manning (J. A. M.) Aikins (1851 - 1929) was a son of James Cox Aikins, Lieutenant-Governor of Manitoba from 1882 to 1888. A lawyer from Ontario, he was called to the Manitoba Bar in 1879 and appointed Queen's Counsel in 1884. He acted as counsel for the Canadian Pacific Railway, western region, from 1881 to 1911, and for the Department of Justice from 1879 to 1896. He was to become the first president of the Canadian Bar Association, 1914 to 1927, and Lieutenant-Governor of Manitoba, 1916 to 1926. He was knighted in 1914. His interests were extensive in the Winnipeg community. He served as: founder and first president of the Winnipeg YMCA, honorary colonel of the 90th Winnipeg Rifles, chairman of Wesley College, and head of the Manitoba Conservative Party.³¹ His brother, John Somerset Aikins, had extensive interests in private sales of Manitoba farmlands. J. S. Aikins was a partner in

the Winnipeg firm of Aikins and Pepler, real estate agents and financial agents. In 1901, Aikins and Pepler listed for sale 350,000 acres in southwestern Manitoba. Most of these lands had been originally sold by Dominion Lands agents or granted as free homesteads.³² J. A. M. Aikins became a member of the University Council in 1885 and served as an auditor to the University from that time until 1889 when he was appointed honorary Bursar.

William Redford Muloch, K. C. and Isaac Pitblado were elected to the University Council as representatives of the graduates in 1888. They replaced J. A. M. Aikins and J. E. P. Prendergast as University auditors. W. R. Muloch came to Winnipeg from Ontario in 1882 and established the law firm of Muloch, Armstrong and Lindsay. An Anglican, he was the son of Rev. Canon Muloch of St. George's Cathedral, Kingston and became a prominent member of Winnipeg society.³³ He served as a member of the University Finance Committee as well as the Land Committee.

James Henry Ashdown, the prominent Winnipeg businessman, came to Manitoba in 1868. He was very active in the affairs of the city. He served as an alderman, President of the Board of Trade, member of the school board, governor of the City Hospital, President of the Children's Aid Society, and Mayor of Winnipeg 1906 - 1907. He was a director of the Northern Crown Bank in Winnipeg, a director of the Winnipeg Mining and Development Company, and president of J. H. Ashdown Hardware.³⁴ He was a governor and founder of Wesley

College; and he was appointed to the University Council in 1888 as a representative of the College.

Frederick Coate Wade (1860 - 1924) was a lawyer from Ontario who was called to the Manitoba Bar in 1886 and appointed King's Counsel in 1902. He moved to Dawson City in 1897 to serve as advisor to the Yukon Council 1897 to 1901. In June 1903, he was one of the British counsel on the Alaska Boundary Commission.³⁵ During his years in Winnipeg, he was a member of the City School Board and the Provincial Board of Education. He was first president of a young Liberals Association. He wrote editorials for the Manitoba Free Press, and a number of pamphlets.³⁶ In 1888, F. C. Wade became a member of the University Council representing the graduates.

F. C. Wade published a pamphlet in 1895 on "The Manitoba School Question". This pamphlet argued most bitterly against the French Roman Catholic system of education. He viciously attacked, with no sources cited for his information and examples, the examinations and teaching methods of the Catholic schools. He alleged that illiteracy was notoriously high in Roman Catholic communities, as was criminal behaviour and immorality.³⁷ He asserted

What with priests, ecclesiastics, and sisters of charity certificated by the late Archbishop after some alleged but mysterious private examination, with priests for inspectors, crucifixes in the schools, and dogma injected into almost every subject on the programme of studies³⁸

that the pupils received religious instruction, but instruction in little else. One of the essential problems, accord-

ing to Wade, was that French culture was being transmitted and developed rather than British.

Public opinion of the English and Protestant majority in Manitoba had become increasingly intolerant of the dual, denominational school system. In 1890, the Manitoba School Act was passed by the Legislature. It was very similar to the School Act in effect in Ontario and provided that only non-denominational, public schools would be funded by the province. The passage of this Act led to the ongoing controversy, raised to the national level, over the rights of the French Catholic minority in Manitoba. The same intolerance of denominational control of education led to a rising public opinion in Manitoba opposed to control of the University by the colleges and in favour of state control and instruction being offered by the University.

By the late 1880s, a majority faction of the University Council became increasingly determined to acquire the land grant in order to finance the University as a teaching institution. On December 6th, 1888, the sub-committee reported to the University Council on the lands that were available for selection as the Land Grant.³⁹ A resolution was passed authorizing the Land Committee to spend University funds for examination, selection, and transfer of lands. On January 4th, 1889, the Land Committee resolved that payments for the above be made on order of two members of the sub-committee, by the Bursar, who was at that time Duncan MacArthur, followed in June, 1889 by J. A. M. Aikins.

On January 15th, 1889, J. A. M. Aikins and F. C. Wade met with Mr. Doupe, the Provincial Land Surveyor, to discuss the work of examining and reporting on the lands that were offered for selection by the Dominion Government. On the 16th and 17th, the sub-committee met to allot the work of inspecting lands available in various districts to land examiners. Lands were to be selected on the basis of their inspection reports. In the Turtle Mountain district, the most southerly region of central, western Manitoba, A. H. Carroll was appointed to investigate some 35,840 acres of available land. In the Little Saskatchewan district, to the south of Riding Mountain, 50,000 acres were to be examined by J. McLaren. McLaren was also assigned to the lands in the Souris district, south of Brandon and east of range nineteen. There were 120,980 acres in the southwestern corner of Manitoba, the "Souris district", available for selection by the University. The region to the west of range nineteen was to be inspected by the firm of Doupe and Son. Doupe and Son were also to examine some 75,000 to 100,000 acres in the Birtle district, along the Saskatchewan border and north of the C. P. R. mainline. The sub-committee also discussed the need to hire an official to manage the work.

The Land Committee met on the 21st and resolved to hire a competent official, at a salary of \$75 per month, to manage the land selection work. On the 24th, the sub-committee noted that F. C. Wade was to take this position. On February 21st, 1889, the University Council requested finan-

cial assistance from the provincial government for the work of selecting the lands. The Province provided \$4,000 for this project.⁴⁴

By April 17th, 1889, 755 quarter sections had been examined, of which only 189 were accepted.⁴⁵ Eighty-four quarter sections had been rejected by consulting township maps; thirty-nine had been rejected by the land examiners on information received; 172 were examined but not considered worth a full report, and full reports on the remaining 460 quarter sections were received by the sub-committee. The value of nearly all the lands selected was reported to be over \$2.50 per acre, well above the value of "fair to average" lands. F. C. Wade, in a report to the Land Committee, argued that

The wisdom of the university superintending the selection of its lands was already made manifest. Had the lands been accepted without examination, a very large portion of the endowment would have been made up of sand lots, swamps, and muskeg.⁴⁶

The work of selecting the lands was not to be completed until July of 1891. (See Appendix IV.)

In March 1889, the sub-committee noted that Doupe and Son were unable to conduct all of the land examinations allotted to them. Mr. J. S. Walden was appointed to examine the lands in the Souris district west of range nineteen.⁴⁷

By February 1st, 1890, 149,204.87 acres of land had been selected by the Land Committee. In addition, the Committee had selected 11,880 acres that had been subsequently withdrawn by the Land Department because they had been of-

ferred inadvertently. On April 22nd, 1890, the sub-committee reported to the Land Committee that another 34,514.51 acres had been withdrawn by the Land Department in townships five through eight in range twenty-eight west and townships one through nine in range twenty-seven west.⁴⁸ The letter from the Commissioner of Dominion Lands gave the reason that land was to be selected from only three sections in any one township. This decision was received with much concern by the Land Committee as it meant the loss of a great deal of effort put into selecting these lands. J. A. M. Aikins, Dean Grisdale, and F. C. Wade were asked to write to Manitoba members of Parliament and senators requesting them to bring pressure to bear on the Department to accept sufficient lands to complete the selection for the Land Grant.

On June 6th, the Secretary of the Department of the Interior reaffirmed the position that the disputed lands were unacceptable to the Department and that 35,305.19 acres were yet to be selected.⁴⁹ On August 7th, the Land Committee received the resignations of J. A. M. Aikins, W. R. Muloch, and H. Archibald. They were temporarily replaced on the sub-committee by Dr. King, Professor Cochrane, and Dr. Jones.⁵⁰

F. C. Wade, left on his own with the sub-committee work, continued the battle with Ottawa. On September 22nd, he received a telegram from the Department offering 35,000 acres for selection in the Deloraine and Birtle areas. He was able to call Dr. Jones to join him in a sub-committee meeting to consider applications of prospective land examiners.

However, he and Dr. Jones had difficulty in reaching an agreement concerning the candidates for the job. Finally, on October 3rd, George J. Cox was contracted to examine the offered lands.⁵¹ On September 20th, F. C. Wade reported to a sub-committee meeting of himself and Dr. Cochrane on a meeting with A. W. Ross, W. B. Scarth, M. P. P. and Land Commissioner Smith to complete arrangements to obtain the balance of the Land Grant at once.⁵²

At a meeting of the Land Committee on December 17th, J. A. M. Aikins and H. Archibald resumed their positions on the sub-committee. J. H. Ashdown was also notified of subsequent sub-committee meetings.⁵³ The work of selecting the lands went on as before and was finally completed in July 1891. A compromise must have been reached with the Commissioner of Dominion Lands because his attempted imposition of a ceiling of three sections per township was not met in some cases. Eleven percent of the land selected in western Manitoba was within sixteen townships at a density of more than three sections per township. The final report of the sub-committee to select lands was made to the Land Committee on September 3rd, 1891. (See Appendix IV.)

Over seventy percent of the lands selected were located in western Manitoba. Most of these were along the Saskatchewan border where the density of University lands was greatest. In all other regions, the distribution pattern was very scattered because the quarter-sections selected were limited to less than three, usually no more than two, sec-

tions per township. (See Appendix II.)

On May 17th, 1889, the Land Committee had delegated to the sub-committee the power to lease lands, sell wood, and to grant permits for cutting wood and hay.⁵⁴ The small amount of revenue realized in these ways was applied to the expenses of the sub-committee. However, while waiting for the transfer of the lands to the University, no provision was made to allow the University to use and manage these lands. The Land Committee met in 1895 and decided to apply to the Dominion Government for the revenue from hay and wood permits realized since March 8th, 1892, and for the rights of management of the lands pending the issue of the Letters Patent.⁵⁵

As the land selection work proceeded, lists of selected lands were sent to the Dominion Lands Commissioner who was to arrange for their transfer to the University. In November 1889, the Department of the Interior submitted to the University a draft form of patent to be used in conveying title of the lands selected. It contained a clause that provided that all unsold lands and all funds of the land grant would revert to the Dominion Government "if at any time hereafter the said University shall cease to be constituted as provided by its present Act of Incorporation, chapter sixty-three of the Consolidated Statutes of Manitoba".⁵⁶ This clause was unacceptable to the Land Committee.

Controversy had arisen within the University Council over the advisability of the University becoming a teaching

institution. The representatives of St. Boniface College opposed teaching by the University and argued that the plan violated the Act of 1877. They feared that the rights and autonomy of the denominational colleges would be threatened. Public prejudice against denominational control of education had put an end to the Catholic School system in Manitoba. The restrictive clause would complicate the situation and could lead to forfeiture of the Land Grant when the University began teaching as the Protestant Council members of the University resolved it would do. The Council demanded that the Letters Patent should not contain any restrictive conditions.⁵⁷ The Dominion Government refused to remove the restrictive clause until 1897. The federal government was under pressure from Archbishop Taché, and his successor, Langevin, and Manitobans who were concerned about the educational rights of Roman Catholics in Manitoba in consideration of the problems caused by the Manitoba School Act of 1890. No action was taken until the Liberals under Laurier took power in Ottawa.

In 1892, the provincial government amended the University Act to permit the University to teach.⁵⁸ In 1897, the Province agreed to lend the University \$60,000 as a building fund on the security of the outstanding Land Grant. Renewed efforts by the University Council to urge the Dominion Government to issue the patents on the lands finally produced results. In May 1898, Letters Patent, without the offending clause and for almost the entire grant, were issued by the

Dominion Government in a form approved by the University Council.⁵⁹ (See Appendix V.)

The University of Manitoba entered the twentieth century on the tide of Manitoba's "great boom" in prosperity and growth. The University fathers looked forward to its expansion as a teaching institution now that the legal restrictions had been removed and the controversy over public education was settled for the time being. The Land Grant was expected to provide the funds necessary to build a prestigious, provincial University on the model of the University of Toronto, a University in which Manitoba of the new century could take great pride. This confidence in an untroubled future of rapid growth was to prove too optimistic.

CHAPTER 2

EXPANSION OF THE UNIVERSITY 1899 - 1915

In 1899, members of the University Council and of the Manitoba government met at the offices of the Provincial Treasurer in order to plan a joint administration of the Dominion Land Grant.¹ The \$60,000 building loan and the provincial financing of the selection of the lands were the basis of the Province's interest in the administration of the grant. However, this interest in University administration was to be short-lived.

The turn of the century brought a new era in University financing and administration. The Isbister Trust came under full control by the University in 1900. The first University building, to house the Faculty of Science on the Broadway site, was opened in 1900. The large Dominion Land Grant to the University suddenly seemed more valuable at the time of massive immigration and an expected boom in land sales. The growing functions and wealth of the University raised questions concerning its future organization and autonomy.

The Greenway government, although reluctant to arouse the hostility of members of the University Council, was prepared to bring the University under direct government con-

trol, especially if larger provincial grants were to be provided to the growing institution.² However, after 1900, the Roblin Conservative Government avoided taking a clear stand on the controversial issue: to move towards secular or to maintain denominational control over higher education in Manitoba. The new government was equally reluctant to divert the power to direct University affairs to the provincial government from the highly esteemed gentlemen who had volunteered their efforts to the work of the University Council in the past.

On March 10th, 1899, members of the University Council: Canon S. P. Matheson of St. John's College, Alexander Dawson of Manitoba College, and Isaac Pitblado met with the Honourable C. J. Mickle and the Provincial Treasurer, Colonel D. H. McMillan. Rules were established concerning timber permits, land sales, and control of the funds realized from the sale. A Mr. W. W. Cory was appointed Secretary of the new "Land Board". An accountant, W. N. Fairbanks, was to be hired to open a set of books for the Land Board under the supervision of the Provincial Lands Department.³ The establishment of the Land Board was confirmed by provincial legislation in 1900.⁴

The Land Board was to consist of three members of the University Council and two members of the Government (see Appendix VI and VII).⁵ In 1904, the statute creating the Land Board was amended so as no longer to include appointees of the Government. Repayment of the mortgage to the Province

was nearing completion. It was to be paid in full the following year.⁶ The chief factor in the rationale for government involvement in University administration was coming to an end. Despite the steady, and after 1907 very large, increases in the provincial grants to the University (see Appendix VIII),⁷ the Roblin administration took advantage of the opportunity to withdraw from this form of involvement in the administration of the University. Roblin⁸ believed in a clear separation of education from politics. As Premier, he wanted to avoid any re-opening of the Schools Question. He would leave decisions concerning administration and reorganization to be worked out by the University.

The Provincial Lands Department conducted the business affairs of the Land Board until 1901 when it asked to be relieved of the work. The business was subsequently handled, until 1907, by the Standard Trust Company and Mr. J. A. Little, a representative of this company, acted as Secretary to the Land Board. Under this arrangement, the accounts were au-⁹ dited regularly and seem to have been kept in good order.

The first decade of the century was a time of prosperity and growth in Manitoba. The population grew from 255,211 in 1901 to 461,630 in 1911. During the same period, enrollment in the University rose from 302 to 766.¹⁰ There were new, as well as increased, demands for a broader range of post-secondary education. Expansion of existing, and the creation of new facilities would require larger injections of provincial funds. With the increased public financing

came the question of the need for greater public control. By 1906, the Roblin administration was forced to face the thorny issue of the role of the Province in higher education. The Roblin Government did not want greater control, but wanted the University to reorganize on a plan of its own making that would allow enlargement and future growth while maintaining University autonomy.

The first buildings of the Manitoba Agricultural College were completed on the Tuxedo site in 1906 at a cost of a quarter of a million dollars. The same year, the Medical College opened its new building next to the Winnipeg General Hospital.¹¹ As these professional colleges expanded their facilities, they looked increasingly for funding through their affiliation with the provincial University.

Also in 1906, the University of Manitoba Students' Union was founded. This organization of the students made evident the fact that the University as a teaching institution was an entity clearly distinct from the affiliated colleges. The University Faculty steadily and relentlessly argued in the University Council for expansion of facilities and the right to offer courses in a wider variety of disciplines including arts.¹² The debate concerning the extension of teaching, the relationships among the colleges, the University and the Province, and the choice of a permanent site for the University continued without resolution.

Early in 1906, the University Council appointed a committee to study any proposed provincial legislation that

pertained to the University and to oversee the development by the University Council of legislation concerning reorganization and the future evolution of the University.¹³ The impossibility of the task of finding a compromise solution to University planning became evident as the months passed and the debate continued. The differences in opinion on the future organization of the University that were held by various members of the Council seemed irreconcilable.

W. L. Morton, in his history of the University of Manitoba, One University, identifies three schools of thought: the traditionalists who wanted to preserve University autonomy and to continue control by the denominational colleges; the secularists who wanted the University to be funded and controlled by the Province; and a middle group which Morton calls the evolutionists, who wanted to preserve the past structure in partnership with the modern, growing provincial University.¹⁴ The traditionalists were, of course, the Roman Catholics of St. Boniface College and, also, the representatives of Methodist Wesley College including J. A. M. Aikins. The secularists were most prominent among the representatives of the Medical College and Manitoba College. The evolutionist view included a variety of opinions and was most commonly held by members from St. John's College.

The problem of finding common ground on which to base future planning that would be acceptable to the various groups and denominations was compounded by the unwieldy s:

of the University Council. With the addition of representatives of the Manitoba Agricultural College in 1906, the number of representatives on the University Council reached sixty-seven.¹⁵

While the debate over reorganization continued, the needs and demands of the University became more critical. The Faculty of Science had become a reality in 1904 when Lord Strathcona provided an endowment of \$5,000 per year for four years. This grant, plus provincial funding, had enabled the University to hire six professors in the sciences.¹⁶ Early in 1907, the University requested a larger grant from the Province in order to hire two additional science professors, as well as lecturers or professors of languages, engineering, history, political economy, and law. The University also requested more land at the Broadway site while awaiting a permanent site.¹⁷

In a letter to the University Council, Premier Roblin replied to these requests for funding to enlarge and better equip the University. Roblin wrote:

The financial obligations that must be assumed in the enlargement and equipment of an efficient University are so great that the Province in my judgement will not be justified in undertaking such permanent liability until a more satisfactory arrangement has been made regarding the educational endowments belonging to Manitoba.¹⁸

Roblin did agree to increase the annual grant to \$15,000 from \$6,000 and gave the government's recommendation that if additional professors could be hired with the funds provided, they should teach in the fields of civil or electrical engi-

neering.

In response to this letter, the University Council appointed a committee "to consider the changes necessary in the constitution of the University to make it more truly provincial".¹⁹ This committee consisted of:

W. A. McIntyre (Convenor)	J. A. M. Aikin K. C.
Rev. Father Dugas S. J.	Prof. M. A. Parker
Archbishop Matheson	J. A. Machray
Rev. Dr. Patrick	I. Pitblado
Rev. Dr. Sparling	D. McIntyre
Dr. H. H. Chown	E. D. Martin
R. Fletcher	Dr. E. S. Popham
H. H. Coulter	Prof. R. R. Cochrane

In May, W. A. McIntyre, chairman of this "Committee respecting the Constitution of the University", reported to the Council. The committee recommended that the University request the Province to appoint a Royal Commission to study the "University question in this Province".²⁰ Council followed this advice and the Province appointed the Royal Commission in September.

The first of many submissions to the Royal Commission came from the Faculty of Science: R. R. Cochrane, Matthew A. Parker, Frank Allen, A. H. Reginald Buller, Swale Vincent,²¹ Gordon Bell and A. Brydone-Jack. They called for a reformed organization of the University and less control by the denominational colleges. They criticized the administration of University affairs:

The greater part of the University business is relegated to committees which sometimes assume powers which they do not possess. Under the present regime, too, it is to be noted that changes are rarely made in the personnel of standing committees.

Much of the University business is or has been conducted in an unbusinesslike fashion... Generally speaking, the business of the University has been seriously mismanaged and has been virtually controlled by a small number whose chief interests do not lie in the progress of the University.²²

Their belief was that University progress was being impeded by those representing the interests of the denominational colleges and that secular control was necessary to achieve higher academic standards and proper University organization and management.

The "Royal Commission on the University of Manitoba" was appointed under the chairmanship of J. A. M. Aikins on September 26th, 1907. The seven commissioners were carefully chosen to represent three major groups of opinions on the future development of the University. In 1908, all members of the Commission visited University of Toronto, McGill and Laval Universities, the Universities of Minnesota, Wisconsin, Michigan, Illinois and North Western and Chicago Universities. John A. Machray also travelled to England, at the Province's expense, to enquire into the English university system. However, the Commissioners were unable to reach agreement and presented three separate reports²³ representing their different views on the desired evolution of the University.

Early in 1909, J. D. Cameron, former Attorney-General of Manitoba in the Greenway government, and W. A. McIntyre, Superintendent of Schools in Winnipeg, withdrew from the Commission and presented a report recommending a provincial university free of any kind of denominational control. Ever

in academic matters, they recommended that the colleges be excluded from any representation in administration and that all secular teaching be taken over by the University.²⁴

In November, J. A. Machray, whose role in University affairs will be discussed at length later in this chapter, Rev. G. B. Wilson of Augustine Church, and Rev. J. L. Gordon of the Congregational Church reported their conclusions that the provincial University should freely develop but in continued affiliation and co-operation with the denominational colleges.²⁵

The other two commissioners, Rev. A. A. Cherrier of St. Boniface College and J. A. M. Aikins representing Wesley College, presented their final report that proposed University reorganization while maintaining the traditional power, rights, and autonomy of the colleges.²⁶ This last report recommended that the financial administration of the University continue to be handled by a board appointed by the University Council, while the other two reports recommended turning this power over to the provincial government.

The commissioners were able to agree, however, that the business affairs of the University should be separated from academic considerations and put under the administration of an appointed group of businessmen. As well, there was no disagreement in the recommendation that a University president was needed to act as chief executive in the management of University affairs.²⁷

In March, 1910, the University Council considered a

proposed bill for reorganization of the University received from G. R. Coldwell, Minister of Education. The bill followed the traditionalist recommendations of J. A. M. Aikins and Father Cherrier: that the University Council should appoint a "Board of Management" to administer all the financial affairs of the University while the Council, itself, should become a "Senate" to be concerned only with academic matters.²⁸ This would maintain the controversial proportion of representation from the denominational colleges and the autonomy of the University, while declining any direct provincial control. At that time, the Council had grown to seventy-two members. Of these, twenty-eight represented the four denominational colleges, seventeen the professional colleges, seven the University Faculty, ten the graduates, and ten the provincial government.²⁹ The strong voice of the colleges in University affairs would continue under this proposed legislation. The University Council rejected this bill, by a vote of twenty-three to four, and argued for greater public support and control of the University.³⁰ Isaac Pitblado, former Registrar (1893 - 1900) and a member of the Land Board since 1904, made the motion that the Government be requested to print the reports of the various sections of the University Commission and that if the Government declined to do this, the University Council do it at its own expense. This motion was passed. Despite the supposed control over University affairs of the denominational colleges, they had a minority voice in the Council. The

secularists showed their dominance when they thwarted the proposed Conservative legislation.

By January 1911, the University Council had a bill prepared as a counter proposal to the provincial government.³¹ This bill followed the recommendations of the Commission report filed by John A. Machray, Rev. G. B. Wilson, and Rev. J. L. Gordon, the report described as "evolutionist" by W. L. Morton.³² It would have freed the University to teach all subjects but kept the affiliation of the colleges. The financial affairs of the University would be under government control through a provincially appointed board. The Roblin government rejected this bill because it was not acceptable to the "traditionalist" members of Council. Obviously, too, the development of a provincial nondenominational University was going to demand much more provincial funding. This potential draw on tax dollars was not a political asset. The Roblin administration would hold fast to its position that the solution to the University question must satisfy all parties. Since this was impossible, a stalemate existed between the Province and the University until the Norris Liberals took power.

From 1904 until 1915, then, the provincial government imposed little influence on University affairs. During this time, control of University endowment funds and the Dominion land grant came to be firmly held, through the Land Board, by the law firm of which John A. Machray was the senior member.

In 1906, the University Council, with the encumbrance of the debt to the Province removed, took full control of the management of the Manitoba University Grant. The Council appointed a committee to consider the investment of the University funds. On December 13th, 1906, the committee reported that offers to take on the business management of the University funds had been received from various Winnipeg trust companies. The offer of the firm of Archibald, Machray and Sharpe was reported to be the lowest of the offers received and most satisfactory. The committee recommended that the offer of Archibald, Machray and Sharpe be accepted and that control of the Isbister Trust Fund should be transferred to the Land Board.³³ Mr. H. Archibald, former member of the Land Committee, was no longer an active partner in this firm. He had retired in 1905.³⁴

These recommendations were considered further by a special committee which included John A. Machray of the firm of Archibald, Machray and Sharpe. John A. Machray was also a member of the Isbister Trust Committee. Separate records were to be kept for the Land Grant and for each of the other University endowment trusts by the Machray and Sharpe firm. No mention was made in the firm's proposal, or by the Council in considering this proposal, of provisions for auditing the trust accounts. However, the system of auditing employed previous to 1907 was continued under the new administration. The above recommendations were adopted by the University Council on April 4th, 1907.³⁵ The firm of Archibald, Machray

and Sharpe became the investment agents of the Land Board according to the terms cited in their proposal and accepted by the University (see Appendix IX).³⁶

The University Council appointed a new Land Committee "to take charge of all lands, investments, and other business of the Land Board".³⁷ The Land Committee of 1907 was made up of Archbishop Matheson, Principal Sparling, J. A. M. Aikins, Isaac Pitblado, and Judge A. Dawson. On April 18th, 1907, Mr. R. H. Shanks was appointed Secretary of the Committee. Mr. Shanks was an employee of the firm of Archibald, Machray and Sharpe. The Standard Trust Company was requested to hand over to him all records and documents related to the grant. The former Land Board was requested to hand over to the University a cheque for all funds under their control.

Rev. S. P. Matheson was Chairman of the Land Committee throughout its existence from 1899 to 1932. Successor to Robert Machray, who died in 1904, as Archbishop of Rupert's Land, he served as Chancellor of the University from 1908 until 1934. Principal J. W. Sparling of Wesley College served on the Land Committee from 1907 to 1912. Judge Dawson, who had been a member of the Land Board since 1899, resigned in 1908.

Isaac (Ike) Pitblado was born in Glenelgo, Nova Scotia in 1867 and came to Winnipeg in 1882 when his father, Charles Bruce Pitblado, took a ministry at St. Andrews Church. Rev. C. B. Pitblado served Westminster Presbyterian

Church until his death in 1913. Isaac Pitblado was a champion curler, became president of the Manitoba Curling Association in 1910,³⁸ and was well-known for his lacrosse playing fame.³⁹ He was called to the Manitoba bar in 1890 and was a partner in the firm of Aikins, Pitblado, Robson and Loftus. In 1903, he joined Erskine Hoskin, a well-known Toronto lawyer, and the Hon. Colin H. Campbell, then Attorney-General, in a new Winnipeg firm.⁴⁰ He was appointed King's Counsel in 1909.⁴¹ Pitblado was active in Winnipeg community affairs. He served as president of the Canadian Club and of the Liberal Association. In 1911, he acted as counsel for the Dominion Government to investigate telegraph rates. He was counsel for the city of Winnipeg on the Freight Rates Investigation of 1912; and he was counsel for the Winnipeg Board of Trade against the Canadian Pacific Railway in 1913.⁴² Pitblado, along with Sir J. A. M. Aikins, campaigned in the West for Union Government in 1917.

Isaac Pitblado became a member of the University Council in 1888, served as Honourary Registrar from 1893 until 1900, and as Chairman of the Board of Governors from 1917 to 1924. He maintained a close association with University business until his resignation in 1924 when the Bracken Government decided to unite the Manitoba Agricultural College and the University of Manitoba on the present "St. Vital site".⁴³ This action by the Government was publicly protested by Pitblado who believed that the commitment of the Board of Governors to build on the Tuxedo site must be hon-

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oured.

By 1906, land sales of the Dominion land grant had realized for the University \$387,009.52 of which \$275,257.41 constituted deferred payments on sales. After repayment of the provincial loan and other building expenses, there remained almost \$47,000 of uninvested income.⁴⁵ The new Land Committee quickly set about investing in mortgages. On April 30th, 1907, a letter from Isaac Pitblado was received by the Committee advising that, by the terms of the University Act, the University "is authorized to lend money upon the security of any real or personal property in the Province of Manitoba or in the North West Territories of Canada".⁴⁶ This, Pitblado advised, should mean that loans could be made in Alberta and Saskatchewan. He also suggested that the Act be amended in order that University funds could be invested anywhere in the Dominion.

By the University fiscal year end of August 31st, 1907, land sales had realized \$466,678.87 of which \$303,446.24 constituted deferred payments on sales. During the year, the Land Board had invested \$77,924 in mortgage loans.⁴⁷

The business of selling lands was facilitated by the Land Board holdings of inspection reports on every piece of land in its trust. These reports were updated from time to time by new inspections. Land inspectors were employed as needed to examine and re-evaluate University Lands. Land sales proceeded well (see Appendix X).

The members of the Land Board were appointed annually

(see Appendix VII). On March 26th, 1908, John A. Machray was appointed a member of the Land Board to replace Judge Dawson who had resigned.⁴⁸ The Land Board met regularly once each month with special meetings called as necessary. At the meetings, the Secretary, R. H. Shanks, reported on the current land business and on the loan applications that had been received. These applications were approved or rejected by the Board. It seemed that the business of the Land Board was conducted very efficiently.⁴⁹

John A. Machray was the highly respected senior partner of the law firm of Archibald, Machray and Sharpe that had been hired the previous year to manage the University funds and land grant. He was first elected to the University Council for a three year term in 1893 as a representative of convocation which was defined by the University Act of 1877 to include the Council, all graduates of the University of Manitoba, and members of the first convocation who were "graduates of any University in Her Majesty's Dominion, who shall have resided in this Province two months previous to the passing of this Act".⁵⁰ When the number of members from convocation on the University Council was increased from seven to ten in 1901, Machray was again selected as a representative. He held this position until 1905. From 1905 until 1917, when the University was reorganized, Machray represented St. John's College on the University Council.⁵¹

John Alexander Machray was born in Haddington, Scotland on February 17th, 1865. He was the nephew of the late Robert

Machray, Archbishop of Rupert's Land, one of the original founders and Chancellor of the University of Manitoba from its origin in 1877 until his death in 1904. He came to Canada from Scotland at an early age and lived with Archbishop Machray for several years at Bishop's Court, Winnipeg.⁵²

He was a distinguished graduate of St. John's College in 1884. He was awarded a Manitoba University Master of Arts with first class honours and the University silver medal.⁵³

In 1904, he married Emily F. Drewry of Winnipeg and they had one son and four daughters.⁵⁴ The family resided at 76 Harrow Street in Winnipeg.

John A. Machray received his law degree at Cambridge University in 1887. He was called to the Manitoba Bar in 1890 and appointed King's Counsel in 1912. He was a member of the firm of Archibald and Howell until 1899. He then became a partner of Archibald, Machray and Sharpe which became Machray, Sharpe and Dennistoun in 1907. This firm was to become Machray, Sharpe, Locke, Parker and Crawley in 1918. He became Chancellor of the Diocese of Rupert's Land in 1905 and he and his firm administered the trust funds of the Anglican Church and of St. John's College.

Robert H. Shanks arrived in Winnipeg in 1881 at the age of twenty-two and joined the office staff of the firm of Archibald and Howell. In addition to his position as Secretary of the University of Manitoba Land Board, he was to become publicly known in the capacity of Chairman of the Civic Board of Valuation and Revision. He was a prominent member

of the I. O. O. F. and his wife attained the position of international president of the Rebekah Assembly. He remained with the firm, through its successive changes as described above, for about fifty years.⁵⁵ He was Secretary of the Land Board until his death in 1932.

In 1908, the Land Board began to invest in large mortgages on city properties. By the fiscal year end in 1908, \$101,470.88 of the Land Grant capital had been invested in mortgage loans. Large sums were invested in mortgages each year until 1916 when the Board began to invest substantial sums in war bonds. Investments in mortgages during each fiscal year from 1909 to 1915 were as follows:⁵⁶

1908/1909	\$95,973.21
1909/1910	\$87,298.89
1910/1911	\$77,700.00
1911/1912	\$118,259.72
1912/1913	\$99,331.43
1913/1914	\$127,432.05
1914/1915	\$83,803.57

The rate of interest charged on these mortgage loans generally ranged from six percent to eight percent.

In January 1914, the Secretary, R. H. Shanks, reported that not more than seventy-five percent of payments on mortgage loans due on the first of December 1913 had been paid.⁵⁷ In January 1915, R. H. Shanks reported that only ninety-five out of 148 (sixty-four percent)⁵⁸ payments due on the first of December 1914 had been paid. On August 4th, 1915, the Secretary reported "an abnormal amount of arrears on sale agreements and mortgage loans as of the first of July, owing to the present financial condition, showing there was roughly

in arrears for overdue interest nearly \$16,000".⁵⁹ By 1913, the wheat boom had ended, money was in short supply and the real estate market had collapsed.⁶⁰ Difficulties with the mortgage investments and collections on land sale accounts seemed understandable in light of the existing economic environment.

From the revenue earned by the Land Grant, the Land Board made yearly contributions to the Bursar's General Account out of which the University expenses were paid (see Appendix XII for annual contributions). On July 21, 1909, the Land Board gave to its Secretary, R. H. Shanks, the authority to transfer funds from the capital account to the general revenue account.⁶¹ Shanks requested this authority in the course of his report on the progress of the new Arts Building on the Broadway site. He explained that it was to become necessary to make payments from time to time to the building contractor and inconvenient to get Board approval for each expenditure.

The \$60,000 provincial loan to the University was repaid with capital from the Land Grant. The Land Board continued to use Land Grant capital for University capital expenditures, particularly the construction and renovation of University buildings. Expenditures of capital were as follows:⁶²

To 1903:	\$22,000.00	Repayment of Provincial Loan
1903/04:	\$18,000.00	" " " "
1904/05:	\$20,000.00	" " " "
1905/06:	\$ 5,000.00	Additional Debts of the Building Committee
1907/08:	\$14,559.12	For Annex to Broadway Building

1908/09:	\$ 6,650.00	On Account of New Arts Building
1909/10:	\$ 7,823.62	Balance of Cost - New Arts Building
1911/12:	\$11,293.81	Improvements - Tuxedo Park Site
1912/13:	\$12,457.19	" " " "
	\$ 5,521.30	Improvements - St. Vital Site
1913/14:	\$ 639.45	Improvements - Tuxedo Park Site
	\$ 1,203.88	Improvements - St. Vital Site
1914/15:	\$ 350.00	" " " "
	<u>\$125,498.37</u>	

After 1915, there were no further expenditures of Land Grant capital for building purposes (see Appendix XI). The provincial government took on responsibility for University capital expenditures.

The Land Board accounts of the endowment funds were audited by private auditors each year until 1917. The auditor of the Isbister Trust and Land Board accounts from 1901 until 1908, and of the Bursar's accounts from 1903 to 1908, was W. A. Henderson, Chartered Accountant. In his first audit of the Bursar's accounts, Henderson found that no record of assets or liabilities had ever been kept. On reporting this situation to the Finance Committee, he was authorized to have a set of books opened.⁶³ He criticized, on a number of occasions, the practice of keeping the accounts outside of the University and stressed the need for an accountant, with an office in the University, to keep track of expenditures.

In his 1907 Auditors Report, Henderson expressed criticism of the practice of keeping unexpended revenue, that is, interest earned on the investments, in the general account for University expenses. Separate bank accounts should be kept for the trust funds.⁶⁴ In 1908, following the new ar-

rangement with the Machray and Sharpe firm, he wrote the further criticism:

While the bringing of all the accounts of the University into one office has, during the past year, resulted in a more systematic keeping of the same, it has not resulted in any great improvement so far as checking and distributing the expenditure is concerned. In past years, I have expressed an opinion, in my reports, that there should be a Bursar's office in the University with an Accountant in charge, who would have the keeping of all the accounts of the University, and as he would be in touch with the various departments, he would have an intimate knowledge of all transactions, and consequently could keep a proper check upon the financial transactions. With the present arrangements, this cannot be satisfactorily done.⁶⁵

Perhaps because his criticism was not appreciated by those to whom it was directed, W. A. Henderson was not employed to audit the University accounts after 1908. In 1909, the Land Board accounts were not audited; and, in 1910, the firm of Webb, Read, and Hagen were appointed auditors of the Land Board accounts. This firm was retained to audit the University trust fund accounts, including the Land Grant accounts, until 1917. Their Auditor's Reports consisted only of an Auditor's Certificate repeated each year, and stating only that the auditor's duties had been complied with.

However, in 1911, 1912, and 1913, upon the completion of their audit each year, the firm of Webb, Read, and Hagen wrote to the University Finance Committee to advise that bank interest was being charged on University overdrafts due to ongoing delays in deposits of University funds. Concern about these delays was also discussed in letters to the Chairman of the Land Board, Archbishop Matheson, who later

explained that he did not receive these letters. Correspondence was handled by the Secretary, R. H. Shanks. ⁶⁶

In 1914, after an audit of the law accounts of the firm of Machray, Sharpe and Dennistoun, the auditors wrote to the firm to suggest that the trust accounts should be audited as well.

We wrote you before upon the subject of this letter, which is the necessity of having your Trust books audited. We have also spoken to you upon this subject.

Without wishing to cast any reflection or voice any opinion except our own, we feel that in justice to yourselves you should have your Trust books audited. The subject-matter of this letter we would like you to merely keep to yourselves and would be glad to have any expression of your opinion in regard to the contents of same. ⁶⁷

The firm hired Webb, Read and Hagen to audit the accounts of their law department only and declined to have the trust accounts audited at any time. Webb, Read and Hagen continued to audit the University accounts until 1917 when the Comptroller-General's department took over this task.

The original building on the Broadway site housed the University Faculty of Science and, subsequently, also the Isbister Library. In 1909, the University Faculty was expanded to the Faculty of Arts and Science on the Broadway site. The choice of a permanent site for the University, large enough to accommodate its future growth and satisfactory to all the colleges and to the provincial government, was a subject of extended study, discussion, and controversy. In 1907, a site of one hundred and fifty acres in Tuxedo had been offered to the University; and, in 1910, this site was

unanimously approved by the University Council. The following year, the Council approved expenditures for landscaping the Tuxedo site, as required by the option it held on the land. It was believed that the provincial government preferred to expand the Broadway site; but, when the University decided to accept this as a temporary measure, the Government offered the University one hundred thirty-seven acres on the St. Vital site of the Agricultural College. In 1913, the University Council, not yet having erected a building on either of the two available sites, was still undecided about the best location for the permanent site of the University. ⁶⁸

In 1911, the University Act was amended to authorize the appointment of a president of the University. ⁶⁹ The Council had appointed a committee to choose a president in 1910, ⁷⁰ but this action was delayed by the controversy concerning University reorganization. ⁷¹ In December, 1912, the committee announced the appointment of Dr. James Alexander Maclean as President of the University of Manitoba effective January 1st, 1913. ⁷² He was to hold this position until 1934. President Maclean was unable to assume a strong leadership position in University affairs because of the on-going controversy between the Government and the University concerning future policy and organization. The administration of University financial affairs continued in the manner established during the preceding decade. The role of the President was vaguely defined and was to become limited to academic affairs.

In 1912, the Dominion Government began paying Manitoba an annual cash compensation in lieu of public land ownership from which was deducted interest on the University land grant. The land grant came to be seen more as a provincial, rather than a federal, government investment in the University. Still, the Roblin government was reluctant to control or monitor University financial administration more closely.

The economic boom in Manitoba ended in 1913. Shortly thereafter came the scandal surrounding the construction of the Legislative Buildings. The Conservative Government was forced to resign in 1915 and the Norris Liberals were swept into power on the tide of popular support for reform. The autonomous control over the University trust funds that had been enjoyed for several years by John A. Machray and his firm was threatened by a reforming Liberal government that believed in secular control of publicly funded education.

CHAPTER 3

REORGANIZATION - A PROVINCIAL UNIVERSITY 1916 to 1932

After the resignation of the Roblin government in 1915, the Norris administration took office, audited the public accounts, and then called an election.¹ The Manitoba Conservative Party had lost some of its support prior to the 1914 election due to increasing popularity of the various reform movements that supported the Liberal Party. The Orange Order had swung to the Liberals because they wanted the abolition of bilingual public education. That election had returned twenty-eight Conservatives and twenty-one Liberals.² The public reaction to the corruption and fraud of some Conservative politicians involving the contracts for the Legislative Buildings left little hope for them in the election of 1915.

The Manitoba Conservative Party was led in this election by Sir James Aikins, who had been the Honourary Bursar of the University since 1889. It offered, among its proposed reforms, the appointment of an auditor-general to the legislature. This measure was intended to prevent future misuse of public funds.³ However, Sir James lost his seat in Brandon and only five Conservatives were elected along

with two Labour candidates and forty-two Liberals.

In 1916, at the age of sixty-four, Sir James Aikins was appointed Lieutenant-Governor of the Province of Manitoba. His long association with the University ended. He had been a representative of Wesley College on the University Council from 1888 until 1913 when he was appointed to the Council by the provincial government.⁴ This appointment was discontinued when the Liberals formed the government; and, upon becoming Lieutenant-Governor, Aikins resigned his position of Honourary Bursar. To replace him in this position, the Council chose John A. Machray in October 1916.

As Bursar, Aikins signed all cheques on the University accounts upon the written requisition of the Chairman of the Council or, in his absence, two members of the Land Board.⁵ The unusual practice of having this power entrusted to an honourary official was part of the old system of administration that was continued by the University in its seeming inability to keep up with the demands of expansion and changing conditions. The cheque-signing authority of the Bursar passed to John A. Machray who was, himself, a member of the Land Board and whose firm, since 1907, had been in charge of the University's investment business and the clerical work of the Bursar's office.⁶ Machray now had power to issue cheques on the University accounts supposedly, but not necessarily, backed by proper requisitions.⁷ The fact that the University Council gave this appointment to Machray, in light of his other positions in connection with the trust

funds and the University accounts, shows the great confidence that the Council placed in John A. Machray. He was considered to be a man of the highest integrity who was devoted to the University. His appointment is also indicative of the desire for efficiency in the handling of University affairs during the First World War.

Early in 1916, the Norris government began to implement the reforms that had been promised. They introduced a form of direct legislation but this was later found by the courts to be unconstitutional. They also introduced women's suffrage, Election Act revisions, and civil service reorganization. Much attention went to the question of temperance and the Temperance Act was passed in 1916. Also in that year, the office of Comptroller-General of the province was created. The intention was to provide greater security in the future for the disbursement of public funds. By the School Amendment Acts of 1916, the Liberals began their educational reforms with compulsory school attendance and the cancellation of bilingual teaching in public schools. Finally, the Minister of Education, R. S. Thornton, began to tackle the problem of university reorganization.

In May, the government, by Order-in-Council, had the Manitoba Agricultural College re-affiliate with the University after a three and one-half year separation. The autonomy of the Agricultural College was treated with less solicitude by the Norris government than it had been by that of Roblin. However, students of the Agricultural College would

not have to register at the University and the terms of the re-affiliation were drawn up with the approval of the University Council and the Board of the College.⁹ The College Board maintained its former powers and independence, received a separate government grant, and administered its own finances.

The question of a permanent site for the University was still unresolved. Although the University held an option on the Tuxedo site until 1916, the University Council, depending as the University did on government funds for building, had agreed with little dissension¹⁰ to the St. Vital site next to the Agricultural College buildings that was offered¹¹ by the Roblin government in 1913. There was public criticism, at that time, of the St. Vital site being chosen for the University because the speculators who owned the land had close ties with the government.¹² In July 1916, the Galt Commission began an inquiry into alleged fraudulent practices of members of the former Conservative government¹³ in the construction of the Agricultural College buildings. The public was also dissatisfied with the distance from central Winnipeg¹⁴ and concerned about the danger of flooding of these lands on the Red River.¹⁵ The government had appropriated \$200,000 for an engineering building to be constructed on the St. Vital site and the department of the Provincial Architect was preparing plans when World War I broke out. Nothing more was done during the War in regard to establishing the University on a permanent site. In 1916,

the University Council successfully negotiated with the Tuxedo Holding Company to extend the Tuxedo option for another year.¹⁶

During 1916, representatives of the University Council and government officials: Isaac Pitblado, R. F. McWilliams, Dr. H. H. Chown, and Dr. R. S. Thornton met to discuss University policy and reorganization.¹⁷ Isaac Pitblado had been on the Council since 1888 and was a past president of the Liberal Association of Manitoba. Pitblado and Chown had moved the resolution, that was carried by the Council in 1910, refusing to accept the Roblin government's bill for University reorganization. This bill would have maintained the traditional autonomy of the University and control by the affiliated colleges.¹⁸ Pitblado had long argued that government control of the University was necessary in conjunction with provincial funding.

In January 1917, the University Council passed, by a vote of thirty-eight to six, a motion of Dr. Halpenny and John A. Machray:

That the Council of the University request the Government of this Province to introduce at the next session of the Legislature the necessary legislation for a reorganization of the University.¹⁹

The representatives of St. Boniface College attempted, without success, to have this motion amended so as to ask the government to ensure that the reorganization would not prejudice the traditional rights and privileges of the affiliated colleges.

Dr. R. S. Thornton, the Minister of Education, was a

representative of the provincial government on the University Council and a strong supporter of the push for University reorganization. He and his advisers on the University question chose a middle course or the "evolutionist" approach to reorganization that was described in chapter two. This was the proposal of the 1910 Royal Commission put forward by Rev. Wilson, Rev. Gordon, and John A. Machray. The demand for state control over publicly funded university education in Manitoba was to be met. However, measures were taken to allay the fears of St. Boniface College and of those who believed that popular control would lower rather than raise academic standards. The denominational colleges were to retain some of their traditional voice in academic matters.

The new legislation was drafted by R. F. McWilliams and was modelled on the constitution of the University of Toronto²⁰ which had also been the guide in the creation of the universities of Saskatchewan, Alberta, and British Columbia. Executive control and management of the University was to be administered by a new body, appointed by the provincial government, and independent of the affiliated colleges. The influence of the colleges in administration of the University was to be restricted to academic matters. The new legislation, "An Act to Amend 'The University Act of Manitoba'",²¹ was passed by the Legislature March 9, 1917.

The amendment to the Act provided that the administration of the University was to be controlled by a Board of

Governors appointed by the provincial government. This Board would consist of nine members who could not be on the "teaching or executive" staff of the University.²² They would be the chief officers in charge of all aspects of University administration but would be particularly responsible for the business affairs of the University.²³ (See Appendix XIV-- 1917 Amendment to the University Act - Duties of the Board of Governors and Appendix XV - Membership of the Board of Governors 1917 - 1932.) It was clearly the intent of the Act that the Board would hire and define the duties of executive staff. Members of this staff, like the teaching staff, would be answerable to the Board and, therefore, ineligible to serve on the Board of Governors.

The University Council would function in the manner of the Senate of the University of Toronto.²⁴ The name, "University Council", would be kept, in honour of tradition, but the function of the Council would involve academic administration only. The Board of Governors would have the final say in academic affairs as well as all other matters. The number of members were: two from each of the four denominational colleges, two from the Manitoba Agricultural College, one each from the Manitoba Medical College and the College of Physicians and Surgeons, four elected by the graduates, four appointed by the Faculty of the University, and the Chancellor and the President. The Vice Chancellor, Father A. A. Cherrier of St. Boniface College, also sat on the Council but provision for this was not specified by the Act.

This meant that representation of the denominational colleges on the Council would be reduced from about forty to thirty percent while government representation would increase from about ten to twenty-one percent. The Norris government made a concession to the denominational colleges in allowing them to retain some control over academic administration but counterbalanced this with an increase in the degree of public control.

The denominational colleges, including a reluctant St. Boniface College, accepted the reorganization which was considered inevitable due to the expressed public desire for secular control of the University and the unsubstantiated, but publicly expressed, criticism that University standards were too low due to denominational control.²⁵ Father Fere explained the position of St. Boniface College at the University Council meeting of February 12, 1917 which was held to discuss the draft amendment to the University Act.²⁶ This position was that the College wanted to maintain its affiliation with the University despite its belief that government control did not adequately represent the attitude of parents of its students.

At the meeting, the Council, by a vote of forty-four to none, with four abstentions, passed the resolution proposed by Dr. Halpenny and Canon Gill:

That as a Council we approve of the draft Bill, whereby the government, conduct, management and control of the University are vested in a Board of Governors appointed by the Lieutenant-Governor-in-Council.²⁷

The amendment to the University constitution came into ef-

fect on May 11 at the close of the annual convocation for conferring degrees.

In an address to the Legislature, concerning his proposed University Amendment Act, Thornton pointed out that the University was dependent on the provincial government for annual grants which had increased to \$115,825 in the previous fiscal year. (See Appendix VIII.) He argued:

It does not appear to the Government that such an expenditure of public money should be made any longer except by a body directly responsible to the Government and the Legislature and so to the people of the Province. The Bill now before the House provides for the establishing of such a body.²⁸

Thornton stated that control of these public funds should be vested in appointees of the government who would represent the interests of the people of Manitoba.

Included in the powers of the Board of Governors was the obligation to manage the Dominion Land Grant to the University.²⁹ In 1912, Manitoba began to receive an annual cash compensation subsidy, in lieu of public land ownership, from the federal government. From this subsidy, the Dominion had been deducting five percent interest, or \$15,000 per year, on the Manitoba University Land Grant valued at \$2.00 per acre or \$300,000.³⁰ Thornton argued that the Province was, in effect, paying the Dominion government \$15,000 per year on account of the University Land Grant. There was no attempt to change this arrangement. It was one more argument that the University should be more responsible to the Province.

The Board of Governors was so established as to be free

from interference on the part of the government.³¹ The government would appoint the members and name the Chairman. The Board would then have autonomy in terms of regulating its meetings, in appointing University staff, in setting up Board committees, in matters of financial administration, and generally in the conduct of all University affairs. The Board was required to submit an annual budget and an annual report to the Minister of Education and all accounts administered by the Board were to be audited annually by the Comptroller-General or an auditor appointed by the government.³²

The members of the Board of Governors were to be appointed for three year terms but the terms were to overlap so that three appointments were to be made each year. Thus, of the appointments to the first Board, three were for three years, three were for two years, and three for one year. Appointed for three years were Isaac Pitblado as Chairman of the Board, R. T. Riley of Winnipeg and J. R. Little of Brandon. Appointed for two years were Sir A. M. Nanton and John A. Machray of Winnipeg and William Iverach of Isabella in western Manitoba. Appointed for one year were Dr. H. H. Chown and Dr. J. McKenty of Winnipeg and Mr. A. J. Cotton of Swan River. (See Appendix XV) John A. Machray, the honorary Bursar of the University since 1916, was chosen by his fellow Board members to act as Vice Chairman of the Board.

At the organization meeting of the Board of Governors on May 11, it was decided that the Board of Studies, the

Finance Committee, the Land Board, and the Bursar "appointed by the old University Council be asked to carry on in their respective capacities until the close of the current University Financial Year on June 30th".³³ At this meeting, W. J. Spence, the Registrar, and R. H. Shanks, Secretary of the Land Board and University Accountant, each presented a history of the administration of the University of Manitoba. Mr. Shanks' history dealt with the work of the firm of Machray, Sharpe and Dennistoun in relation to the University's finances.

As mentioned above, Robert H. Shanks had joined the staff of Archibald and Howell in 1881. This firm subsequently became Archibald, Machray and Sharpe in 1899 and, then, Machray, Sharpe and Dennistoun in 1907. Mr. Shanks had been Secretary of the Land Board since its inception in 1907. Shanks explained that his firm had been handling, since 1907, an increasingly large volume of clerical and administrative work for the University.³⁴ For this work, the firm had received as remuneration an average of \$3,992.68 per annum for the preceding six years. He estimated that the cost to the firm in salaries and overhead was approximately \$2,933 per annum. Shanks argued that

when you take into consideration the fact that the entire Trust has a live capital of \$880,000, that there is roughly over \$600,000 worth of unsold land being administered, and taken care of, and that when you consider the volume of work that has to be performed in connection with the Accountant and Bursar's work, the cost to the University has not been out of place.³⁵

His arguments were at least convincing enough to persuade

the new Board of Governors not to attempt to establish any new system for handling the volume and intricacies of University business for the time being.

The remuneration to the firm of Machray, Sharpe and Dennistoun, as calculated by Mr. Shanks, consisted of commissions and the grant to the firm of \$65.00 per month or \$780 per annum which had been established and not changed since 1907.

Mr. Shanks explained that the \$780 grant was intended to cover the cost of administering the Land Board and Isbister Trust accounts. It was not intended to cover the cost of doing the Bursar's work.³⁶ However, Mr. Shanks had been allocating the \$780 expense to all three areas: \$200 to the Bursar's Department, \$480 to the Land Board, and \$100 to the Isbister Trust. For ten years, then, the firm had generously been doing all this work for the University without asking for any increase in remuneration.

Various commissions accounted for the remainder of the income earned by the firm on account of its work for the University.³⁷ Mr. Shanks explained that the firm earned five percent of the interest, but nothing on the principal, for the collection of payments on University lands sold and on all mortgage loans. The amount of this interest income earned by the firm was not stated by Shanks. However, the Land Board revenue from interest on land sales and investments in 1916 was close to \$45,000 (see Appendix XII), five percent of which would be over \$2200. For the placing of

loans, a commission of one percent was charged and one-half percent was charged for renewal. However, Mr. Shanks stated that most loans were placed through outside brokers and, therefore, these commissions generally did not go to the firm. For issuing hay permits, which involved much correspondence, the firm charged a commission of twenty percent on the small amounts of cash involved. And on the land sales, the commission was two and one-half percent, later increased to two and one-half percent with five percent on the first \$1000. Here again, however, most of the sales were made through outside agents and the firm, claimed Shanks, did not receive much of this type of commission.

Mr. Shanks' statement gave the strong impression that the cost to the University for all the work handled by the Machray firm was, indeed, not "out of place" but was, rather, indicative of the generosity and devotion of John A. Machray to the University. Members of the Board accepted his claims without any investigation as to their accuracy. There was certainly no thought of challenging the word of a man so well respected as Mr. Shanks. The moment for change in the administration of University finances had come, but was lost. The new Board of Governors was understandably reluctant to change a system that had apparently worked so efficiently and at such a low cost in the past.

The Act of 1917 gave the Board of Governors authority over all employees of the University, from the President and Bursar down to clerks and servants. The President, James

A. MacLean, was not a member of the Board of Governors but he was called upon to report on the current work of the University to each meeting of the Board. The President was a member of the University Council³⁹ which was mainly concerned with the academic affairs of the University. Although he was to be the "chief executive officer" of the University, his authority was restricted to the duties defined by the Board of Governors.⁴⁰ He was in charge of appointments, promotions, and removals of the academic and administrative staffs. He was to make recommendations to the Board of Governors, the University Council or to the Faculties on administrative matters. President MacLean was not expected to concern himself in any way with the financing of the University.⁴¹ As far as the Board of Governors was concerned, the President was responsible for overseeing and reporting on the academic affairs of the University and the administrative work conducted at the University.

The day-to-day administrative work at the University was conducted by the Registrar, W. J. Spence, his assistant, W. B. H. Teakles, and their office staff.⁴² The Board appointed the Registrar as Secretary of the Board of Governors and also of the University Council.

In the following years, it was in the administration of the academic side of the University that many changes were made in order to respond to the spirit and purpose of the Amendment to the University Act. This purpose was expressed by Dr. Thornton in summing up his arguments to the Legislature

concerning his proposed Amendment:

New views of education are beginning to prevail. Less stress is being laid on the merely academic, and more stress on those subjects which have practical as well as educational value. Just as there has been going on an evolution which in fifteen years has changed the University from an examining and degree conferring body to a fairly comprehensive teaching institution, so in the coming years further changes and developments will occur.⁴³

There was no concern expressed by the Minister about the financial administration of the University. The old system was not criticized in any way. It was not in this area that the government was anxious to implement changes other than the extension of provincial control over the annual budget and audit. The methods of administering the University finances were to be entirely the responsibility of the Board of Governors.

In 1917 and the years following, the services of the University were extended to meet popular demands in many areas. The University Council established a Committee on Extension Work⁴⁴ which began to offer extension courses in art, social work, mining, education, nursing, and commercial subjects.

At the University Council meeting in October, 1917, the Manitoba Medical College offered to surrender its charter so that a Faculty of Medicine could be established.⁴⁵ This offer was accepted by the Council and by the Board of Governors.⁴⁶ This transfer was not completed until 1920⁴⁷, in which year the Board undertook the enlargement of the facilities of the new Faculty. The establishment of a Faculty of

Medicine enabled the Board of Governors to acquire for the University a Rockefeller Foundation grant of \$500,000 in 1921.⁴⁸

Enrollment at the University rose in 1917 - 1918 to an all time high of 932 from the 662 of the previous year.⁴⁹ The extension of University services and the addition of courses along with the end of World War I and the return of the veterans caused the student body to continue to swell to 1080 in 1918 - 1919, 2013 in 1919 - 1920 and 3279 in 1923 - 1924. This expansion resulted in increasing demands on the University's administrative staff. It also acted as a further deterrent to moving the accounting work of the Bursar and of the investment funds to the University.

As stated above, at its first meeting in May 1917, the Board of Governors decided to continue the old system of financial administration until June 30. The Board set up a committee, composed of Pitblado, Nanton, Machray, and Riley, to study and report on possible future methods of managing the University finances and the duties of the President.⁵⁰ This committee recommended that management of both the Bursar's department and the land and investment department should be moved, as soon as possible, to the University buildings, but that the present arrangement, under the Land Board, be continued temporarily.⁵¹ Because of the heavy demands on the staff and facilities of the University at the time, this recommendation to delay change was accepted.

The Board resolved to retain Machray as Bursar, and the Finance Committee was to be composed of those members of the Board who resided in Winnipeg: Nanton, Machray, Pitblado, Riley, as well as Dr. Chown and Dr. McKenty. The Land Board was retained to administer the investment funds. The membership remained unchanged (see Appendix VII), except that some members, for instance Mr. Pitblado in 1924 and Mr. Craig upon his becoming Attorney-General in the Bracken government, eventually withdrew from the Land Board. No meetings of the Land Board were called after 1928 despite the efforts of Archbishop Matheson. Mr. Shanks was opposed to calling more meetings. Some members attended few meetings and eventually discontinued their association with the Land Board. Mr. Smith attended no meetings after 1917, Mr. Craig after 1923, and Dr. McIntyre after 1926.⁵² Isaac Pitblado left the Board in 1924. Mr. Shanks continued as Secretary of the Land Board until his death in 1932.

In the first annual audited report of the new Board of Governors to the Hon. R. S. Thornton, issued late in 1918, the Chairman, Isaac Pitblado, wrote of the decision to continue, unchanged, the administration of the University business:

It was decided that for the time being it would be unwise to disturb in any way the management of the University Lands and Investments and consequently the Land Board of the old University Council, under the chairmanship of the Chancellor, Archbishop Matheson, was asked to continue in office, with Mr. R. H. Shanks, of the staff of Messrs. Machray, Sharpe, and Dennistoun, as Secretary. The former policy in respect to the control of the University endowment from which such good results have hith-

erto accrued, has been therefore continued. It is planned, however, as soon as practicable to locate the office of the Land and Investment Department, as well as that of the Bursar, in one of the University buildings.⁵³

However, this was not done. John A. Machray remained in the position of Honourary Bursar and the administration of the endowments and University funds and investments was continued by the firm of Machray and Sharpe until 1932. According to the later testimony of Isaac Pitblado,⁵⁴ the reasons for this were that there was no room in the University buildings for the desired Bursar's department and land and investment department; that the establishment of these departments was going to be expensive, involving the hiring of a well-qualified, salaried Bursar (probably Mr. Shanks) and his staff; and that the arrangement with the Machray firm seemed most satisfactory and inexpensive. The Board planned to establish the University-based departments when they could get a building for the purpose. In the meantime, no one was concerned about any potential conflict of interest.

In the Board of Governors Report for 1917-1918, Chairman Pitblado went on to report:

Mr. John A. Machray has been appointed Vice-Chairman of the Board and has been continued in the office he formerly held of Honourary Bursar. The accounting of the University in relation to its salaries, maintenance expense, purchase of supplies, equipment, etc., is still done (as it had been for a number of years under the old regime) by the staff of the Bursar, but it is planned shortly to appoint an officer for this work who will be a regular member of the University administrative staff, devoting all his time to University interests.⁵⁵

In September, 1919, the University hired S. K. Förde as full-

time accountant to perform the work involved with the general accounts of the University. Up to this time, S. K. Forde had been an employee of the Machray and Sharpe firm stationed part-time at the University for the duties of the Bursar's office necessarily performed there. He was the third employee of the Machray firm who had been assigned to this work at the University buildings since 1910.⁵⁶ His former position had been titled "Assistant Accountant" working under R. H. Shanks as "Accountant" in charge of the University books. The responsibility for the accounting was, in 1919, divided between Shanks and Forde with Forde located full-time at the University in charge of all the general accounts and responsible to the Bursar. Mr. Shanks continued to be responsible for the overall management and accounting of the University investment funds until his death in 1932.⁵⁷ No provisions was made for auditing the two sets of books separately. Both sets continued to be under the supervision of the Bursar and written up in one control ledger. Problems encountered in the new system of keeping the general accounts resulted in prolonged delays in completing the required annual audit of the general and investment accounts by the Comptroller-General.

In 1924, Shanks became ill and was absent from his work and away from Winnipeg for two months.⁵⁸ James Kerr, who had joined the Machray firm in 1907, had risen in the company to a position of assistant-accountant. As a result of Shanks' poor health, Kerr began to assist him with the Land

Board business. Mr. Shanks taught James Kerr his methods of handling the trust accounts of the University and the other clients of the Machray firm. Gradually, Kerr was promoted to take over Shanks' work.

In January 1923, A. R. Ross was hired by the University on the recommendation of the Comptroller-General to assist in the work of completing the books such that they could be audited. The audit for the four year period, 1921 to 1924, was completed in January 1925. In May of that year, on Machray's recommendation, the Board of Governors appointed Ross "Chief Accountant" of the University. He was located at the University and was in charge of the Bursar's general accounts which now included expenditures of the Faculty of Medicine created in 1919 and the Faculty of Agriculture and Home Economics since 1924.⁵⁹ All University accounts continued to be supervised by the Honourary Bursar, John A. Machray. Under Ross, S. K. Forde continued in his position of "Accountant" and Miss Nell V. Raisbeck as stenographer and "Assistant Accountant". In 1928, Forde died and Nell Raisbeck was promoted to the position of "Accountant". Although he was a member of the University staff, Ross continued to be considered the internal auditor responsible to the Comptroller-General for the general accounts.

The 1917 amendment to the University Act provided that the Board of Governors had final authority over any and all matters not specified by the Act. Section twelve of the Amendment listed certain specific powers of the Board.

These included those mentioned above relating to autonomy and freedom of action of the Board once the government appointments were made (subsection one) and authority over all University officials and staff (subsections two and seven). In addition, the Board was specifically responsible for determining fees (subsection ten), for the structure of faculties and departments and the provision of courses of instruction and scholarships (subsection eleven), and for hearing appeals and establishing policy (subsection twelve).

The remaining specified powers of the Board related to financial administration. The Board was responsible for the investment of all University funds not needed for expenditures or limited by other conditions of their trust (subsection three). The Board had control of the Dominion Land Grant and all other endowments to the University (subsections four and five). The Board also had the power to purchase any property needed by the University (subsection six), to mortgage or lease University property (subsection eight), and to expend money for the maintenance of University property, for the erection of buildings, or for the purchase of furnishings and equipment (subsection nine). All legal documents relating to the above should show the official seal of the University and two signatures: that of the Chairman or Vice-Chairman of the Board, and that of either the Bursar or the Registrar (section thirteen). As explained above, much of the responsibility for this work concerned with finances was handled at the offices of Machray and Sharpe by R. H. Shanks, Secre-

tary of the Land Board.

The limitations to the powers of the Board were stated in sections fourteen and fifteen. Section sixteen of the Act set out the requirements for the annual report and audit. Section fourteen required that the Board not make any expenditures beyond the limits of the ordinary revenue of the University without government approval. According to section fifteen, the Board was not to purchase land, erect buildings, or diminish the endowment funds without permission of the government. This limitation applied directly to the powers listed in subsections six, eight, and nine of section twelve. Section twenty-five of the Act provided that no remuneration, except expenses, was to be paid to the members of the Board. Section sixteen stated that the Board make an annual financial report as of June 30. The wording of the Act suggests that the Board was not expected to report to the Minister of Education in the sense of being answerable to him on financial matters, but that the report merely had to be prepared and "transmitted" to the government through the Minister. Section sixteen also required that the University accounts be audited annually by the Comptroller-General or an appointee of the government, but did not require that the annual report to the government include the auditor's statement.

The Board of Governors met in the Faculty Room at the University Arts Building once each month until October, 1917. Thereafter, the meetings were less regular, the next

meeting being held in January, 1918. Beginning in December 1920, the Board held most of its meetings over luncheon at the Manitoba Club. The meetings of 1917 dealt with the University Council reports presented by the President and committee reports. There was consideration of a resolution that would bar unmarried male students over twenty year of age who had not enlisted.⁶⁰ In the fall of 1917, the Board ruled that military training was to be compulsory. Mr. Shanks presented the preliminary financial report in August and the Board adopted the final "Annual Financial Statement" in October.⁶¹ The University accounts had been audited by the firm of Webb, Read and Hagen as they had been in previous years despite the fact that the Act required an audit by the Comptroller-General's department.

In 1918, the Board met regularly until April, then once in June, and not again until October. Early in 1918, the Board passed, with the permission of the government, a resolution to discontinue the requirement that the seal of the University be affixed to the agreements of sale of University lands. These sale agreements would need the signature of the Chairman of the Board of Governors and the Secretary of the Land Board, at that time, Isaac Pitblado and R. H. Shanks. In March and April, the Board considered a motion of John A. Machray to require students, before registration, to take an oath of allegiance to the Province, to the Dominion, and to the Empire. This motion was dropped. Other than these items of business, the meetings dealt mainly with

reports from the University Council and from committees. In April, the Finance Committee recommended the departmental appropriations and R. H. Shanks reported for the Land Board on land sales for 1917-1918. Machray read his "Bursar's report" in June and, in October, Shanks presented the "Annual Financial Statement" for 1917-1918.

The Board met monthly from October to April 1919. On November 21, 1918, Shanks presented the final audited form of the financial statements for 1917-1918 with the auditors' recommendations. The audit was done by John R. Major of the Comptroller-General's department. He had begun his work on the University accounts in the same month, November 1918, a very short time before the audit was completed. The audited statements were to be considered in detail by the Finance Committee and the meeting of the Board moved on to other business. The Spanish influenza epidemic had caused a suspension of classes, now in its sixth week. President MacLean recommended that the Finance Committee proceed with the estimates for the new budget. In December, President MacLean reported on the increase in cost of salaries with the return of University staff from overseas. At this meeting, Machray reported that the estimates were complete and he and MacLean were appointed to present them to the government.

By this time, then, the established practice of the Board, in regard to financial administration, was to rely on the Finance Committee, of which Machray was a member, to draw up the estimates for the annual budget; to depend on

the Land Board, of which Machray was also a member, to handle the investment business and manage the endowments; and to depend on John A. Machray, as Bursar of the University, generally to be the treasurer and guardian of the University finances.

Machray was vested with so much control over the University funds because of his long association with the University and his knowledge of its financial affairs and because of the confidence that people had in his competence and reputation. This general, unquestioned confidence in Machray is evident from the fact that he attained his several positions from a variety of sources. The old University Council appointed him honorary Bursar and hired his firm to handle the investment business. The Norris government appointed him to the Board of Governors. The members of the Board chose him to act as Vice-Chairman; and, in 1924, the Bracken government chose Machray to replace Pitblado as Chairman of the Board.

Towards the end of 1918, the Board began to consider seriously the question of a permanent site for the University. The demands on the University facilities were rapidly increasing due to the return of the forces at the end of the War. In 1917, the Board had extended the option on the Tuxedo site.⁶² In November 1918, the Board appointed Isaac Pitblado and John A. Machray to discuss with government officials what expectations could be held by the University in terms of expansion and funding of new facilities. They were

also to discuss the future relations between the Agricultural College and the University. The 1916 affiliation of the College with the University was really nominal. The College had its own administrative Board and President and was directly under the supervision of the provincial Minister of Agriculture. The Board of Governors wanted the relationship between the two institutions to be more clearly defined before further consideration of locating the University on the St. Vital site. In addition, the Board authorized Pitblado and Machray to negotiate with Mr. D. R. Finkelstein of the Tuxedo Holding Company in regard to extending the option on the Tuxedo site.

In December 1918, this committee of Pitblado and Machray reported that, because of the difficulties involved in choosing a site, a meeting should be held between the full Board of Governors and representatives of the provincial government "to discuss the whole matter of selection of a site".⁶³ This meeting was held on January 15, 1919. The government officials made it clear that the administration of the Manitoba Agricultural College was not to be placed under the authority of the Board of Governors. A move by the University to the St. Vital site would not change the relationship between the two institutions. After the meeting with the government officials, the Board of Governors passed three resolutions: that the Broadway site, at that time the site of the University, would not be large enough for the future expansion of the University; that the Tuxedo

site was the site preferred by the Board of Governors; and that, should the Tuxedo site not prove satisfactory, the Board would consider the St. Vital site only on the condition that the land to the west of the Agricultural College, not the land to the east, would be provided to the University.⁶⁴ This last resolution was founded on the belief that the lands behind the College, which were the lands provided for the University in 1913, were too distant from Pembina Highway and too vulnerable to floods.

On October 9, 1919, the Board of Governors was informed that the government would fund temporary buildings on the Broadway site to accomodate the immediate needs of the University.⁶⁵ The government was unwilling to make large capital expenditures for buildings on a new site until after the War. Pitblado and Machray persuaded the Tuxedo Park Company to sign an agreement with the University, on November 11, 1919, to transfer the land at the Tuxedo site to the University provided that building would begin within seven years. The provincial government ratified this agreement with an order-in-council. The government also erected a new building to house the Institute for the Deaf on the Tuxedo site as part of this agreement.⁶⁶ The Norris government was committed to build on the Tuxedo site after the postwar problems were sufficiently resolved, but within no more than seven years.

From 1919 to 1921, the Building Committee: John A. Machray, R. T. Riley, President J. A. MacLean, and A. A. Stoughton, Professor of Architecture, was concerned with

construction of the temporary buildings and of the new Medical Building. By 1921, it was evident that the temporary buildings would be inadequate to meet the growing demands on the University. On November 25, the Building Committee reported a series of resolutions to the Board which called on the government to begin construction at Tuxedo with an expenditure of \$3,000,000 spread over six years.⁶⁷ These resolutions were presented to the government. However, the post-war depression had set in and the Norris government was in financial difficulty.⁶⁸ It was also in a minority position in the Legislature and University expansion would have to wait until after the election.

In the election of 1922, the Liberals were defeated and the United Farmers of Manitoba formed the new government. They chose, as their leader, John Bracken, President of the Agricultural College. He also assumed the position of Minister of Education. The Bracken government appointed a Royal Commission, in 1923, under Dr. W. C. Murray, President of the University of Saskatchewan, to study and make recommendations on various aspects of education in Manitoba including "the possibility of readjusting the relations of the higher institutions of learning so as to provide for their extension in the future, lessen the burden of their support, and increase their service to the province".⁶⁹

In 1924, the Murray Commission reported its recommendations. As far as the University was concerned, these were: that there should be an amalgamation of the Agricultural

College with the University, the College to continue its work as a faculty of the University, and that the University should share the St. Vital site of the Agricultural College.

The reasons for this were:

To effect the economies desired and to carry out the closest co-operation between the University and the Agricultural College, both institutions should be under one management and on the same site. A single Board of Management, whether the institutions are together or six miles apart, is desirable to prevent duplication, eliminate waste and secure better co-operation. A single Board for two institutions three or more miles apart has worked well in Minnesota and Nebraska. To obtain the best results, educational as well as financial, both institutions should be on the same site, sharing in the use of one group of buildings. To make this possible the University must move, for the College of Agriculture cannot move without sacrificing an expenditure of \$4,000,000 for land and buildings.⁷⁰

The Commission considered the complications that would be involved in breaking the Tuxedo Agreement of 1919.⁷¹ Despite Isaac Pitblado's warnings that the University would be liable to a suit for damages from the Tuxedo Park Company, a suit which he said could endanger the land endowment of the University, the Commission concluded that the courts would not order compliance with the 1919 Agreement and that the possible damage claims should not deter the University from following the recommendations of the Commission which would have such favourable results.

The Bracken government passed an amendment to the Uni-⁷² Act in 1924 by which the Agricultural College became a faculty of the University, under the administration and control of the Board of Governors. The Tuxedo Agreement was

allowed to expire after the seven year period had elapsed. The Bracken government was disposed to follow the recommendations of the Murray Commission although the order-in-council of the Norris government approving the Tuxedo agreement was not rescinded. No decision regarding the permanent site of the University was made until 1929 when a special committee of the Legislature, headed by I. B. Griffiths, chose the site of the Agricultural College for the gradual expansion of the University.⁷³ At this site, construction of an Arts Building and a Science Building were begun in 1931.

We have seen, in the above, that the members of the Board of Governors, who received no remuneration for their efforts, had to tolerate the continuing indecision of government regarding the University site and inadequate funding of new facilities. The efforts of Isaac Pitblado, in particular, in regard to securing the Tuxedo site and suitable buildings for the University were frustrated by the change of government and the depressed economy of the time. Upon the passage of the 1924 Amendment that amalgamated the Agricultural College with the University, the Board of Governor resigned as a body in order to allow the government freedom to implement this change.⁷⁴ Isaac Pitblado would not accept the new policies of the Bracken government in regard to the University and he withdrew permanently from University government. In his place as Chairman of the Board of Governor the provincial government appointed John A. Machray.

Machray was highly respected in Winnipeg as a man of

wealth and considerable business acumen. Men of his calibre gave credibility to the Board of Governors and inspired public confidence in the Board's ability to administer the University and its rapidly increasing supply of public funds. Given his long association with the University and his intimate knowledge of its finances, Machray was the obvious choice to become the new Chairman. However, added to his positions as Bursar and investment agent for the endowment funds, the Chairmanship gave Machray an extremely high degree of control over the University funds. In addition to the power derived from his various positions, Machray had, since 1917, gradually assumed to his sole authority a large portion of the responsibilities of the Board of Governors for financial administration.

This concentration of authority was never questioned. The Board of Governors was representative of a variety of interests and was considered by the government to comprise "some of the best legal minds in this Province and some of the best business minds in the City" according to the later testimony of Premier Bracken who went on to state

nobody at that time or since that time...ever suggested to me that it was not a proper appointment ...The matter was discussed with different people and no other name, as I recall, was suggested at all. Mr. Machray's name was approved by some of my associates and by some of the members of the Board as it then existed.⁷⁵

The Board of Governors was charged with the responsibility of managing University finances and the government did not take any initiative to supervise the way in which this was

done. There was no suggestion of any kind that Machray's integrity was questionable and the government did not interfere in the methods by which the Board operated. Machray had been the choice of the Board members to act as Vice Chairman since 1917 and he had more knowledge and experience of University affairs than anyone else.

The concentration of authority over the finances of the University into the hands of Machray proceeded gradually after the University Act was amended. The actions of the Board of Governors that gave Machray increasing control were not questioned and were usually justified as providing greater efficiency or as necessary due to the pressure of other business. At the Land Board meeting in October 1918, Machray had proposed a motion, seconded by Isaac Pitblado and carried, that two members, including the Chairman, Archbishop Matheson, or three members if he were not present, should be a quorum for Land Board meetings. ⁷⁶ Calling meetings of the Land Board would be greatly facilitated by having so few members required. As mentioned above, the Board had passed a resolution in 1918 that required only the signatures of the Chairman of the Board of Governors and the Secretary of the Land Board on sale agreements. After 1924, these two signatures were those of John A. Machray and R. H. Shanks. Machray, as well, could now issue cheques on all University accounts on his sole signature because of his joint position of Bursar and Chairman of the Board of Governors.

In December 1919, the Board of Governors resolved to leave consideration of the Bursar's Financial Statement to the Finance Committee because of the pressure of other business.⁷⁷ At the same meeting, the Board authorized Machray, as Bursar, to negotiate a loan for \$125,000 from the Bank of Nova Scotia. This money was needed to pay for work on the temporary buildings on the Broadway site. After this, Machray assumed the authority to take out further loans, as needed, on behalf of the University. In April 1920, the Bursar reported that nearly all the government grant for capital expenditure would be taken up by the temporary buildings and that money would not be available for the Medical Building.⁷⁸ In July, Machray reported on the meeting he and Isaac Pitblado had had with the Minister of Education, R. S. Thornton. The government was not going to provide more money for temporary buildings and Machray was to use endowment funds for the Medical Building.⁷⁹ In December, Machray reported again that he was having difficulties with University financing due to the cost of building and the fact that more government funding was not forthcoming.⁸⁰

In January, 1921, the Board gave permission to the Bursar to sell bonds as necessary in order to finance the building projects.⁸¹ At the February meeting of the Land Board, the Secretary, R. H. Shanks, reported that, due to the inability of the government to provide funds for the new buildings,

it had become necessary for the Board to authorize

the Bursar to advance to the General funds of the University necessary monies, and that to date some \$205,000.00 had been transferred and that further funds are also required. It was understood that these advances from the Endowment Fund to the General Account were to be repaid out of grants to be received from the Government at the present session. In order to provide the necessary funds, it had been necessary in addition to current cash, to dispose of Bonds to the extent of \$173,000.00 and that there was now in process of sale some \$35,000.00 more.⁸²

The Land Board considered Shanks' report and resolved to forward a statement to the Board of Governors expressing "the views of this Board regarding the necessity of maintaining the integrity of the endowment for educational purposes". The financial statements of the University later showed that \$232,991.46 of the Land Endowment funds were allocated to capital expenditures in 1921, but this amount was returned to the endowment in the following year as part of the special grant for building. (See Appendix VIII.)

In April, 1921, correspondence to the Board of Governors from the Bank of Nova Scotia requested formal authorization for the borrowing of money on behalf of the University by the Bursar. The Board issued its authorization of these loans negotiated by Machray.⁸³ In November, the Board passed another resolution authorizing the bank to allow Machray to create overdrafts in the trust accounts.⁸⁴ By 1924, John A. Machray had an extreme degree of freedom in the management of the University funds.

The 1917 Amendment to the University Act required that the accounts be audited at least once each year by the government or by an appointee of the government, and that the

Board make an annual report that included a financial statement.⁸⁵ The first three Annual Reports of the Board of Governors, for years 1917-1918, 1918-1919, and 1919-1920, included a report of the Bursar, John A. Machray, with financial statements of the trust accounts and of the Bursar's account audited by the Comptroller- General. However, beginning in 1920-1921 and until 1932, these Annual Reports contained no Bursar's report nor any financial statements as required by the Act.

In 1917, the Board of Governors had the University accounts for the fiscal year 1916-1917 audited by the firm of auditors, Webb, Read, and Hagen, that had done the University audit in the past. The Board sent the audited statement to the government in October. In March 1918, R. S. Thornton, Minister of Education, wrote to Isaac Pitblado advising that the audit should be conducted by the Comptroller-General's department. Pitblado replied that the Board would prefer to hire their own auditors, but the Minister insisted on having the audit conducted by the Comptroller-General.⁸⁶ In November 1918, John R. Major of the Comptroller-General's department was placed in charge of the University audit.

Beginning in 1919, J. R. Major encountered problems in getting statements from Mr. Shanks. This delayed the completion of his audit. The audit for the fiscal year 1918-1919 was completed in February 1920 and for 1919-1920, in March 1921.⁸⁷ Mr. Major was unable to complete another audit until January 1925. This audit covered the years 1920-1921,

1921-1922, 1922-1923, and 1923-1924. The delay was ostensibly the result of difficulties involved in putting into effect a new system of book-keeping devised by Major on behalf of the Comptroller-General's department.⁸⁸ Relations between the University and the Comptroller-General's department were strained and this added to the problem. Isaac Pitblado and the Board complained about the delay and were insistent that the audit be completed.⁸⁹ The Annual Reports submitted to the government for these years were incomplete.

After 1925, J. R. Major continued to work on the University accounts but was unable to complete an audit until 1931. The Chairman of the Board, now John A. Machray, submitted an "Annual Report" to the government each year. However, this report contained no financial statements. The members of the government and the Minister of Education never expressed any concern about their absence. Management of University finances was held to be the responsibility of the Board of Governors and was not under the supervision of the government Department of Education. The Deputy Minister of Education, Robert Fletcher, later testified that he considered the University "as an independent institution" and

At any rate, I never felt I was called upon to supervise the doings of men like the late Sir Augustus Nanton, Isaac Pitblado, R. T. Riley, and those men who were administering the affairs of the University⁹⁰

The problem of completing the University audit was considered to be the result of ongoing disagreements between the Machray firm and the Comptroller-General's office. Bracken

and Fletcher had both been involved in an attempt to mediate between the two in regards to their differences and the delay in the audit in 1923. The attitude was that the financial affairs of the University were in the good hands of a very strong and capable Board of Governors. The government paid no attention to the lack of financial statements in the University report and the continuing delay in the audit.

The Board of Governors left the matters of accounting and audits to the Honourary Bursar, John A. Machray. There was never any question raised about his methods of handling these affairs because he had managed them for so long and no one else knew as much about them. No concern was ever voiced by members of the Board about the ongoing delay in securing an audit. The Board members had absolute trust in Machray to look after any problems with the books and to keep them informed about them.

While Mr. Major was stationed as auditor of the University accounts at the offices of Machray and Sharpe, he accepted extra employment from the Land Board and from the Machray and Sharpe firm. Beginning in the summer of 1920, Mr. Shanks engaged him to make a number of inspections and valuation reports of University lands. Payment to Mr. Major for this work was approved on each occasion by the Land Board.⁹¹ From February 1926 to July 1932, Mr. Major earned \$100 per month from the Machray and Sharpe firm for working on the old books of the firm dating back to 1897.⁹² This arrangement was made quite openly and caused no concern on

the part of Mr. Major's superiors in the Comptroller-General's department.

From 1925 to 1931, J. R. Major was responsible for conducting a detailed, continuous audit of the University investment accounts for the Comptroller-General's department. He was impeded in this work by the ongoing delays in completing the University books and statements.⁹³ He and his superiors in the Comptroller-General's department frequently brought these delays to the attention of John A. Machray who supported his staff's reasons for postponing the audit and promised imminent solutions to the problems in the office. Some of these problems were illness and absence from the office of Mr. Shanks who insisted on making all entries to the University books himself, the illness and absences of Machray, and the pressing demands of other business that kept the staff from the University work.⁹⁴ The Comptroller-General was unable to get a completed audit for any of these years.

Robert Drummond, the Comptroller-General, expressed his concern about the ongoing delays to John A. Machray. He did not bring the problem to the attention of any other authority, either on the Board of Governors or in the government. His communications with Machray were verbal, by telephone, and he did not put pressure on Machray in written form until January 28, 1932 when he finally sent him a letter.⁹⁵ Drummond later explained that he believed he fulfilled his duties in regard to the situation when he brought

the matter to the attention of Machray.

We were somewhat lenient because there was sickness. Promises were coming from very honourable men, and we were dealing, as I said before, with the head of a corporate body, and we did not desire to again go over the chairman's head to whose attention surely I had drawn the state of affairs.⁹⁶

He stated that he believed that there was no other person to whom he should report the problems with the audit because the University was a separate corporate body under the Board of Governors. Machray was considered to be the ultimate authority over University financial affairs. Drummond was afraid to go over his head to the Minister of Education because this had been done in 1923 with unpleasant results. The delayed audit, at that time, had eventually been completed satisfactorily.

Drummond did consider some of Machray's actions and methods to be "extraordinary" or unsatisfactory. He and J. R. Major questioned Machray's sale of \$24,000 worth of War Loan bonds belonging to the Rockefeller endowment in order to buy Drewrys Limited first mortgage bonds, especially in light of the fact that Machray was married to a daughter of the Drewry family. Machray explained that the new investment provided a higher rate of interest. Drummond and Major criticized the practice of allowing individual access by Kerr or Shanks to the safety deposit box containing University securities. These and other criticisms were termed "minor matters" in the auditors' reports and never went beyond the attention of Machray and his staff. Drummond

claimed that he did not suspect that there was any danger to the University funds and securities. He believed that they were intact.

Mr. Major worked on other assignments in addition to the University audit. From November 1929 to January 1931, he had been working on the audit of the Public Utilities Board. In January 1931, his department sent him to apply all his attention to the University accounts until an audit was completed. This time, Major did not wait for the accounts to be written up. He made his investigations from vouchers and files⁹⁸ and he completed his audit in July 1931.

This audit showed an indebtedness by the firm to the University accounts in the amount of \$671,993.25. This indebtedness did not worry Major or his superiors at the time because they blamed the situation on confusion and neglect in the book-keeping. Shanks and Kerr were instructed to allocate to the University accounts the missing securities which, the Comptroller-General and his staff believed, were still safely in the keeping of the Machray firm. In the following months, the amount of indebtedness was revised slightly as the Machray firm studied the audit. However, the allocation of securities to the University accounts was not made.

The Comptroller-General, Robert Drummond, took no action until January 1932 when he wrote to Machray to protest the delay. Machray replied that he had been sick and absent from the office, but that he would take immediate action.

Drummond continued to communicate with Machray without result. In April, R. H. Shanks died at the age of seventy-three. In May, Drummond discussed the problem with the Attorney-General, W. J. Major.

About ten days later, Drummond wrote to the Minister of Education, R. A. Hoey, in regard to the audit of the University accounts. Hoey, a longtime member of the farmers' movement and a Member of Parliament from 1921 to 1925, was elected to the Manitoba Legislature in 1927 and assumed the Education portfolio that had been held from 1923 to 1927 by Charles R. L. Cannon. Cannon, who had been elected to the Legislature in 1922, and who had taken over as Minister of Education from Bracken in 1923, lost his seat in the election of 1927. Drummond informed the Minister

...that certain sums of money totalling \$589,663.28 are due by Machray, Sharpe and Company, agents for the Board to the Land Board, Rockefeller and Isbister Trusts. In the ordinary course of business, securities amounting the sum mentioned would be allocated from Machray, Sharpe's own trust account and transferred to these trusts.⁹⁹

He explained that the allocation had been delayed for over a year and a half due to poor health of Machray and Shanks; and he expressed his concern that Mr. Hoey be in possession of this information. He ended the letter by stating:

While I have no reason to suspect that anything is wrong, I still feel strongly that this is too serious a matter to be allowed to drift.

Drummond was reluctant to take action that might cast suspicion on one of the "most highly respected citizens...in this city and the province".¹⁰⁰

On June 28, 1932, the Comptroller-General, Robert Drummond sent two members of his staff to the offices of Machray and Sharpe to seize the securities of the University.¹⁰¹ On July 16, 1932, the provincial government re-appointed John A. Machray as Chairman of the Board of Governors. The Minister of Education still believed that Machray would be able to produce the missing securities. However, the investigation at the offices of Machray, and Sharpe continued and produced evidence of serious impairment of the trust accounts. Mr. Machray's appointment to the Board was rescinded in August. On August 25, 1932, John A. Machray was charged with theft in cash and securities from the University of Manitoba;¹⁰² and, on September 3, bankruptcy proceedings were launched against the firm of Machray and Sharpe.¹⁰³

CHAPTER 4

IMPAIRMENT OF THE UNIVERSITY FUNDS

On August 24, 1932, Winnipeg newspapers announced the alarming fact that an audit by provincial government authorities had disclosed shortages in the University trust funds¹ that would amount to several hundred thousand dollars. The crisis came at a particularly bad time for University staff and students. The economic depression had not yet had a significant effect on University financing. But on August 12,² the provincial government had announced that the annual grant to the University would be reduced from \$500,000 to \$200,000 plus payment of the interest on the debt for University buildings.² In the weeks following, the Board of Governors raised tuition fees, cut salaries and staff and persuaded the government to set the University grant at \$400,000.³ However, the difficult times caused enrollment to fall in 1932-1933 and the students maintained a prolonged protest of the fee schedule through the Students' Union and the student newspaper, The Manitoban.

The loss of endowment funds was a harsh addition to the worries concerning University financing. However, the news of August 25, 1932 came as an incredible shock. That day, the headlines declared that John A. Machray K. C., Chairman

of the Board of Governors and Honourary Bursar, had been charged with theft of \$47,451.37 in cash and securities from the University of Manitoba. In the months that followed, investigations unravelled an astounding story of almost thirty years of misplaced trust and lack of normal control over a powerful position of responsibility.

For the next few weeks, the public press gave extensive coverage to the "Machray Defalcations". Bail for Machray was set at \$100,000 and was posted by Hon. Dr. G. W. Montgomery, Brigadier-General R. W. Paterson and Mrs. Paterson, Hon. Colin Inkster, Mr. and Mrs. W. D. Love, and the lawyers representing Mr. Machray: A. E. Hoskins and E. C. Parker K. C. Machray did not appear in court to answer the charge because of his poor health and a recent operation on his ulcerated stomach.⁴ The case was remanded to September 1 and again to September 9 when the amount of the theft from the University for which he was charged was increased to \$901,175.30.

In addition to the some two million dollars in University trust funds, made up of the \$1,661,551 in cash and securities reported in the financial statement to April 30, 1931 plus 44,200 acres of land, the Machray firm acted as investment agent for approximately \$1,500,000 in trust funds for the Anglican Church and St. John's College. Machray had held the position of Chairman of the Diocese of Rupert's Land since 1905.⁵ He was also present Chancellor of St. John's College.⁶ On August 29, the press predicted grave shortages in the Church funds, between \$800,000 and \$1,250,000 and

questioned the ability of St. John's College to operate in the coming academic year.⁷ On the following day, St. John's College announced that it would remain open despite the loss of funds. The newspaper reports also mentioned that a Church trust fund for widows and orphans had been impaired. On September 3, the Winnipeg Tribune reported that pensioned Anglican clergy, "these early missionaries", would suffer hardships due to the loss of funds. On September 10, Archbishop Matheson stated to the press that the pensioned clergy would be looked after and orphans and widows would not suffer..

Editorials in the Winnipeg Free Press exhorted the government to make up the losses in the endowment funds.⁸ They argued that the government would ultimately be burdened anyway with the extra financing the shortages would necessitate and that the University would be more likely to attract future endowments if the government would guarantee the integrity of those of the past. On September 7, the Minister of Education, R. A. Hoey, announced that government would restore the endowments and that a royal commission would be appointed shortly.⁹ In the early summer of 1933, the government made decisions to make up the lost revenue from the scholarship funds and the Rockefeller grant.¹⁰ The losses to the Dominion Land Grant could not be recovered.

On August 26, 1932, the Registrar's office announced that tuition fees, for all courses except medicine, would be raised from the sixty-five to eighty-five dollars of the

previous year to \$135. These increases were part of the general economy program and, it was argued, had nothing to do with the shortages in the trust funds. Salaries were to be cut six percent plus seven percent. R. W. Craig, acting Chairman of the Board of Governors, announced that all scholarships that had been awarded would be paid.¹¹ There was much public opposition to the increased fees and the City Council asked the University to reconsider.¹² It was believed that the higher fees would bar many deserving students from the University. Despite the general opposition, the fees were increased.

On September 22, 1932, John A. Machray pleaded guilty to two charges of theft, a reduced charge of \$500,000 from the University and \$60,000 from Mr. Heber Archibald, the former head of his law firm. The Anglican Church and St. John's College did not press charges despite losses which formed the greater part of the near \$1,000,000 that was lost by clients other than the University. They did not "choose to add to Mr. Machray's ruin and (their) own embarrassment by instituting further prosecution".¹³ Machray was sentenced to seven years imprisonment, the maximum sentence for the charge, by Magistrate R. M. Noble who expressed his regret in passing this judgement on a personal friend of over twenty-five years.¹⁴ Mr. Machray was incarcerated in the hospital facilities at the Stony Mountain Penitentiary. He died there of cancer on October 15, 1933 at the age of sixty-eight. When questioned on November 2, 1932 by the royal

commission that was appointed to investigate the impairment of the University endowment funds, Machray did not provide much information. He would only state that neither he nor anyone else had benefited personally from the stolen funds, that he needed more time to prepare a statement, and, some-¹⁵ what ironically, that he was "no ordinary thief".

In response to the public reaction to the University losses, the Bracken government appointed a royal commission on September 26, 1932. It was composed of the Chairman, Chief Justice W. F. A. Turgeon of the Saskatchewan Court of Appeal; Dr. W. C. Murray, President of the University of Saskatchewan; and Mr. C. G. K. Nourse of Winnipeg, formerly manager of the Canadian Bank of Commerce. They were to study and report on: the methods employed in the administration of the trust funds since their establishment; the methods, extent, and dates of the impairments and depletion of the trust funds; the use that was made of the abstracted funds; how the thefts were concealed; who were responsible; and all other relevant matters. They were also to make recommendations for the future financial administration of the University and its property.¹⁶ The Commission conducted its inquiry for fifty-four days, between September 29 and January 20, 1933, and heard from forty-four witnesses. Their report was submitted on March 27, 1933.

The Turgeon Commission found that the University endowment funds (see Appendix XVI) had been depleted by the following amounts:

1925 - 1926	\$174,830.28
1926 - 1927	116,670.45
1927 - 1928	121,065.15
1928 - 1929	81,360.68
1929 - 1930	153,460.92
1930 - 1931	134,163.99
1931 - 1932	<u>119,623.83</u>
	<u>\$901,175.30</u>

They found the total impairment, that is the loss of interest as well as depletion, to be \$1,039,438.¹⁷ The total shortage in client trust funds, including the above loss to the University, was estimated to be close to \$2,000,000. A large portion of the million dollar loss to clients other than the University was suffered by the Anglican Church and St. John's College.¹⁸ The total amounts of the losses to the various University trust accounts were revised slightly with further study and with the disbursement of the remaining Machray and Sharpe assets. The final claim of the University on the bankrupt firm was \$869,065.27 of which \$40,837.77 was recovered.¹⁹ (See Appendix XVII.)

In 1941, a committee assigned to negotiate the final settlement of the University claims on the firm reported to the Board of Governors:

In as much as the Machray-Sharpe Estate has now been entirely distributed, this unpaid balance must be abandoned as wholly uncollectible...The loss to our Endowments is not all represented by the direct cash loss of \$828,227.50. Other large losses had to be taken on mortgages and agreements for sale which were made prior to May 1, 1933, and

which proved to have a realized value far below the amount of outstanding principal and interest. Most of these losses have now been written off.²⁰

The total amount of these other losses was not calculated nor investigated. The Turgeon Commission found evidence that improper use of the University trust funds had begun as early as 1903 by the firm of Archibald, Machray, and Sharpe.²¹ At that time, the firm was investment agents for only one of the endowments belonging to the University, the Isbister Trust. In order to satisfy the auditors until 1924, sufficient securities could be produced out of the general pool of securities held by the Machray and Sharpe firm and allocated to the University accounts. The Commission listed only the losses to the University from 1925 to 1932 that resulted from missing securities.

According to their testimonies in 1932, the members of the Board of Governors were unfamiliar with the work of the former Land Board and generally relied on their Chairman, Isaac Pitblado, until 1924, and John A. Machray after that,²² for the administration of the University finances. The Board of Governors retained the Land Board as a committee with authority to administer the sales of University lands and the investment of University trust funds. In 1917, these assets amounted to \$893,671.11 plus 58,000 acres of land valued at \$10 per acre. In view of the value of these assets, the role of the Land Board should have been clearly defined. Instead, it was given the vague directive to continue as before. Because Mr. Machray and Mr. Shanks handled

the actual day-to-day work involved with the investment funds, and because the other members of the Land Board lacked a definite function, the meetings of the Land Board became less and less frequent until they stopped completely in 1928. The resulting situation was that the Board of Governors relied on the Land Board to supervise and ensure the integrity of University trust funds while the Land Board, quite rightly, believed that this was the obligation of the Board of Governors.

As the sales of the University lands progressed, the amount of the resulting investment funds gradually increased to reach their highest value of \$1,078,485.54 in 1921. (See Appendix X.) After this date, the value of total land sales decreased due to cancellations and totalled \$1,038,786.21 in 1932. Cancellations in the period from 1921 to 1924 were few, totalling only \$890.65. However, in the years 1925 to 1928, when economic times were relatively good for farmers, the cancellations of sales agreements totalled \$49,964.35 and, in the years 1929 to 1931, they totalled \$13,650.47. In the summer of 1925, the Land Board agreed to foreclose on some agreements of sale that were in default; ²³ and, in February 1928, at the final meeting of the Land Board, Mr. Shanks reported that in the past two years, "we" have taken back twenty parcels of land. ²⁴ At this meeting, Shanks reported that the total assets of the Land Board as of May 1927 were \$1,111,701.13. This figure does not include the bank overdraft of \$73,000.13 in the Land Board account. (See Ap-

pendix XI.) In fact, none of the bank overdrafts that existed at the end of each fiscal year from 1924 to 1930 were explained to the Land Board. Nevertheless, a sizeable portion of revenue from the Land Board accounts was contributed to the Bursar's general account each year. (See Appendix XII.) The final claim on the Machray and Sharpe firm for losses to the University Land Grant was calculated to be \$140,835.58. (See Appendix XVII.)

As mentioned above, the University acquired the Isbister Trust in 1883. This trust had a capital of \$83,215.57 which increased through the accumulation of unexpended revenue to over \$130,000 in 1917²⁵ by which time the annual appropriation from the revenue for scholarships and prizes approached \$6,000.²⁶ The Isbister Trust was depleted by the Machray defalcations in the amount of \$80,397.84.

In addition to the above, the University acquired a number of other endowments. (See Appendix XVI.) In 1913, Professor Swale Vincent established a fund of \$950, which was later increased to \$1,000, to provide a medal and cash prize for research work in physiology or in a related subject. In 1917, J. L. Doupe donated to the University \$300 worth of stocks to provide income for a gold medal awarded annually for proficiency in civil engineering. The loss to the Physiological Research Prize Fund was \$959.43 while the Doupe Medal Fund remained intact, probably due to the nature of the securities.

Prize funds were established to commemorate two of the

men who played leading roles in the development of the University of Manitoba. Sir James Aikins donated \$5,000 in school district debentures to provide a fund from which the revenue was used for prizes in English. The Faculty of the Manitoba Medical College established the Chown Prize Fund in 1920 in honour of the former Dean of Medicine, Dr. H. H. Chown, who was a member of the University Council from 1901 to 1917, and a member of the Board of Governors from 1917 until his death in 1931. This fund had a value of \$3977.66. These two endowments suffered relatively minor losses: \$486.43 to the Sir James Aikins Prize Fund and \$604.02 to the Chown Prize Fund.

In the 1920s, the University received three large endowments for special purposes. A \$12,000 "Khaki University and Y. M. C. A. Memorial" fund, allotted to the University in 1921, provided scholarships and loans for the education of veterans of World War One and their children. In 1922, the Rockefeller Foundation transferred \$507,614.22 to the University to assist in the funding of the Faculty of Medicine. In 1927, the Carnegie Foundation granted \$80,000 to the University as a pension fund for retired staff. This fund was valued at \$90,949.39 in 1931.²⁷ These three funds suffered heavy losses. The Khaki University and Y. M. C. A. Memorial Fund and the Carnegie Foundation Fund were totally depleted and the Rockefeller Foundation Fund lost \$476,382.02.

In 1923, the Honourable Alexander Morris scholarship for the highest standing in the Bachelor of Laws program was

established with a \$1000 endowment from his daughter. H. W. Kennedy left \$7500, after his death, to the University in 1925 for the development of courses in forestry. For research work in geology, Joseph Winthrop Spencer left \$9000 to the University in 1928. The above three funds were virtually eliminated by the defalcations. In 1928, Dr. H. H. Chown provided a \$5000 fund, the Charles Gray Chown Student Fund, to assist needy students. The loss to this fund was \$3405.01. In 1929, the Thomas Hart Memorial Fund of \$1000 was set up to provide scholarships in Latin and Greek. This fund remained intact. In 1930, the Roderick McKenzie Memorial Fund of \$2612.91 was donated by the United Farmers of Manitoba to provide a scholarship in agronomy. The loss to this fund was \$2613.73.

David A. B. Murray of the auditing firm of Black, Hanson and Company and John Parton of George A. Touche and Company prepared statements for the Turgeon Commission based on investigations of the Machray and Sharpe accounts to discover what use had been made of the missing funds. ²⁸

(See Appendix XVIII.) Only \$301,138.74 of the nearly two million dollars abstracted from the trust funds was determined to actually have gone into Machray's personal account. It was difficult to ascertain how Machray used this money as appearances indicated that he lived in a frugal manner. Over \$200,000 went into the firm's "land accounts" to pay taxes and other costs on lands that Machray held for speculative purposes. Most of the missing funds went to cover

losses on investments. The Turgeon Commission estimated that most of the \$782,544.80 allocated by the auditors to "investment account" was used to pay interest to clients on non-existent mortgages and investments in order to cover up the loss or embezzlement of the principal of their trust accounts. ²⁹ Some \$100,000 went into the Machray, Sharpe and Dennistoun law firm account. The remaining lost funds were used to finance unsuccessful investment ventures in which Machray was involved.

One of these ventures was the "Meadows farm" to which the auditors traced \$94,317.39 of the lost funds. This was a farm of 8850 acres, near Meadows, Manitoba, which was owned by a "G. A. Paley of London" and managed by John A. Machray. This farm received various loans without interest made to "Paley Loan" with cheques issued against eight different University accounts from September 3, 1929 to February 29, 1932. The farm suffered heavy losses and was sold to Pigeon Lake Farm Lands Company Limited. This company was incorporated February 16, 1929 and its directors were John A. Machray, B. C. Parker, who was a partner in his law firm, and James Kerr, assistant to the book-keeper, R. H. Shanks. Upon the sale of Meadows farm, Mr. Paley got 40,000 shares in Pigeon Lake Farms. After Machray's death, the directors appointed Mary Kathleen Parker as a director in his place. ³⁰ The University negotiated with Pigeon Lake Farms until 1935 but was unable to recover funds lost to the Meadows farm account.

As mentioned above, the Turgeon Commission found that misuse of trust funds by the firm of Archibald, Machray and Sharpe had begun as early as 1903. In that year, the auditors' figures showed that "the trust liabilities of the firm amounted to \$19,106.07, while at the same time they had a bank overdraft in their trust account of \$61,072.75 and only \$16,000.00 in the general bank account. Their trust position on December 31, 1903 was therefore unsound." ³¹ At that time, the firm acted as investment agent for the Isbister Trust which the University obtained in 1883 and R. H. Shanks was the Secretary of the Isbister Trust Committee. The fact that the Machray and Sharpe firm was engaged to manage the University Land Grant and investment funds in 1907 indicates that University officials were unaware of these irregularities.

The Commission found that the audited reports of the University trust accounts for every year from 1907 to 1917 were false. ³² A system of delayed deposits was carried on throughout this period. In every year, substantial sums of money that should have been deposited to the University accounts had not been deposited by the end of the fiscal year. The Turgeon Commission found that the delayed deposits to the Land Grant accounts each year from 1907 to 1917 were:

LAND GRANT - CASH IN BANK (CAPITAL AND REVENUE)³³

FISCAL YEAR ENDING	ACTUAL	DELAYED DEPOSITS	AS SHOWN BY FINANCIAL STATEMENT
Aug. 31, 1907	\$ 17,345.38	\$ 4,328.83	\$21,674.21
" 1908	1,928.44	27,262.40	29,190.84
" 1909	7,892.75	32,490.00	40,382.75
" 1910	5,916.64	18,884.44	24,801.08
June 30, 1911	1,906.40	55,504.95	57,411.35
" 1912	(2,504.44)	26,931.16	24,426.72
" 1913	(119,797.49)	141,686.99	21,889.50
" 1914	(60,117.00)	69,027.39	8,910.39
" 1915	19,261.97	10,390.95	29,652.92
" 1916	76,385.75	8,601.59	84,987.34
" 1917	3,545.79	27,062.16	30,607.95

The above figures obviously do not represent the total assets of the University trust accounts, but only the uninvested cash position. As can be seen, these delayed deposits reached very large sums, particularly in 1912-1913. These amounts were deposited to the University accounts after the fiscal year-end and just prior to the inspection of the University funds during the annual audit. The year-end financial statements and the auditors' reports made no mention of these delayed deposits. During the whole of this period, University funds were being used by the investment agents for their own purposes.

However, the auditors did criticize aspects of the man-

agement of the University accounts. W. A. Henderson, auditor until 1908, repeatedly advised, in his reports, that the Bursar's office should be located at the University "with an accountant in charge, who would have the keeping of all these accounts of the University"³⁴. Auditors from 1910 to 1917, the firm of Webb, Read, and Hagen, wrote to the firm of Machray and Sharpe suggesting that they have all their trust accounts audited. They also wrote to the University Finance Committee and to the Land Board concerning the delayed deposits and the bank overdrafts.³⁵ These letters were either intercepted by R. H. Shanks or ignored. University officials apparently accepted the unorthodox methods of the Machray and Sharpe firm in handling their trust funds, perhaps in the belief that they were necessary to Machray's ongoing success as an investor.

The Machray firm deposited money received from all sources, including money received for investment, to a common trust account. University money was also deposited into this account instead of directly into the University accounts. This account was used to finance ambitious investments made on behalf of their clients as well as the operating costs of both the investment and the law sides of the firm of Machray and Sharpe, and their own personal investments. Each year, money was taken from this account to cover the delayed deposit position before the University audit. After 1917, the Comptroller-General's department also seemed to accept this system as part of the Machray firm's method

of operation. When J. R. Major completed the audit of the University investment funds in 1931 and found an indebtedness of \$671,993.25, the Comptroller-General's department was confident that the firm had the assets necessary to deposit the missing amount to the University accounts.

In 1911, Machray and Shanks invented a system of fictitious mortgages in order to account for trust liabilities. This system involved the receipt of money from a client for investment. Although no investment had been made, the client was advised that his money had been invested in a mortgage of which full particulars were given by the firm. Interest was sent promptly to the client on the supposed due date and an annual statement was provided to show the standing of the investment.³⁶ In addition to this system of fictitious mortgages, there were also cases in which actual mortgages were paid off but the firm continued these in their books as unpaid. The investors continued to receive interest as if the principal had not been paid while the firm used the principal for other purposes. As mentioned above, a large portion of the depleted University funds, close to \$800,000 was used to pay interest to clients on fictitious mortgages and investments.

Legitimate mortgages held by the firm were taken out in the name of Machray as mortgagee. Bonds held by the firm were allocated to a client by pinning to the bond, a slip of paper bearing the client's name. These securities could be transferred easily from one client to another as the need to

produce them arose.

Had the firm of Machray, Sharpe and Dennistoun had a complete audit of their trust accounts, as was suggested by the University auditors, Webb, Read and Hagen, there would not have been sufficient assets to cover the firm's liabilities to the trust accounts of all clients. This was true at least as early as 1911-1912.³⁷ The Turgeon Commission found that the annual shortages in the trust funds for the six years before the amended University Act came into effect in 1917 were:

- A. Liability to all clients for trust funds received but not invested.
- B. Liability to all clients for mortgage investments later found to be fictitious.
- C. Cash in bank.
- D. Apparent shortages in trust funds.

	A	B	C	D
1911-1912	\$257,777.87	\$ 20,800.00	\$62,986.49	\$215,591.38
1912-1913	388,514.10	30,100.00	86,497.94	332,116.16
1913-1914	403,505.93	74,375.00	62,296.64	415,584.29
1914-1915	282,333.85	79,475.00	29,516.63	332,292.22
1915-1916	248,631.83	94,975.00	23,471.12	320,135.71
1916-1917	273,322.56	101,275.00	(252.37)	374,849.93

In 1917, the firm held \$49,328.19 in University trust funds that had not been invested. The investment firm, for all practical purposes, was bankrupt by 1912, a time when the

Winnipeg real estate boom was ending. It would seem that John A. Machray chose to protect his reputation as a successful investment agent by adopting illicit practices and to carry on with his investments, gambling on greater success in the future.

From 1917 to 1921, there were no new misappropriations of the University endowments. The new system of audit and control by the Board of Governors seemed to have caused the investment firm to fear detection of further misuse of these funds. In 1925, the audit of the University books did not detect the depletion of the University funds. The assets of other trust accounts were allocated to the University to cover the missing funds.

In 1924, John A. Machray was appointed Chairman of the Board of Governors. This further control over the management of the University funds enabled him to resume his embezzlements by the methods described above, and to put off any further audit until the defalcations were finally discovered. Beginning in 1921, Machray also made use of his power to sell bonds, to issue cheques, and to create overdrafts on University accounts on his sole authority. He was able to convert registered bonds, including \$500,000 of the Rockefeller Fund, into bearer bonds and to sell them when he wished. He must have realized that members of the Board of Governors were not particularly aware of the events taking place or their significance.

The Turgeon Commission found that criminal guilt lay

only with John A. Machray and his associate, R. H. Shanks, head accountant of the Machray and Sharpe investment firm for many years. The Commissioner believed that Shanks invented the fictitious mortgage system begun in 1911. Although there is no evidence that he benefited personally, they believed that Shanks invented the fraudulent methods in order to shield Machray from bankruptcy.

Although James Kerr, after 1924, assisted Machray and Shanks in their illicit business methods, the Commission found much to say in his favour. He brought to the Commission all evidence and information that he had in his possession; and he claimed that he was assured by Machray that sufficient assets could be produced to cover the deficiencies.

F. J. Sharpe, partner of Machray, claimed that he had no knowledge of the fraudulent practices of the firm. Although the Commission accepted his statement, the evidence showed that he used money from the firm's bank account, which he knew contained funds of both the firm and the clients, "with a reckless disregard for the true state of the account".³⁸ In September 1932, the Winnipeg Free Press reported an interview with Mr. Sharpe "who gave a complete denial to the persistent rumour that Mr. Machray had been a heavy speculator in the stock and grain market".³⁹ Mr. Sharpe contended that Mr. Machray had used "poor judgement" in making huge investments on the security of lands that had recently suffered great depreciation in value. He did not

believe that Machray had acted on motives of personal gain.

R. M. Dennistoun⁴⁰ was a partner in the firm from 1907 to 1918. He was absolved of blame by the Commission on the argument that he was unaware of the irregularities in the investment work of the firm. As evidence of this lack of knowledge, the Commission cited the fact that Dennistoun had invested \$150,000, of his own money and that of his friends and former clients, through the firm and had left these trust funds with the firm while he was overseas during World War One. In 1918, when he became a judge and left the Machray firm, Dennistoun had all of these trusts withdrawn from the firm and placed elsewhere.

In addition to the losses traced to the Machray, Sharpe, and Dennistoun firm, \$97,157.08 was traced to the Machray, Sharpe, Dennistoun "land account". Mr. Dennistoun explained that he had kept out of real estate investments until 1909 despite Mr. Machray's urging that he "was letting the opportunity of a lifetime slip away" and that he "would never get again the same chance of making some money"⁴¹. In 1909, he entered joint liability with Machray and Sharpe for up to \$25,000 in opening this "land account". Dennistoun testified that he had received no profits from the land transactions except once, for \$500, and that he had lost \$5000 in connection with the land account on another occasion. In his testimony to the Turgeon Commission, Judge Dennistoun stated that he and Machray had discussed their mutual financial interests in 1925. At that time, Machray apparently

admitted to Dennistoun that he was "short" or "owed" some \$100,000 and wanted to know if Dennistoun still claimed any interest in assets held by Machray. Machray was planning to dispose of some assets in order to cover this deficit.⁴² Dennistoun assured him that he released Machray from any claims. The Turgeon Commission pointed out that the greater portion of the losses to the University were incurred after Mr. Dennistoun left the firm and that the Commission was not in a position to comment on his possible legal liability.

The Commission found that the Norris government had improperly appointed Machray to the Board of Governors in 1917 when he was already Bursar and investment agent for the University. The Bracken government was blameworthy for appointing Machray as Chairman of the Board of Governors in 1924, and for not obtaining an annual audit of the University investment funds, including a list of these investments, as required by the University Act. The Board of Governors was held responsible, from 1917, for allowing Machray to hold the positions of Bursar and investment agent, and for not securing an audit after 1925.

From 1918 to 1932, John R. Major, of the Comptroller-General's office, was in charge of auditing the University accounts according to the provisions of the University Act. The Commission found that he had placed himself in an improper position by accepting a salary, beginning in February 1926, from Machray for work done for the firm. The fact that he never tried to conceal this, but sought approval

from his superiors in the Comptroller-General's office, led the Commissioners to conclude that Major was deluded by Machray in the same way that so many others were. However, the Commission failed to discover that J. R. Major had been receiving remuneration from the Land Board for inspections and valuations of lands since 1918. It is difficult to believe that an auditor working so closely with the Machray and Sharpe firm could be completely blind to the true situation.

Parts of the Turgeon Commission Report were reported by the Winnipeg Free Press on March 30, 1933. On that same day, that newspaper reported that Alex R. Ross, Chief Accountant of the University since 1925 and J. R. Major's counterpart as auditor of the general accounts kept at the University, was charged with theft of \$14,279.35 from the University. Over a period of some years, Ross had stolen small amounts of cash and cheques that had not been reported. In July 1931, his assistant had reported these thefts to John A. Machray, but nothing was done. Ross was suspended from his job on March 21, 1932.⁴³ The Turgeon Commission had examined Ross in November 1932 and had taken financial statements of the Bursar's general accounts for the years 1925 to 1931 as exhibits. The Commission had not found evidence of any wrongdoing in these accounts.

The Comptroller-General of Manitoba was severely criticized by the Commissioners for failing to make an audit of the University accounts at least once each year, as required

by law; for failing to inspect the securities of the University from October 1925 to June 1932; and for failing to make any reports to the government until May, 1932.⁴⁴ Mr. Robert Drummond had been Comptroller-General of Manitoba since December 1, 1921. This was the year that Machray's defalcations resumed following a lapse since the University Act Amendment of 1917. The Report of the Turgeon Commission was presented to the Legislature on March 29, 1933. Drummond's resignation was announced on March 31, 1933.⁴⁵

Robert Drummond claimed that he told the Attorney-General, W. J. Major, of his suspicions regarding Machray on May 12, 1932. However, W. J. Major denied that he had been advised that anything was wrong. On May 23, 1932, Drummond wrote to the Minister of Education, R. A. Hoey, informing him of a shortage in the University accounts of over half a million dollars. The Attorney-General admitted that he assisted Drummond in the drafting of this letter, particularly the sentence: "While I have no reason to suspect that anything is wrong, I still feel strongly that this is too serious a matter to be allowed to drift".⁴⁶ This letter reached Premier Bracken's office on May 25, but testimony stated that Bracken did not see the letter until June 17, the day after the provincial election. Nothing was done about the situation until August.

The Commissioners found that all the funds and securities, except for \$12,400, had been stolen before May 1932; that the members of the government had acted in a reasonable

manner in light of Drummond's statement that nothing was wrong; and that nothing could be gained by pursuing the matter of the timing of the government's being informed of the defalcations and their taking action. However, the delayed government action received a great deal of attention from the press and in the Legislature during the session of 1933.

During this session of the Legislature, the government finally took action to reform the methods by which the University finances were administered. In its Report, the Turgeon Commission recommended that the Board of Governors be enlarged to fourteen members: nine to be appointed by the government, three by the University graduates, and the Chancellor and President as ex officio members. The Board of Governors should elect its own Chairman and Vice-Chairman. No member of the Board should have any financial interests in the administration of University affairs. All securities should be deposited with a chartered bank or trust company. Provision should be made for the proper custody of the University seal, for proper signing and counter-signing of cheques, and for the bonding of officials. ⁴⁷ In April, 1933, these recommendations were incorporated by amendments to the University Act.

The legislative grant for the 1933-1934 session of the University was reduced from \$400,000 to \$250,000. The new Board of Governors, with the reduced grant and no revenue from endowments, requested the resignation of all members of the staff of the University in order to reorganize. The

teaching staff was reduced by four members, and some members were hired for only part-time work. Some of the student fees were increased while others remained the same or were slightly reduced.

These measures did not produce much reaction among students or staff, perhaps due to the fact that they were announced in June, and the regular University session had ended, or perhaps due to the exhaustion of the excitement aroused by the initial discovery of the defalcations. The impairment of the trust funds was an unfortunate set-back for the University of Manitoba and a great shock to its supporters. Those responsible for University affairs had to bear the heavy responsibility of their mistaken trust and failure to establish proper safeguards in the care and management of the funds. The lesson led to tighter control over the management of the University. The University survived, but its position was considerably weakened by its losses.

CHAPTER 5

CONCLUSION

The University of Manitoba was an overly-ambitious project of its founders in 1877 and in 1917, when the government undertook control, it was still beyond the resources and capabilities of the Province of Manitoba. From the beginning to the 1930s, the University was unable to keep up to the demands placed upon it. Initially established to provide common examinations and to confer degrees for the students of the affiliated denominational colleges, the University quickly became involved in controversies over becoming a teaching institution and, following this, establishment on a permanent site. In the early years of this century, pressures of secularization and industrialization resulted in rapid expansion to provide facilities for professional training and scientific research. The lack of settled policy on University growth and development and the limitations of the Province in terms of supporting the University resulted in ongoing poverty, indecision, and stunted progress.

These problems of the University provided a setting that allowed John A. Machray to indulge in his misuse of the endowment funds with relatively little difficulty. Manitobans had come to rely on the voluntary efforts and visions

of some of their more prominent men to guide the struggling progress of the University. Unfortunately, these visions were not uniform and often conflicted with one another, and efforts to improve and advance the University were impeded by reluctance to change and lack of imagination concerning the needs of the future. Nevertheless, public support was behind these highly respected men who so generously gave their time to University administration. John A. Machray was one of these men. His prominence in Winnipeg business society and his long association with the University put his management of University affairs above question or criticism.

After the discovery of the defalcations, throughout the period of inquiry and its conclusion, public reaction to the crime of Machray was remarkably quiet. Despite the magnitude of the loss of public funds in very hard economic times and the shock of such a great betrayal of trust, there was no public outcry against him. The public press was unnaturally subdued in reporting anything to do with Machray personally. Certainly the story was fully reported in all the papers, but references to Machray expressed more disbelief and bewilderment than condemnation. The University of Manitoba Students' Union, while loudly protesting fee increases and demanding that they be kept down, was circumspect when questioning the effects of the defalcations on University financing for the 1932-1933 session.¹ Machray was treated with deference by the Turgeon Commission when they questioned him at Stony Mountain Penitentiary on November 2, 1932² and he was never pressed to explain his actions

and to what extent others were involved in them. This was due in part to the pathetic condition of his health. It was more than that, however. The fall of Machray, his disgrace and embarrassment, were shared rather than disparaged by a public that preferred to point the finger of blame at those who had allowed the problem to occur instead of those who had caused it.

The people of early Winnipeg, and Manitoba, were accustomed to place their trust in a certain kind of integrity on the part of their community leaders. This integrity was not necessarily to follow a strictly righteous path but to produce successful results and contribute to the general good. In the boom and bust days of early Winnipeg, shrewd instincts, a gambling spirit, and a confident disregard for any narrow interpretation of rules or legalities were necessary to withstand the changing tides of fortune. Methods of financing business ventures might not stand up to exacting scrutiny, but respectable men were expected to honour their commitments. Although his methods were not legitimate, Machray tried throughout his career to honour his clients' trust and to make good on all investments. The fact that he used public funds to cover his losses for so long was somehow not as reprehensible as the fact that he was able to get away with it.

The Turgeon Commission reported that John A. Machray and Robert H. Shanks, his book-keeper, were primarily responsible for the defalcations. Business partners and asso-

ciates of Machray claimed ignorance of his fraudulent methods. They claimed they believed that any temporary shortages that appeared from time to time in the trust funds would easily be covered by Machray. However, those of Machray's associates who benefited or stood to benefit in the future from Machray's ongoing investment business would certainly have strong motives to believe that nothing was wrong. Any of these associates who had taken part in Machray's ventures with knowledge of his illegitimate methods would be reluctant to have these methods come to light. Machray did, in fact, draw his partners in the law firm, the government auditor J. R. Major, the assistant book-keeper James Kerr, and perhaps others whose involvement was not traced, into his investment deals. This circumstance would tend to deter them from revealing Machray's embezzlements for fear of possible incrimination as a result of their involvement.

In reporting on responsibility for the impairment of the University funds, the Turgeon Commission minimized the blame that could be attached to some of the individuals involved. The Commission made favorable comments on the characters of James Kerr, who definitely knew about and participated in the defalcations, and John R. Major who accepted income from Machray. The Commission accepted with criticism pleas of ignorance from Machray's partners and from Robert Drummond and the Comptroller-General's department.³ The Commission concluded that Machray was treated with much de-

ference, even awe, by the officials and employees involved.⁴ He took advantage of his power to delude and manipulate those around him.

In their final statements to the Turgeon Commission, presented January 9 to 20, 1932, R. F. McWilliams and J. T. Thorson, counsel for the Commission, were very critical of the officials involved in the administration of the University and took a rigid stand on the interpretation of their responsibility. They placed charges of negligence primarily on the Board of Governors, secondly on the Comptroller-General, and thirdly on the government. Other counsel that appeared before the Commission generally tried to shift the blame away from their clients and onto the other parties involved.

R. F. McWilliams, senior counsel for the Commission, stressed the responsibility of the Board of Governors both before and after 1924 when Isaac Pitblado resigned as Chairman. McWilliams had drafted the University Act of 1917 and claimed that one purpose of the specific wording of the Act in regard to the annual report made by the Board of Governors and "transmitted" to the government (See Appendix XLV, section 16)⁵ was "to keep the government out of University affairs". Because of this, he argued that the Minister of Education and the provincial government could not be held to have been negligent in their statutory duties regarding the University. He did admit that the Minister of Education was responsible for University affairs and sound practice would

have been to interfere if necessary in order to make sure that the required reports and audits were made.

In his final assessment of the negligence and failure in their responsibilities of those involved, McWilliams emphasized that the Board of Governors, since it was first instituted in 1917, was most to blame. His associate counsel, J. T. Thorson, agreed that the Board of Governors gave Machray unwarranted authority for signing cheques and failed to set up an appropriate system for dealing with the funds and endowments. However, he argued that the Board of Governors since 1924 was much more at fault than the Board under Isaac Pitblado.⁶ Thorson's attempts to absolve Pitblado of blame were attacked by McWilliams as being "in the spirit of the mother who knows her child has gone wrong, but hates to admit it".⁷ The concluding statements of the various counsel were heated by charges that scapegoats were being sought and by squabbles over the placing of blame.

Isaac Pitblado, in particular, set a strident tone to the final submissions to the Commission. His concluding address bitterly accused McWilliams of trying to pick out scapegoats and to ruin the reputations of respected men with a lifetime of service to their credit. His motive, said Pitblado, was to absolve the government of any guilt. He suggested that McWilliams should have been a painter because he could apply both pitch and whitewash with the same brush: pitch for the Board of Governors and whitewash for the government.⁸ He stated

here is one goat that is not going to take on its head all the iniquities of the children of Israel. I'm a pretty lively old goat yet and I'm not going off into the wilderness, shorn and dishonoured, if I can help it.⁹

Pitblado defended the Board of Governors under his leadership until 1924 on the argument that, when he resigned, the University audit had been completed to August 31, 1924 and the University securities were certified by the Comptroller-General to be intact in 1925. He also defended President McLean, as being responsible only for academic matters of the University, and individual members of the Board of Governors and of the Land Board who, he claimed, believed they were fulfilling the requirements of their offices.

J. W. Wilton, representing Robert Drummond who had been Comptroller-General of Manitoba since 1921, also charged that the Commission counsel were hunting for scapegoats and favoring the government. He suggested that, in light of the fact that Drummond brought the University problem to the attention of the Ministers in May of 1932, the government should be faulted for not taking action until after the provincial election.¹⁰

In defending his client, Wilton went on to argue that Mr. Drummond was reluctant to report to the government his problems in getting an audit of the University accounts from 1925 to 1932 because he had been rapped over the knuckles for taking similar action in 1923. In that year, he wrote to the Minister of Education, John Bracken, about his inability since 1921 to get the completed books in order to do

the audit. He was criticized by then Chairman of the Board, Isaac Pitblado, for going over his head to the Minister instead of reporting the problem to Pitblado.¹¹ Wilton argued that Drummond saw Machray appointed and re-appointed Chairman of the Board of Governors despite the lack of audited reports. The government did not seem to take this failure to meet the statutory obligations as a serious matter but had confidence in Machray and continued to honor him with his trusted position. Drummond, he stated, did not feel that it was his place to go further than Machray with his concerns about the audit.¹²

Marcus Hyman appeared before the Turgeon Commission as counsel representing Labour Party members of the provincial legislature. He spoke out strongly against excessive deference paid to those in high society. He stated that

Machray was entrenched behind the whited sepulchre of respectability, and members of the Board, even today, seem to have little sense of the wrong or even a shadow of nepotism.¹³

Hyman argued that excessive and obsessive respect for persons in high positions had popular support and led to resentment of the unconventional, that "ostentatious piety assumes all sorts of virtues to itself" such that "the remote possibility of criticism" would not be ventured, and that the community was responsible for the power achieved by Machray's sanctimony. This all made "Winnipeg Manitoba ... in a measure a laughing stock of the Dominion, of the people to the south of us".¹⁴ Hyman went on to suggest that opposition

was necessary for good government and that the members of the Board of Governors should have been more willing to oppose or at least to critically review policies.

While it may be true that elitist individuals tend to attract and uncritically support one another in the ongoing effort to fortify their own select position, and that this certainly played some part in Machray's acquisition of unquestioned control of the trust funds, it could also be argued that the members of the Board of Governors were overburdened in their tasks throughout this period. It is understandable that they would not want to create further problems for the University by opposing the system of financial administration that had seemingly worked well for so long a time. In spite of this, however, and no matter how highly respected Machray might have been, ordinary business safeguards should have been applied.

Maintenance of his prestige and elevated position in the social elite of new Winnipeg seems to have been Machray's chief motive for the embezzlements. Once he began the practice of hiding his investment losses in order to protect his reputation as a financial expert, he was caught in a web of ongoing deceptions in order to cover up those of the past. Machray's apparent success, through both good and bad economic times, heightened his reputation as an investment agent which made it all the more difficult to admit to failure.

The error of both the Norris Government and the Bracker Government made his deceptions easier. Both of these gov-

ernments were lax in not placing more control on University financing. Government officials should have been particularly on their guard in the use and disposition of public funds after the experience of the Legislative Building scandal.

Entrusting university government to appointed boards of private business and professional people is still the practice in Canadian universities today, despite the fact that universities rely heavily on public support. This situation gives greater credibility to these institutions as the majority of Canadians continue to place more confidence in members of the capitalist elite than in the public civil service. The deference with which the Canadian public treats the leaders of its business and professional communities allows the universities, because of their connections, freedom from some of the public scrutiny and limits on funding that undoubtedly would result were they administered directly as government departments.

The government of Manitoba and the Board of Governors failed to provide the University with a good administration based on a responsible staff and proper business procedures until the discovery of the Machray defalcations in 1932. The old and inadequate methods of financial administration were continued long after the University had outgrown them. In 1933, the University was reorganized along the lines suggested by the Turgeon Commission. In April, the University Act was amended and, in August, F. W. Crawford was hired as

Bursar and Secretary of the Board of Governors. The financial administration of the University was carefully designed to assure sound management in the future. In 1936, the University Act was completely revised based on studies of other Canadian universities. The position of Bursar was changed to that of Comptroller who was the chief financial officer of the University, while the President was to head the academic administration. With this new strength and order of internal organization, the University went on to rebuild and to face the remaining years of the Great Depression.

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APPENDICES

- APPENDIX I: SCHEME OF THE UNIVERSITY FOR HOLDING THE LAND GRANT IN TRUST
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- APPENDIX II: UNIVERSITY OF MANITOBA LAND GRANT IN WESTERN MANITOBA
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- APPENDIX III: UNIVERSITY COUNCIL 1891 - 1892
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- APPENDIX IV: REPORT OF THE LAND COMMITTEE, SEPTEMBER 3, 1891
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- APPENDIX V: FORM OF LETTERS PATENT ON MANITOBA UNIVERSITY GRANT LANDS
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- APPENDIX VI: ESTABLISHMENT OF THE LAND BOARD BY STATUTE 1900
- Manitoba, Statutes, 'An Act to Amend "The University Act of Manitoba"', 1900, 63 Victoria, chapter 61, sections 47 and 48.
- APPENDIX VII: LAND BOARD MEMBERSHIP
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- APPENDIX VIII: PROVINCIAL GRANTS TO THE UNIVERSITY OF MANITOBA 1877 - 1932
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February 20, 1877 to February 28, 1927"
(unpublished M. A. thesis, University of
Manitoba, 1927), p. 129.

1925 - 1932: Province of Manitoba,
"Public Accounts", 1925 - 1932.

APPENDIX IX:

TERMS OF AGREEMENT BETWEEN THE FIRM OF
ARCHIBALD, MACHRAY AND SHARPE AND THE
UNIVERSITY OF MANITOBA AS PROPOSED BY THE
FIRM IN 1906.

Manitoba, Royal Commission on Impair-
ment of University of Manitoba Trust Funds,
Report, 1933, W. F. A. Turgeon, Chairman,
pp. 11-12.

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University of Manitoba, Financial
Statements, 1904 - 1932.

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University of Manitoba, Financial
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University of Manitoba, Financial
Statements, 1904 - 1930.

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- 1917.

University of Manitoba, "Minutes of
the University Council", 1916 - 1917.

APPENDIX XIV:

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Manitoba, Statutes, 'An Act to Amend
'An Act Respecting the University of
Manitoba'', 7 George V, 1917, chapter 96,
sections 3 to 16.

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University of Manitoba, "Minutes of
the Board of Governors", 1917 - 1932.

APPENDIX XVI: ENDOWMENT FUNDS HELD IN TRUST BY THE
UNIVERSITY LAND BOARD

Manitoba, Royal Commission on Impairment of University of Manitoba Trust Funds, Report, 1933, W. F. A. Turgeon, Chairman, pp. 4-7.

APPENDIX XVII: SUMMARY OF LOSSES FROM UNIVERSITY ENDOWMENT FUNDS

University of Manitoba, "Office of the Comptroller", Dec. 1, 1940.

APPENDIX XVIII: USE MADE OF FUNDS ABSTRACTED FROM THE MACHRAY AND SHARPE FIRM

Manitoba, Royal Commission on Impairment of University of Manitoba Trust Funds, Report, 1933, W. F. A. Turgeon, Chairman, pp. 62-63.

APPENDIX I

SCHEME OF THE UNIVERSITY FOR HOLDING THE LAND GRANT IN TRUST

1. After the selection and granting of the lands made under the provisions of Statute 2 of Cap. 50, 48 and 49 Vic., the University of Manitoba shall cause to be kept one or more land registers which shall contain a description of the said lands, the quality and character thereof so far as the same can be ascertained from the field notes of the surveys and the official maps of the portions of the country where such lands are situate. The land register shall also contain a complete record of all the particulars respecting the management, sales and dispositions of such lands.

2. The said lands shall be held upon the following trusts: the University may, at any time, in such manner and on such terms as they may deem proper, sell and dispose of or lease the said lands or any portion thereof, and receive the proceeds and income resulting therefrom.

3. The University may apply such portion of said proceeds and income as may be considered proper to pay the expenses of the care and management of the said lands and of the moneys arising therefrom.

4. To purchase a suitable site and to erect thereon University buildings and to furnish the same.

5. To invest such portion of said proceeds as may not be immediately required for any of the objects aforesaid, in such securities and on such terms as the Council may deem

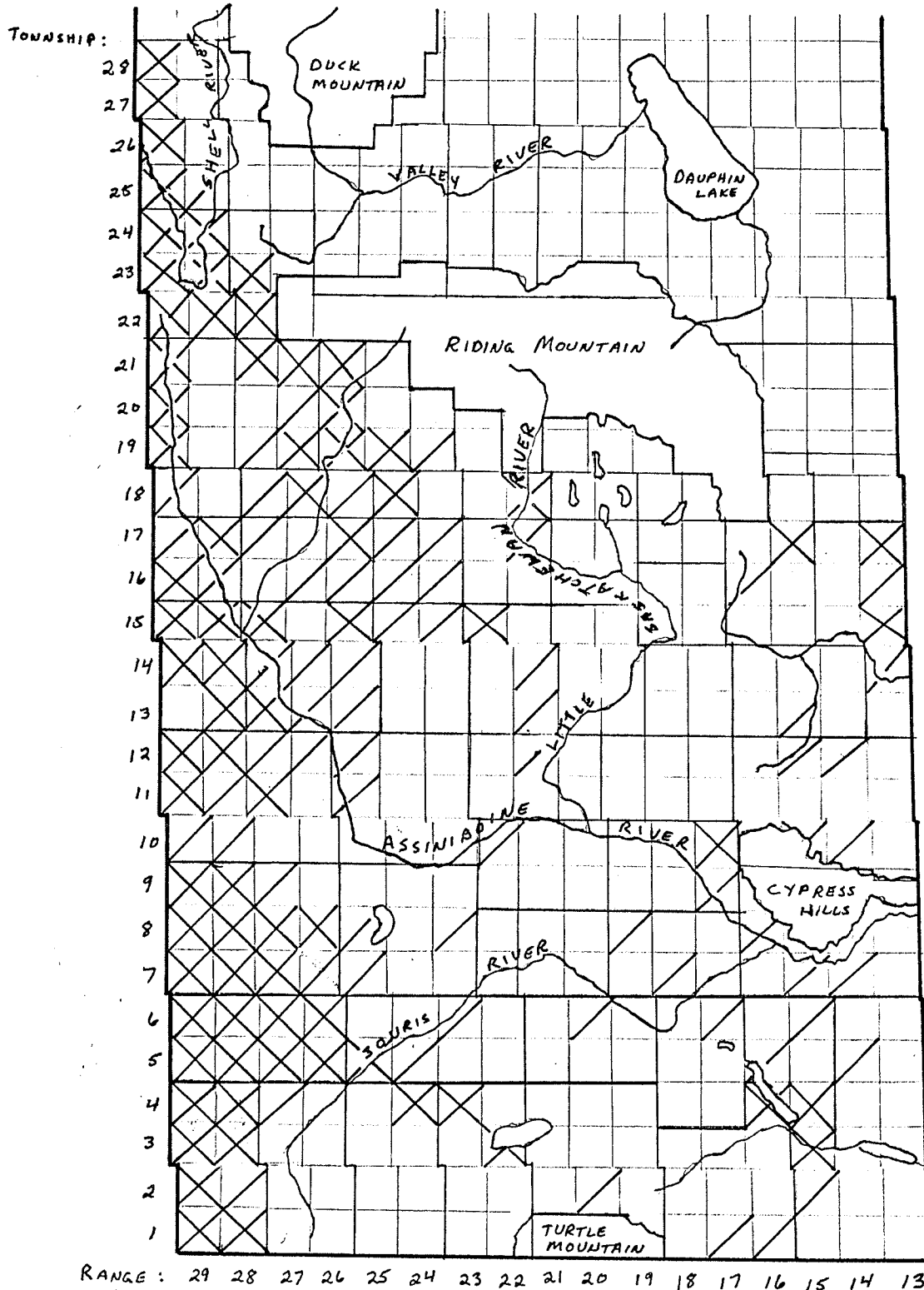
proper and safe, for the purpose of deriving an income therefrom, and the Council may apply the income arising out of the leasing of said lands and from such investments, or any portion thereof, to any of the purposes aforesaid.

6. Or to any other purpose contemplated by the said Chap. 50, 48 and 49 Vic.

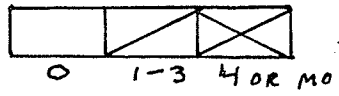
7. The management of such lands and the proceeds or income arising therefrom shall be under the control of the University, which may appoint all such committees or persons as may be considered necessary for the purpose thereof, and may pay any such persons so appointed, if deemed requisite.

APPENDIX II

UNIVERSITY OF MANITOBA LAND GRANT IN WESTERN MANITOBA



NUMBER OF QUARTER-
SECTIONS PER TOWNSHIP



APPENDIX III

UNIVERSITY COUNCIL 1891 - 1892

Robert Machray	Archbishop of Rupert's Land, Chancellor 1877 - 1904
Mr. Justice Dubuc	Vice-Chancellor 1889 - 1914
T. A. Bernier	Registrar 1881 - 1893
J. A. M. Aikins	Bursar 1889 - 1916

REPRESENTATIVES BY COLLEGE:

ST. BONIFACE

Rev. Mr. Cherrier
Rev. Mr. Cloutier
Mr. Prendergast
Mr. G. F. Brophy
Mr. J. K. Barrett
Father Filiatreault
Rev. Mr. Lord

ST. JOHN'S

Dean Grisdale
Archdeacon Fortier
Canon O'Meara
Canon Matheson
Canon Coombes
H. Archibald
Prof. E. B. Kenrick

MANITOBA

Rev. Dr. King
Rev. Dr. Duval
Rev. Dr. Bryce
Rev. Prof. Hart
Rev. Prof. Baird
Chief Justice Taylor
Mr. James Fisher

WESLEY

Rev. Prof. Stewart
Rev. James Allen
Prof. Cochrane
Prof. Laird
Mr. J. A. M. Aikins
Mr. J. H. Ashdown
Rev. Dr. Sparling

MEDICAL

Dr. Lynch
Dr. Corbett
Dr. Macklin
Dr. Husband
Dr. Good
Dr. Jones
Dr. Gray

CONVOCATION

Mr. D. J. Goggin
Mr. Muloch
Dr. Chown
Mr. Pitblado
Rev. J. W. Matheson
Mr. D. McIntyre
Mr. George E. Fortin

APPENDIX IV

REPORT OF THE LAND COMMITTEE, SEPTEMBER 3, 1891

The University Land committee was appointed by resolution of the University council on September 6th, 1888. The land committee appointed its sub-committee, and the latter reported a number of allotments from which selection might be made on the 6th of December following. Although the Dominion statutes granting the lands provided that the Dominion Government should perform the work of selection, the land committee thought that the results would prove more satisfactory if the University would conduct the selection at its own expense. The provincial legislation granted \$4,000 to pay for the work of inspection and selection which has just now been completed. The total selected on July 24th, 1891, was 150,004.27 acres. A final revision of areas, by the department of the interior, at Ottawa, has changed these figures slightly, but there are a few extra reports on hand from which the grant can be completed should these figures fall a little short in revision. In order to complete this selection of 150,004.27 acres, the following areas have been examined and formally reported upon or reported upon otherwise as will appear by this statement:

	Acres
1. J. McLaren inspected and informally reported by letter	28,320
He fully inspected and formally reported on.	176,560
Reported on by letter from information gained otherwise than by actual inspections	17,920

His work extended over the Morton dairy farm, and the Birtle, Turtle Mountain, Winnipeg and Souris districts.

2.	A. H. Carroll inspected and formally reported upon in the Turtle Mountain district.....	23,320
3.	Doupe & Son inspected on in the Dufferin and Souris districts.....	11,840
	On information gained otherwise than by actual inspection, they reported on.....	3,530
4.	James Walder formally inspected and reported upon in the Souris District.....	44,160
5.	Alan W. Stewart formally inspected and reported on in Winnipeg District.....	4,400
	and River Lots.....	1,560
6.	George J. Cox formally inspected and reported on in Birtle District, under contract of Oct. 8, 1890.....	34,640
	Reported on subsequently.....	12,320
7.	Rejected after comparison with township maps in 1884.....	13,440
	Rejected in Souris District in comparison with maps and township survey reports and inquiries.....	44,000
	Total reported on.....	<hr/> 416,010

During the progress of the work of selection seven meetings of the Land Committee have been held and about fifty meetings of the sub-committee on lands.

The expenses of selection have been as follows:

Land examining:

J. McLaren.....	\$1,984.24
Doupe & Son.....	118.40
J. S. Walder.....	441.60
A. H. Carroll.....	233.00
A. M. Stewart.....	59.60
Geo. J. Cox.....	470.60

Printing, stationery, postage, maps, letter files, abstracts, mounting maps, assistance, telegrams, etc. 148.34

Paid secretary percentage on management of hay lands for season 1890..... 97.33

Salary for management of land selection from Jan. 23rd, 1889 to Aug. 3rd, 1891, a little over two and one half years, and for management of hay lands for season of 1891..... 1,075.00

4,628.11

The receipts have been:

Government grant.....	\$4,000.00
Hay lands.....	292.00
Hay lands.....	207.00
Rent N. $\frac{1}{2}$ S. W. and N. W. 12, 13, 9 W., which will be paid in one month.....	120.00

\$4,619.00

Balance..... \$ 9.11

In addition to this small balance there are some hay land receipts from the river parishes of which Mr. G. O. C. Gowler has charge, which may increase this year's hay receipts considerably. There is also a payment yet to be made for rent of a portion of a quarter-section at Stockton.

In the management of this work at Winnipeg over 600

letters were written and several hundred post cards were issued, calling meetings and for other purposes.

The bound books, twenty-one in number, containing the reports on all lands examined, the duplicate reports of accepted and rejected lands, with all correspondence, letter-books and letter files are ready to be handed over on the direction of the land committee.

Annexed hereto is a detailed statement of all moneys received for hay permits during the seasons of 1890 and 1891 respectively.

The receipts for the sale of hay permits have been as follows:

The season of 1890, received as follows:	
82, Baie St. Paul, Adolph Lecroix, Baie St. Paul	\$ 6.00
N. W. 2, 14, 3 E., D. McDonald, Parkdale.....	4.00
N. W. 20, 6, 23, A. E. Burnes, Beresford.....	5.00
S. $\frac{1}{2}$ 32, 8, 27, James Acheson, Virden.....	15.00
58 Baie St. Paul, Gillespie & Co., city.....	20.00
68 Baie St. Paul, Hugh Blain, Reaburn, rental of sheds.....	10.00
N. W. 18, 3, 22, Arch. Beaton.....	65.00
N. W. 12, 8, 23, James Dempsey, Souris.....	20.00
S. E. 24, 12, 29, James Halliday, Elkhorn.....	1.00
68 Baie St. Paul, Alf Kelly, Baie St. Paul.....	30.00
N. E. 6, 15, 12, W. T. A. Jennings, Medway.....	6.00
N. E. 18, 23, 27, F. Clement, Assissippi.....	15.00
17, 18, and 19, Portage la Prairie, Wm. Dunn, Portage la Prairie.....	40.00
W. $\frac{1}{2}$ 36, 5, 16, Joseph Ward.....	5.00
N. W. 36, 4, 26, J. W. Redfern, Virden.....	50.00
Total for season 1890	<hr/> \$292.00

The receipts for the sale of hay for the season of 1891, have been as follows:

N. $\frac{1}{2}$ and N. $\frac{1}{2}$ S. $\frac{1}{2}$ 18, 3, 27, T. V. Pigott, Elkhorn.....	\$ 10.00
68 Baie St. Paul, David Ross, city.....	15.00
17, 18 and 19, High Bluff, Wm. Drew, Portage la Prairie.....	40.00
58 Baie St. Paul, George E. Kenny, Baie St. Paul	40.00
81, 82, and 89 Baie St. Paul, A. Lecroix, Poplar Point.....	12.00
S. $\frac{1}{2}$ N. E. 18, 3, 22, Wm. White, Deloraine.....	82.00
On account of two permits not yet closed.....	8.00

Total receipts 1891 \$207.00

Herewith is handed to the land committee the completed land list of lands selected.

As patents for the lands have not yet been issued, and the lists remain subject to being changed at any moment and to any extent it has not been deemed advisable to take the trouble and incur the expense of marking selected lands of the university on a mounted provincial map.

All of which is respectfully submitted by the sub-committee to the land committee.

On behalf of the sub-committee,

F. C. Wade
Secretary.

APPENDIX V

FORM OF LETTERS PATENT ON MANITOBA UNIVERSITY GRANT LANDS

WHEREAS in and by Chapter 47 of the Revised Statutes of Canada, entitled "An Act Respecting the Province of Manitoba", it is amongst other things in effect enacted that an allotment of land not exceeding one hundred and fifty thousand acres of fair average quality shall be selected by the Dominion Government and granted as an endowment to the University of Manitoba, a body corporate and politic, under the provisions of the Consolidated Statutes of Manitoba, Chapter sixty-three, for its maintenance as a University capable of giving proper training in the higher branches of education, and to be held in trust for that purpose, upon some basis or scheme to be framed by the University and approved by the Dominion Government.

AND WHEREAS the lands hereinafter mentioned and described, the same being Dominion Lands within the meaning of the Dominion Lands Act, have been selected by the Government of our Dominion of Canada, to be granted to the said "The University of Manitoba" (hereinafter sometimes called the said University), in pursuance of the Act, firstly above mentioned.

AND WHEREAS the said University has framed a basis or scheme under which it is proposed that the said lands shall be held by the said University upon certain trusts which are hereinafter embodied and set forth.

AND WHEREAS the said basis or scheme has been duly approved by our Governor-General-in-Council who has authorized the issue of Letters Patent granting the said lands to the said University upon and subject to the trusts and conditions hereinafter expressed and contained.

NOW KNOW YE that we do by these presents grant, convey and assure unto the said University of Manitoba, their successors and assigns forever, all that parcel or tract of land, situate, lying and being in the

.....
(Description of Property)

TO HAVE AND TO HOLD the said lands unto the said "The University of Manitoba", their successors and assigns forever, for the purpose hereinafter mentioned, and upon and subject to the trusts and conditions hereinafter expressed and contained: saving, and reserving, nevertheless, unto us, our successors and assigns, the free uses, passage and enjoyment of, in, over and upon all navigable waters that now are or may be hereafter found on, or under, or flowing through or upon any part of the said parcel or tract of land; also reserving thereout and therefrom all rights of fishery and fishing and occupation in connection therewith, upon, around and adjacent to said lands, and also the privilege of landing from and mooring boats and vessels upon any part of the said lands, and using the said lands in connection with the rights of fishery and fishing hereby reserved, so far as may be reasonably necessary to the exercise of such rights. Provided always, that the said lands are to be held for the

said University, their successors and assigns for the purposes hereinafter mentioned, and upon and subject to the following trusts and purposes, that is to say:

1. That the said University, their successors and assigns, may at any time and in such manner and on such terms as they may deem proper, sell and dispose of, mortgage, pledge or lease the said lands or any portion thereof, and receive the proceeds or income resulting therefrom.

2. That the said University, their successors or assigns, may apply such portion of the said proceeds and income as may be considered proper, to pay the expenses of the care and management of the said lands and of the moneys arising therefrom; to purchase a suitable site, or suitable sites, for and to erect thereon University buildings, and to furnish such buildings, and shall invest such portion of the said proceeds as may not be immediately required for any of the said objects, in such securities and on such terms as the said University, their successors or assigns, may deem proper and safe for the purpose of deriving an income therefrom, and may apply the income out of the leasing of the said lands, and from such investments of any portion thereof, to any of the purposes aforesaid or to any purposes contemplated or provided for either by the said Chapter 47 of the Revised Statutes of Canada, or by the Act of Incorporation of the said University, or any Acts amending the same.

PROVIDED always, that if at any time hereafter the said University shall be dissolved or shall cease to exercise its

functions as a University, then, and in such case, any and all of the said lands which may remain unsold shall revert to and become revested in Us and Our successors as of Our and their former estate therein, subject to any mortgage or pledge which may have been given by the said University; and all funds in the hands of the said University, their successors or assigns, the proceeds of, or which in any way result from the sale, lease, mortgage, pledge or other disposal of the said lands, shall be immediately paid over to Us, Our successors or assigns.

PROVIDED further, and it is hereby made an express condition of this grant, that at all times hereafter the said University, their successors and assigns shall keep or cause to be kept such separate and distinct accounts of the proceeds and income resulting from the sale, lease, mortgage, pledge or other disposal of and of all moneys in any way derived from or arising out of the said lands as shall clearly and readily disclose the amount and nature thereof as well as all dealings therewith, and also that all books, vouchers and papers containing or in any way relating to such account, shall at all times be open to the inspection of any person or persons appointed by the Governor-in-Council to inspect the same.

APPENDIX VI

ESTABLISHMENT OF THE LAND BOARD BY STATUTE 1900

47. So long as there shall be any money unpaid to Her Majesty under said mortgage, and so long thereafter as the Lieutenant-Governor-in-Council and the University Council may agree, the said lands of the University of Manitoba are to be managed by a land board, to be composed of three members of the University Council, appointed by the Council, and two members of the Executive Council of the Province of Manitoba, appointed by the said Lieutenant-Governor-in-Council; and such land board is to have power to sell, from time to time, for the University of Manitoba, such quantity of lands and on such terms as the University of Manitoba may from time to time determine, and to have power to manage and invest, for the University of Manitoba, any revenue accruing, in any way, from the said lands, or from the rents, issues and profits, or sale thereof.

48. So long as there shall be any money unpaid to Her Majesty, under the said mortgage, and so long thereafter as the Lieutenant-Governor-in-Council and the University Council may agree, the Land Department of the Provincial Government, under the direction and control of the said land board, is to look after said lands, the leasing thereof, letting of hay and wood permits and sales of wood, and keep the necessary books incidental thereto, without cost to the University of Manitoba, other than actual disbursements.

APPENDIX VII

LAND BOARD MEMBERSHIP (APPOINTED IN OCTOBER OF EACH YEAR)

1899

Canon Matheson
Judge A. Dawson
J. H. Ashdown
Hon. D. H. McMillan
Hon. C. J. Mickle

1900

Canon Matheson
Judge A. Dawson
J. H. Ashdown
Hon. J. D. Cameron
Hon. C. H. Campbell

1901

Canon Matheson
Judge A. Dawson
J. H. Ashdown
Hon. C. H. Campbell
Hon. J. A. Davidson

1904-1906

Archbishop Matheson
Judge A. Dawson
J. H. Ashdown
Rev. Dr. Sparling
Isaac Pitblado

1907

Archbishop Matheson
Judge A. Dawson
Principal Sparling
J. A. M. Aikins
Isaac Pitblado

1908

Archbishop Matheson
Principal Sparling
J. A. M. Aikins
Isaac Pitblado
John A. Machray

1909

Archbishop Matheson
Principal Sparling
J. A. M. Aikins
Isaac Pitblado
John A. Machray
Rev. Bryce

1910

Archbishop Matheson
Principal Sparling
J. A. M. Aikins
Isaac Pitblado
John A. Machray
R. T. Riley

1911-1912

Archbishop Matheson
Principal Sparling
Isaac Pitblado
John A. Machray
R. T. Riley
Dr. W. A. McIntyre

1913

Archbishop Matheson
Isaac Pitblado
John A. Machray
R. T. Riley
Dr. W. A. McIntyre
Rev. Dr. Baird

1914

Archbishop Matheson
Isaac Pitblado
John A. Machray
Dr. W. A. McIntyre
Rev. Dr. Baird
H. H. Saunderson

1915

Archbishop Matheson
Isaac Pitblado
John A. Machray
Rev. Dr. Baird
Dr. W. A. McIntyre
H. H. Saunderson
R. W. Craig
President MacLean

1916-1924

Archbishop Matheson
Isaac Pitblado
John A. Machray
Rev. Dr. Baird
Dr. W. A. McIntyre
H. H. Saunderson
R. W. Craig
President MacLean
E. Loftus
David Smith

1924-1928

Archbishop Matheson
John A. Machray
Rev. Dr. Baird
Dr. W. A. McIntyre
H. H. Saunderson
President MacLean
E. Loftus

APPENDIX VIII

PROVINCIAL GRANTS TO THE UNIVERSITY OF MANITOBA 1877 - 1932

1877			
1878 to 1879	\$	250.00	
1879 to 1880		250.00	
1880 to 1881		250.00	
1881 to 1882		250.00	
1882 to 1883		500.00	
1883 to 1884		500.00	
1884 to 1885		500.00	
		2,800.00	Marriage License Fees for 1883.
1885 to 1886		250.00	Grant for half year ending June 30, 1883.
		3,756.49	Marriage License Fees for 1884.
		1,904.00	Marriage License Fees to June 30, 1885.
1886 to 1887		1,000.00	Grant for year ending June 30, 1886.
		3,323.00	Marriage License Fees 1885.
1887 to 1888		1,000.00	Grant for year ending June 30, 1887.
		2,380.00	Marriage License Fees 1886.
1888 to 1889		2,000.00	Grant for year ending June 30, 1888.
		1,000.00	Grant for half year ending Dec. 31, 1888.
		1,385.00	Marriage License Fees 1877 - 1888.

1889 to 1890	\$ 2,000.00	Grant for year ending Dec. 31, 1889.
	3,342.95	Special grant for inspection of Dominion Government Grant of Land to University.
	1,875.00	Marriage License Fees 1888 - 1889.
1890 to 1891	3,500.00	
1891 to 1892	3,500.00	
1892 to 1893	3,500.00	
	1,139.16	(Special Grant)
1893 to 1894	3,500.00	
	55.38	(Special Grant)
	1,451.69	(Special Grant)
1894 to 1895	3,500.00	
1895 to 1896	3,500.00	
1896 to 1897	3,500.00	
1897 to 1898	3,500.00	
1898 to 1899	3,500.00	
	750.00	Special for apparatus.
	60.00	Special for land inspection.
1899 to 1900	3,500.00	
	25.00	Special legal expenses.
	2,525.00	Advance towards first University building (repaid to Government).
1900 to 1901	6,000.00	
	57,500.00	Advance towards first University building (repaid to Government).
1901 to 1902	6,000.00	

1902 to 1903	\$ 6,000.00	
1903 to 1904	6,000.00	
1904 to 1905	6,000.00	
1905 to 1906	6,000.00	
1906 to 1907	6,000.00	
1907 to 1908	15,000.00	
1908 to 1909	20,000.00	
1909 to 1910	20,000.00	
1910 to 1911	20,000.00	
	10,000.00	(Special Grant)
1911 to 1912	20,000.00	
	20,000.00	
1912 to 1913	32,845.00	(Special Grant)
1913 to 1914	48,230.00	
1914 to 1915	98,870.00	
1915 to 1916	115,825.00	
1916 to 1917	134,250.00	
1917 to 1918	134,970.00	
	13,943.04	(Special Grant)
1918 to 1919	173,565.00	
1919 to 1920	212,998.00	
	250,000.00	(Special Grant)
1920 to 1921	256,499.00	
	150,000.00	(Special Grant)
1921 to 1922	376,224.00	
	329,155.65	(Special Grant)
1922 to 1923	350,000.00	

1923 to 1924	\$498,000.00	(Includes Manitoba Agricultural College grant for last half year.)
1924 to 1925	288,000.00	
1925 to 1926	475,000.00	
1926 to 1927	425,000.00	
1927 to 1928	438,000.00	
1928 to 1929	467,000.00	
1929 to 1930	500,000.00	
1930 to 1931	500,000.00	
1931 to 1932	481,961.00	

APPENDIX IX
TERMS OF AGREEMENT BETWEEN
THE FIRM OF ARCHIBALD, MACHRAY AND SHARPE
AND
THE UNIVERSITY OF MANITOBA
AS PROPOSED BY THE FIRM IN 1906

"We are prepared -

1. To attend to all clerical and secretarial work in connection with the Land Board.
2. To undertake the charge of investing the funds of the Isbister Trust, and Land Board, under the direction of such Committee as the University may appoint.
3. To attend to the collection of all payments of principal and interest in connection with such investments, and deferred payments on land sales.
4. To attend to all correspondence and work necessarily involved in the care and protection of such investments, such as looking after the insurance, taxes, etc.
5. To perform the clerical work in connection with the Bursar's accounts, checking up supply accounts, and attendance at the University Building at stated intervals when necessary to attend to same.
6. To provide a satisfactory Board Room for necessary Committee meetings in connection with the above, which room may also be used at any time for any other University Committee desiring to meet downtown.

For these services we propose that the University allow:

1. \$40.00 per month towards stenographer's salary.
2. \$25.00 per month towards office rent.
3. A commission of 5% on all interest collected.
4. No charge for disbursement or collection of principal.

We did think of offering to perform all the work, supply stenographer and office rent for a flat sum per annum but we think the above offer is preferable.

We intend that our Mr. Shanks will personally attend to this work, attend all Committee meetings and act as secretary of the Land Board.

Yours truly,

(sgd.) Archibald, Machray and
Sharpe."

APPENDIX X

LAND SALES TO DATE

Fiscal Year Ending	Transactions per Fiscal Year				Land Sales to Date	
	Average Price/ Acre	Land Sales 104,772.44	Costs of Land Sales	Cancelled Sales	Acres	\$
Aug. 31, 1904		27,140.68	72.00	----		131,841.12
" 1905		58,361.84	2,121.40	----		188,081.56
" 1906		203,803.01	4,875.05	----		387,009.52
" 1907		81,338.60	1,669.25	----		466,678.87
" 1908		7,717.75	258.00	----		474,138.62
" 1909	To Date 8.35	57,507.57	1,413.73	----	64,000	530,232.46
" 1910	11.19	107,560.16	2,603.16	----	74,400	635,189.46
June 30, 1911	13.52	91,050.08	2,368.92	----	81,000	723,870.62
" 1912	10.25	57,179.03	1,939.01	8,701.76	85,450	770,408.88
" 1913	14.14	31,461.85	987.37	102.23	87,500	800,781.13
" 1914	12.55	17,260.50	553.61	50.00	89,000	817,438.02
" 1915	13.54	22,477.28	803.28	796.00	90,400	838,316.02

June 30, 1916	14.02	32,857.56	1,421.45	684.00	92,870	869,068.13
" 1917	12.12	18,703.62	668.65	17,974.17	91,620	869,128.93
" 1918	10.47	62,973.85	2,486.09	1,455.28	97,637	928,161.41
" 1919	12.80	63,701.40	2,239.03	320.00	102,416	989,303.78
" 1920	13.10	79,559.44	2,781.17	2,110.08	108,287	1,063,971.97
" 1921	12.77	14,997.73	484.16	----	109,439	1,078,485.54
" 1922	24.48	825.00	415.41	893.65	109,318	1,078,001.48
" 1923	7.35	150.00	----	7.00	109,339	1,078,144.48
Aug. 31, 1924	11.21	50.00	----	----	109,343	1,078,194.48
Apr. 30, 1925	25.00	130.75	----	9,620.00	108,548	1,068,705.23
" 1926	---	----	----	18,360.13	106,335	1,050,345.10
" 1927		57.00	----	11,701.10	105,413	1,038,701.00
" 1928		5,442.90	31.50	10,283.12	105,001	1,033,829.28
" 1929		10,560.00	85.00	3,241.77	105,807	1,041,062.51
" 1930		4,680.00	----	4,012.33	105,683	1,041,730.18
" 1931		2,100.00	43.00	6,396.37		1,037,390.81
" 1932		1,395.40	----	----	105,794	1,038,786.21
		1,061,043.00	30,320.24	96,708.99		1,038,786.21

APPENDIX XI

LAND SALES TO DATE AND INVESTMENT OF CAPITAL

Fiscal Year Ending	Cash in Bank	Deferred Payments on Sales	Mortgage Loans	War & Govt. Bonds	Capital Expenditures	Total Land Sales to Date
Aug. 31, 1904	1,275.95	90,565.17	—	—	40,000.00	131,841.12
" 1905	4,629.39	123,452.17	—	—	60,000.00	188,081.56
" 1906	46,752.11	275,257.41	—	—	65,000.00	387,009.52
" 1907	20,138.63	303,446.24	77,924.00	—	65,170.00	466,678.87
" 1908	27,894.65	265,213.97	101,470.88	—	79,559.12	474,138.62
" 1909	34,459.49	247,144.28	162,419.57	—	86,209.12	530,232.46
" 1910	19,835.30	294,626.50	226,694.92	—	94,032.74	635,189.46
June 30, 1911	48,778.37	307,955.20	273,104.31	—	94,032.74	723,870.62
" 1912	15,506.52	292,651.21	356,924.60	—	105,326.55	770,408.88
" 1913	20,282.54	245,245.35	411,948.20	—	123,305.04	800,781.13
" 1914	4,030.75	209,026.81	479,232.09	—	125,148.37	817,438.02
" 1915	15,830.38	199,915.02	497,072.25	—	125,498.37	838,316.02
" 1916	66,565.29	184,127.51	492,876.96	—	125,498.37	863,068.13

June 30, 1917	14,172.76	150,647.86	496,417.27	82,392.67	125,498.37	869,128.93
" 1918	4,934.25	157,705.99	493,490.50	146,532.30	125,498.37	928,161.41
" 1919	21,018.41	183,497.14	482,757.56	176,532.30	125,498.37	989,303.78
" 1920	(895.91)	207,755.59	368,197.66	363,416.26	125,498.37	1,063,971.97
" 1921	1,328.82	191,059.59	370,514.51	157,092.79	358,489.83	1,078,485.54
" 1922	96,096.86	168,590.40	443,764.31	244,051.54	125,498.37	1,078,001.48
" 1923	8,304.75	150,313.06	484,487.76	309,540.54	125,498.37	1,078,144.48
Aug. 31, 1924	(44,596.65)	138,909.74	523,860.78	334,522.24	125,498.37	1,078,194.48
Apr. 30, 1925	(61,338.84)	120,617.65	575,082.85	308,845.20	125,498.37	1,068,705.23
" 1926	(47,344.03)	93,873.80	620,402.76	257,914.20	125,498.37	1,050,345.10
" 1927	(73,000.13)	72,035.49	607,850.32	306,316.95	125,498.37	1,038,701.00
" 1928	(33,286.42)	65,096.17	625,029.21	251,491.95	125,498.37	1,033,829.28
" 1929	(65,121.55)	65,662.97	663,530.77	251,491.95	125,498.37	1,041,062.51
" 1930	(85,183.07)	65,308.66	764,614.27	171,491.95	125,498.37	1,041,730.18

APPENDIX XII

CONTRIBUTIONS MADE FROM LAND BOARD REVENUE TO BURSAR'S GENERAL ACCOUNT

Fiscal Year Ending	Revenue - Hay & Timber Permits	Interest - Deferred Pmts. on Sales	Interest on Investments	Total Revenue	Contributions to Bursar's Account
Aug. 31, 1904	411.92	3,475.87	116.15	4,003.94	3,094.31
" 1905	426.67	5,066.09	220.05	5,712.81	4,117.39
" 1906	447.10	6,168.74	856.67	7,472.51	5,937.88
" 1907	565.17	12,311.77	2,134.94	15,011.88	12,535.58
" 1908	695.65	15,500.65	5,846.70	22,043.00	21,678.20
" 1909	860.89	18,665.08	9,067.18	28,593.15	24,627.07
" 1910	979.83	13,573.44	12,604.59	27,157.86	24,042.52
June 30, 1911	1,071.15	16,563.77	20,145.79	37,780.71	33,667.20
" 1912	588.87	17,732.41	23,240.51	41,561.79	36,993.41
" 1913	743.35	16,802.69	26,278.83	43,824.87	39,708.27
" 1914	664.80	14,200.86	31,042.94	45,908.60	38,156.67
" 1915	588.70	12,077.33	35,111.35	47,777.38	34,650.00

June 30, 1916	545.64	12,002.88	32,836.12	45,384.64	37,000.00
" 1917	426.15	9,493.90	36,520.15	46,440.20	45,000.00
" 1918	468.40	10,047.14	35,911.10	46,426.64	40,000.00
" 1919	1,036.60	9,219.99	45,543.25	55,799.84	35,000.00
" 1920	1,573.65	10,431.74	51,370.74	63,376.13	65,000.00
" 1921	1,241.40	11,460.57	46,040.84	58,742.81	50,000.00
" 1922	1,098.85	8,058.20	36,125.84	45,282.89	40,000.00
" 1923	728.25	9,119.30	38,148.85	48,026.40	35,000.00
Aug. 31, 1924	572.01	3,653.97	56,358.31	60,584.29	35,000.00
Apr. 30, 1925	6.56	1,175.59	40,780.54	44,962.69	30,000.00
" 1926	601.00	1,610.56	57,689.31	62,930.87	100,000.00
" 1927	754.25	7,713.58	46,642.88	55,110.71	30,000.00
" 1928	769.85	2,809.15	44,914.98	48,493.98	95,000.00
" 1929	665.75	2,566.73	41,328.13	44,560.61	65,000.00
" 1930	752.10	1,316.93	31,940.71	34,039.74	50,000.00
	19,284.56	258,908.93	808,817.45	1,087,010.94	

APPENDIX XIII

MEMBERSHIP OF THE UNIVERSITY COUNCIL 1916 - 1917

Chancellor: Archbishop S. F. Matheson
Vice Chancellor: Msgr. A. A. Cherrier
President: James A. MacLean
Hon. Bursar: John A. Machray
Registrar: W. J. Spence

ST. BONIFACE COLLEGE

Rev. Gregory Fere
Msgr. A. A. Cherrier
Rev. Joseph Blain
James E. Prendergast
Roger Goulet
A. J. H. Dubuc
Rev. J. Desjardines

ST. JOHN'S COLLEGE

Rev. Dean Coombes
Archdeacon Fortin
Rev. D. E. G. Gill
John A. Machray
G. W. Baker
Walter Burman
Canon J. W. Matheson

MANITOBA COLLEGE

Rev. A. B. Baird
Rev. George Bryce
Rev. E. G. Perry
Rev. A. G. Sinclair
H. H. Saunderson
Rev. C. G. Patterson
George R. Crowe

WESLEY COLLEGE

Rev. E. Crummy
Rev. Andrew Stewart
Rev. R. F. Argue
Prof. Daniel C. Harvey
E. L. Taylor
Rev. J. E. Hughson
E. A. Garrett

MANITOBA MEDICAL COLLEGE

Dr. H. H. Chown
Dr. E. S. Popham
Dr. Chestnut

CONVOCAATION

Gordon Bell
F. W. Clark
D. M. Duncan
J. Halpenny
D. McIntyre
W. A. McIntyre
E. Loftus
I. Pitblado
R. W. Craig
W. J. Spence

UNIVERSITY FACULTY

Frank Allen
W. F. Osborne
E. E. Brydone-Jack
A. W. Crawford
R. O. Jolliffe
L. A. H. Warren
Dr. C. J. Triggerson

COLLEGE OF PHYSICIANS AND SURGEONS

W. G. Campbell
D. H. McCalman
William Rogers
J. S. Gray

PROVINCIAL GOVERNMENT

Hon. R. S. Thornton
R. Fletcher
S. Carson Lee
C. K. Newcombe
Rev. David Christie
Rev. W. Bertal Heeney
A. McLeod

PHARMACEUTICAL ASSOCIATION

H. E. Bletcher
E. D. Martin
E. Nesbitt

MANITOBA AGRICULTURAL COLLEGE

J. B. Reynolds
G. A. Sproule
V. W. Jackson
T. J. Harrison
Miss E. M. Eadie
Mrs. A. V. Thomas
David Smith

APPENDIX XIV

DUTIES OF THE BOARD OF GOVERNORS

(An Act to Amend "An Act Respecting the University of Manitoba", 7 George V, 1917, chapter 96, sections 3-16)

THE BOARD OF GOVERNORS

3. There shall be a board of governors of the University.

4. The board of governors shall consist of nine persons, appointed by the Lieutenant-Governor-in-Council. One of the members of the board shall be designated by the Lieutenant-Governor-in-Council to be the chairman thereof.

5. No person shall be appointed a member of the board unless he is a British subject and a resident in the Province of Manitoba.

6. The board may appoint one of its members to be vice-chairman, and, in case of the absence of the chairman, the vice-chairman shall act for and have all the powers of the chairman, and an entry in the minutes of the board recording such absence shall be conclusive evidence of the fact so recorded.

7. Of the members of the board first appointed three shall be named by the Lieutenant-Governor-in-Council to hold office for three years and until their successors are appointed and shall be eligible for reappointment.

8. The term of office for the members of the board shall be from the first day of June of the year in which appointed, provided that the members of the first board ap-

pointed after the passing of this Act shall take office immediately after their appointment, and shall hold office for the period between the time of their appointment and the next following first day of June, in addition to the periods for which they are respectively appointed.

9. No person shall be a member of the board who is at the same time a member of the regular and permanent teaching or executive staff of the University or of any affiliated college or of the governing board of any such affiliated college.

10. In the event of a vacancy in the board from any cause the Lieutenant-Governor-in-Council shall name a successor, who shall hold office for the remainder of the term of the person who has ceased to be a member.

11. The government, conduct, management and control of the University, and of the property, revenue, business and affairs thereof, shall be vested in the board except as in this Act otherwise provided, and all powers which are not by the terms of this Act directed to be exercised by any other person or body are hereby vested in the board.

12. Without thereby limiting the general powers by this Act conferred upon or vested in the board it is hereby declared that the board shall have the following powers:

(1) To make rules and regulations for the meetings of the board and its transactions, for fixing the quorum of the board, for the appointment of such committees as it may deem necessary, and for conferring upon any of such commit-

tees power and authority to act for the board in and in relation to such matters as the board may deem expedient;

(2) To appoint the President of the University, the bursar, the librarian, the registrar, the professors, lecturers, and instructors of and in the University, and all such officers, clerks, employees and servants as the board may deem necessary, and to fix their salaries or remuneration, and to define their duties and their tenure of office or employment which, unless otherwise provided, shall be during the pleasure of the board;

(3) Subject to the limitations imposed by any trust as to the same, to invest all such moneys as shall come to the hands of the board, and shall not be required to be expended for any purpose to which it lawfully may be applied, in such manner as to the board may seem meet;

(4) To manage the lands granted by the Dominion Government to the University and all revenues and proceeds derived therefrom, with power to sell and do all such other things as may be necessary or expedient in connection therewith, subject always to the terms of the said grant and of the basis or scheme framed by the University and approved by the Dominion Government;

(5) To take and hold by gift or devise real property in the name and for the purposes of the University without license in mortmain, and every person shall have the unrestricted right to devise and bequeath property, real and personal, to or for the purposes of the University, any law

to the contrary notwithstanding;

(6) To purchase and acquire all such property as the board may deem necessary for the purposes of the University, including the power of purchasing the interest of any lessees of any real property vested in the board which is under lease;

(7) To make regulations for the care of all grounds, buildings and other property of the University, and for the duties of all persons employed in connection therewith;

(8) Subject to section 15 of this Act to mortgage any of the real property of the University or to lease same, subject to such rents, covenants, agreements and conditions as to the board may seem meet;

(9) Subject to section 15 of this Act to lay out and expend such sums as the board may deem necessary for the support and maintenance of the University and for the betterment of existing buildings, and the erection of such new buildings as the board may deem necessary for the purposes of the University, and for the furnishing and equipment of such existing and newly erected buildings;

(10) To fix and determine all fees to be paid to the University;

(11) To determine upon and to provide for the establishment of or abolition of or any changes in faculties, faculty councils, departments, chairs, lectureships, fellowships, scholarships or courses of instruction;

(12) To hear appeals from any body, officer or or-

ganization of or in the University, and to decide finally upon all matters of University policy.

13. All transfers, deeds, mortgages and other instruments or documents to which the University is a party shall be deemed to be properly executed by the University if the corporate seal is affixed thereto, attested by the signature of the chairman or vice-chairman of the board, and of either the bursar or the registrar.

14. The board shall annually prepare a budget showing all anticipated revenues and proposed expenditures for the next ensuing financial year of the University and shall submit same to the Minister of Education at such time and in such manner as he may direct. No expenditure shall be made by the board which cannot be provided for out of the ordinary revenues of the University or out of the moneys appropriated therefor by the Legislature unless such expenditure shall first be authorized by the Lieutenant-Governor-in-Council.

15. (1) The board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings, or which has the effect of impairing the endowment of the University, unless such liability or expenditure shall first be authorized by the Lieutenant-Governor-in-Council.

(2) In this section the term "endowment" shall mean and include the real and personal property, which is now or may hereafter be vested in the University, the proceeds of any part thereof which may hereafter be sold, and the moneys

now invested by the University in mortgages or other securities.

16. (1) The board shall make an annual report, in which shall be set forth in detail the receipts and expenditures for the year ending on the thirtieth day of June, the investments as they stood at the end of such year, and such other particulars as the Lieutenant-Governor-in-Council may from time to time require.

(2) Such report shall be transmitted to the Minister of Education on or before the first day of November next after the close of the year for which it is made, and shall be laid before the Legislative Assembly within the first ten days of its then next session.

(3) The accounts of the board shall be audited at least once a year by the Comptroller-General, or by some person appointed by the Lieutenant-Governor-in-Council for that purpose.

APPENDIX XV

MEMBERSHIP OF THE BOARD OF GOVERNORS

(APPOINTED IN JUNE OF EACH YEAR)

<u>1917 - 1919</u>	<u>1919 - 1920</u>	<u>1920 - 1921</u>
Isaac Pitblado	Isaac Pitblado	Isaac Pitblado
R. T. Riley	R. T. Riley	R. T. Riley
J. R. Little	J. R. Little	J. R. Little
A. M. Nanton	J. A. Machray	J. A. Machray
J. A. Machray	Wm. Iverach	Wm. Iverach
Wm. Iverach	T. J. Murray	T. J. Murray
Dr. H. H. Chown	Dr. H. H. Chown	Dr. H. H. Chown
Dr. James McKenty	Dr. James McKenty	A. J. Cotton
A. J. Cotton	A. J. Cotton	N. P. Lambert
<u>1921 - 1923</u>	<u>1923 - 1924</u>	<u>1924 - 1930</u>
Isaac Pitblado	Isaac Pitblado	R. M. Matheson
R. T. Riley	J. R. Little	F. J. Dixon
J. R. Little	A. S. Bond	Robt. Milne
J. A. Machray	J. A. Machray	J. A. Machray
T. J. Murray	T. J. Murray	F. W. Ransom
F. W. Ransom	F. W. Ransom	A. S. Bond
Dr. H. H. Chown	Dr. H. H. Chown	Dr. H. H. Chown
A. J. Cotton	A. J. Cotton	A. J. Cotton
N. P. Lambert	N. P. Lambert	T. J. Murray

1930 - 1931

R. M. Matheson
F. J. Dixon
R. W. Craig
J. A. Machray
F. W. Ransom
A. S. Bond
Dr. H. H. Chown
A. J. Cotton
T. J. Murray

1931 - 1932

R. M. Matheson
F. W. Nicks (Dec., 1931 - to replace
F. J. Dixon, deceased)
R. W. Craig
J. A. Machray (Appointment rescinded
Aug., 1932)
F. W. Ransom
A. S. Bond
Dr. E. S. Moorhead
A. J. Cotton
T. J. Murray

APPENDIX XVI

ENDOWMENT FUNDS HELD IN TRUST BY THE UNIVERSITY LAND BOARD

(1) The University Land Grant.

This grant was created by an Act of Parliament of Canada passed in 1885 (48-49 Vic. c. 50), which provided for an allotment to the University of not more than 150,000 acres of land of fair average quality to be selected by the Dominion Government. The lands were to be held in trust as an endowment for the maintenance of the University as an institution capable of giving proper training in the higher branches of education, and were to be so held "upon some basis or scheme to be framed by the University and approved by the Government". After negotiations between the governing body of the University and the Government, which lasted for some years, a satisfactory scheme was adopted, and patents for the lands selected began to be issued in 1898. According to the agreement arrived at between the University and the Government, and embodied in the terms of each patent issued, the University was empowered among other things to sell, mortgage or lease any of the lands and to receive the proceeds of income arising therefrom. The University was authorized to employ the money so received for the care and management of the lands and their revenues, the purchase of sites for buildings and the erection and furnishing of such buildings. All moneys received and not immediately required for such expenditures were to be invested by the University in such securi-

ties and on such terms as the University might deem safe and proper, and the income derived from such investments was to be used for any of the purposes above mentioned or for any other lawful purpose of the institution.

(2) The Isbister Trust.

This trust was created in 1883 by the will of the late Dr. A. K. Isbister for the purpose of establishing a scholarship fund. It consisted of lands and securities which upon being converted into money produced a capital of \$83,215.57. This amount was increased from time to time by the addition thereto of sums transferred from unexpected revenue.

(3) The Physiological Research Prize Fund.

This fund was created in 1913 through the effort of Professor Swale Vincent, then head of the Department of Physiology. The original amount of the fund was \$950.00 which has since been increased to \$1,000.00. The income is used to provide a medal and a money prize for research work in physiology or some allied medical or biological subject.

(4) The Doupe Medal Fund.

This fund was established in 1917 by Mr. J. Lonsdale Doupe and consisted of company shares of a par value of \$300.00. The income is used to provide a gold medal which is awarded annually for proficiency in civil engineering.

(5) The Sir James Aikins Prize Fund.

This consists of certain school district debentures of the par value of \$5,000.00 donated by the late Sir James Aikins. The revenue is used to provide prizes in English.

(6) The Chown Prize Fund.

This fund consists of securities and cash transferred to the University in 1920 by the faculty of Manitoba Medical College. Its object is to provide prizes in medicine and surgery to members of each year's graduating class in medicine. The fund was founded in honour of the memory of Dr. H. H. Chown at one time dean of the faculty of Manitoba Medical College. The value of this fund was placed in April 1931 at \$3,977.66.

(7) The Khaki University and Y. M. C. A. Memorial Fund.

This fund consists of \$12,000.00 allotment to the University in 1921 as its share of the funds of the Khaki University which was disbanded and whose funds were distributed among the Universities of Canada. The object of the fund is to provide scholarships and loans to assist in the education of discharged soldiers and of the children of soldiers who took part in the Great War.

(8) The Rockefeller Foundation Fund.

This fund arises out of an appropriation of \$500,000.00 made to the University in 1920 for the general endowment of the faculty of medicine. Upon being transferred to the University on May 9th, 1922 this fund provided \$507,614.22 owing to the premium paid on New York exchange.

(9) The Honourable Alexander Morris Exhibition in Law.

This is a bequest of \$1,000.00 made to the University in 1923 by the late Christine V. K. Morris in memory of her father, the late Honourable Alexander Morris. The revenue

of the fund is used to provide a scholarship awarded annually to the student obtaining the best aggregate standing in the entire course for the L. L. B. degree.

(10) H. W. Kennedy Fund

This fund consists of \$7,500.00 received by the University in 1925 through the will of the late H. W. Kennedy. The bequest was made "for the development of forestry in Manitoba".

(11) The Winthrop Spencer Scholarship Fund in Geology.

This is a bequest of \$9,000.00 made to the University in 1928 from the estate of the late Joseph W. Winthrop Spencer. The object of the fund is to provide an annual scholarship for research work in geology.

(12) Carnegie Foundation Pension Fund.

This fund consists of \$80,000.00 (plus interest accumulations) granted to the University in 1927 by the Carnegie Foundation to aid in the provision of retiring allowances for members of the University staff.

(13) The Charles Gray Chown Student Fund.

The donor of this fund is Dr. H. H. Chown. It consists of company shares of a par value of \$5,000.00 received by the University in 1928. The object of the fund, after the payment of a certain annuity, was to assist in the education of needy students.

(14) The Thomas Hart Memorial Fund.

This is a fund of \$1,000.00 acquired by the University in 1929 through the will of the late Mrs. Thomas Hart in

memory of her husband, the late Reverend Professor Thomas Hart of Manitoba College. The object of the fund is to provide a scholarship in Latin and Greek of the senior division in Arts.

(15) The Roderick McKenzie Memorial Fund.

This fund, amounting to \$2,612.91 was donated to the University in 1930 by the United Farmers of Manitoba in memory of the late Roderick McKenzie, one of the founders and for many years secretary, of that organization. The purpose of the fund is to provide a scholarship in agronomy.

APPENDIX XVII

SUMMARY OF LOSSES FROM UNIVERSITY ENDOWMENT FUNDS

Name of Account	Depletion found by Turgeon Commission	Final Claim 1935	Machray Life Insurance	Dividends received 1935, 1938 and 1940	Unpaid Claim
Rockefeller Foundation	475,877.49	503,424.01	3,552.83	23,489.16	476,382.02
Land Board (General)	} 318,021.32	148,830.30	1,050.34	6,944.38	140,835.58
Carnegie Pension Fund		97,676.92	689.34	4,557.47	92,430.11
Isbister Trust	68,794.77	84,961.61	599.60	3,964.17	80,397.84
Khaki University and Y.M.C.A. Memorial	12,407.73	13,196.18	93.12	615.72	12,487.34
Kennedy Scholarship	9,250.00	9,588.65	67.67	447.39	9,073.59
Winthrop Spencer Scholarship Fund	7,750.00	8,036.67	56.71	374.97	7,604.99
Charles Gray Chown Student Fund	3,500.00	3,598.28	25.39	167.88	3,405.01
R. McKenzie Memorial Fund	2,609.37	2,762.08	19.49	128.86	2,613.73
Physiological Research Prize Fund	950.64	1,013.88	7.15	47.30	959.43

Morris Exhibition Fund	889.86	1,001.18	7.06	46.71	947.41
Chown Prize Fund	624.12	638.30	4.50	29.78	604.02
Sir James Aikins Fund	500.00	514.04	3.63	23.98	486.43
	901,175.30	875,242.10	6,176.83	40,837.77	828,227.50

APPENDIX XVIII

USE MADE OF FUNDS ABSTRACTED FROM THE MACHRAY AND SHARPE FIRM

Machray and Sharpe Accounts

J. A. Machray	\$ 301,138.74
J. A. Machray Cathedral Window	1,446.26
Machray, Sharpe, Dennistoun and Gardner	283.31
Machray, Sharpe and Dennistoun	98,318.90
Machray, Sharpe and Dennistoun Oakland Club	4,019.20
F. J. Sharpe	18,440.40

Sundry Debits

Canadian Motor Co.	9,458.86
Jas. Kerr	12,114.23
La Salle Block	19,201.50
Lilac Garage - operating account	3,329.61
Midfield Oils Ltd.	44,478.54
McKenzie St. Houses	7,623.81
3 Houses on Aubrey St.	14,336.99

Sundry Syndicate Accounts

Bronx Park Syndicate	26,412.89
Clark Syndicate	250.92
Coquitlam Syndicate	741.67
Diamond Syndicate	1,019.21
Logan Avenue Syndicate	2,158.01
J. A. Machray-Foley Account	4,330.01
Machray and Richan	249.58

Manning Syndicate	\$ 8,256.67
Meadows Farm	94,317.39
Miller Syndicate	36.00
Paquin Syndicate	17,111.20
Union Security	43,111.23
Wellington Apartments	14,779.19
Canadian European Mtge. Co.	9,576.43
<u>Land and Tax Sale Accounts</u>	
Machray and Sharpe-land and tax sale account	131,699.80
Machray, Sharpe, Dennistoun-land account	97,157.08
Investment account	782,544.80
Interest advance account	27,047.87
Anglican Church, St. John College, other trust clients	122,054.30
	<u><u>\$1,917,044.60</u></u>

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