

Minutes of the Called Meeting of the Executive Committee of the Board of Trustees of the University of Kentucky, Thursday, July 28, 1938.

The Executive Committee of the Board of Trustees of the University of Kentucky met in President McVey's office at 10:30 a.m., Thursday, July 28, 1938, in response to a call for the meeting made by the Chairman of the Committee, the notice being dated July 20, 1938. Members of the Committee present were Judge Richard C. Stoll, Chairman; H. S. Cleveland and James Park. Assistant Attorney General J. W. Jones and Dean James H. Graham met with the Committee during consideration for the question of refinancing the indebtedness on Men's Dormitories. President McVey and D. H. Peak, Secretary of the Board, were present.

1. Approval of Minutes.

The minutes of the Executive Committee of July 20, 1938, were approved as published, except that a correction was ordered to be made in Article 10, so as to show that the gift was made in form of Trust Fund by Mrs. Margaret V. Haggin, instead of the Haggin Estate.

2. Purpose of the Meeting.

The Chairman stated that the purpose for which the meeting was called was "to take such action as may be deemed advisable on the refinancing of a lease agreement now in force, between the University and the Security Trust Company of Lexington, upon the Men's Dormitories, made and executed under the Act of the General Assembly of 1928; and to consider such miscellaneous business as may be called to the attention of the Committee."

3. Refinancing Debt of Men's Dormitories.

President stated to the Committee that Attorney General Hubert Meredith had been consulted by the University concerning the several questions of law involved in the refinancing, that the Attorney General had named Assistant Attorney General J. W. Jones to handle the matter and also to meet and discuss the several questions with Committee and, further, that Assistant Attorney General Jones was then in waiting upon the pleasure of the Committee.

Thereupon the Chairman invited Mr. Jones to sit with the Committee, and thereupon proceeded to give a brief resume of all the circumstances pertaining to the object of the meeting.

After a general discussion of the questions involved within the existing lease and the refinancing of it, the Chairman, Judge Richard C. Stoll, was directed by the Committee to notify the Security Trust Company of Lexington, Kentucky, on behalf of the University, that the University did not intend or propose to renew the existing lease on September 1, 1938, but would exercise the option thereon as stated therein.

4. Requisition Committee Report.

The Requisition Committee filed written report of its action each week from June 16, 1938, to June 30, 1938. The report showed orders made by the Business Office on the authority of the Requisition Committee in the manner prescribed by the Board of Trustees and State laws, running from No. 8569 to No. 8742 at close of year 1937-38. The report was examined, and on motion and second the orders named therein were ratified and approved and payments on said orders were authorized and approved.

The Requisition Committee filed further report of its action upon close of fiscal year ending June 30, 1938, on requisitions for fiscal year beginning July 1, 1938. The report showed orders made by the Business Office on the authority of the Requisition Committee in the manner prescribed by the Board of Trustees and State laws, running from No. 1 to No. 114. The report was examined, and on motion and second the orders named therein were ratified and approved and payments on said orders were authorized and approved.

5. Advice of Allotment.

The Business Agent stated that he had received from the State Department of Finance, Budget Division, advice of allotment of appropriations for the first quarter of the year 1938-39, in addition to report copied in minutes, June 29, 1938, the following:

<u>Name of Fund</u>	<u>Amount of Ap- propriation</u>	<u>Amount Allotted First Quarter</u>	<u>Total Allotted to Date</u>
Horticultural Promo- tion	\$10,000.00	\$ 2,000.00	\$ 2,000.00

6. Payment on Warehouse Debt Approved.

The President stated that on July 2, 1938, there was due \$5,000.00 principal, \$1000.00 interest and \$100.00 Trustee's fee on the warehouse building (occupied by Department of Buildings and Grounds) indebtedness to the Security Trust Company and that because of insufficiency of income for fiscal year ending June 30, 1938, it was necessary to make payment of the indebtedness from the reserve due to operation of the Campus Book Store.

The action of the President in having payment of the \$6100.00 due Security Trust Company from Campus Book Store Reserve Fund was approved and ratified.

7. Transportation Organization Research Bureau.

President McVey presented a W. P. A. project proposed to be operated under following plan of organization:

The Bureau will be sponsored by the Department of Chemistry in cooperation with the Department of Engineering at the University of Kentucky, will be operated in conjunction with the Federal Government as a Works Progress Administration Project and with the Department of Highways of the State of Kentucky.

A combined laboratory and office will be furnished by the Department of Chemistry at the University of Kentucky and the W. P. A. will furnish the men for the work. The State Highway Department will make available their laboratories, staff, and equipment to the project. The Director of the Bureau will be Dr. M. Hume Bedford of the Department of Chemistry. Assistant Director and staff W. P. A. supervisor will be David C. Scott. The Associate Director, in charge of the engineering work, will be Professor A. J. Meyer, Dr. Barkenbus, Professor Crouse, Professor Emrath, Dr. F. Tuttle, Colonel Graham, Mr. Batts, and Mr. Cantrill will act in an advisory capacity. Companies, cooperating with the Bureau, will make available both their fleets and their mechanical measuring and servicing equipment.

The Bureau aims at the following objectives:

1. The accumulation of factual knowledge about lubrication of internal combustion engines, transmission and rear axles.
2. The investigation of the technical problems confronting bus and truck operators, engine manufacturers and producers of lubricants.
3. The investigation of chemical and physical properties of lubricants mentioned in #1 and #2.
4. To determine the changes that occur in motor oils when in service, the conditions under which the oils change, the significance of these changes and the control of these factors.
5. The consideration of the influence of four factors (main) namely, mechanical condition of the motor; the air; the fuel used; and the lubricant itself, and how the nature of the lubricant itself may affect favorably or adversely the results attributable to each of the other factors.

The policy, availability of fees for service, method of operation and organization of test program was then explained to the Committee, and the statement was made that the operation of the project will be without additional expense to the University.

On motion and second it was ordered that the University cooperate with the W. P. A. and the Department of Highways in setting up and promoting the project.

8. Naming Tennis Courts.

A letter to Athletic Director Shively from Robert P. Evans, Captain of Tennis Team, relative to naming University tennis courts, was presented to the Committee but no action was taken thereon.

9. Margaret V. Haggin Trust Fund.

Reference is made to Section 10 of the Minutes of July 20, 1938, which was corrected to show that the gift, in the form of a trust, was made by Mrs. Margaret V. Haggin instead of James B. Haggin estate.

President McVey filed following letters:

a. Mrs. Haggin's letter

July 15, 1938

Board of Trustees
University of Kentucky
Lexington, Kentucky

Dear Sirs:

This is to inform you that under date of July 14, 1938, I created a trust for charitable purposes. The University is named as one of the beneficiaries thereunder and in due time you will be furnished by the trustees with a copy of the instrument.

(Signed) Margaret V. Haggin.

b. Trustees' letter

New York
July 21, 1938

Dr. Frank McVey, President
University of Kentucky
Lexington, Kentucky

Dear Sir:

On the 14th day of this month Mrs. J. B. Haggin of New York, N. Y., executed a voluntary trust agreement in which she established a trust in perpetuity to be known as the "MARGARET VOORHIES HAGGIN TRUST in memory of her late husband, JAMES BEN ALI HAGGIN," fifty per cent of the net income of which is to be paid to your institution. The trust agreement contains no restrictions upon the use of the income by your institution.

Mrs. Haggin appointed the Honorable James W. Gerard of New York, N. Y., Bank of New York, and myself as the co-trustees, to hold, manage and invest this trust fund which, at present, consists of 150 shares of stock of the Haggin Estate, Inc., the shares we hold representing a minority interest only.

We are sorry that at this writing we can not inform you accurately what your fifty per cent share of the net income will amount to. The stockholders of the Haggin Estate, Inc., who are the heirs of the late James B. Haggin, have been discussing plans for the complete liquidation of that company to be effective before the end of the current calendar year, with the consequent distribution of all the assets to themselves, and that there is doubt whether any ordinary cash dividend will be declared and paid by the Haggin Estate, Inc., this year. As trustees, we shall go along with the other stockholders in the Haggin Estate, Inc., in the proposed plan of liquidation and take our share of the assets of that Company. After the trustees receive their share of the assets they will be in a position to make a more reliable estimate of the expected annual income and we shall let you know then what we figure that to be for the first year thereafter. We hope to be able to arrange to send you a copy of the trust agreement in due course of time.

Please accept our congratulations on the establishment of this trust for the benefit of your institution which has won such an outstanding position in the educational world.

(Signed) William M. Haupt
Trustee

The President was asked to answer the letters, and to extend thanks for the consideration given the University by the donor.

10. State Board of Health - Orders as to Wasserman and Kahn Tests.

The President brought to the attention of the Committee the following correspondence relative to action by the State Board of Health as to certain tests and the effect of such action on the Public Service Laboratories of the University of Kentucky.

a. Doctor McCormack's letter

July 22, 1938

Dr. Linwood A. Brown, Director
Public Service Laboratory
Lexington, Kentucky

My dear Doctor Brown:

We are notifying all Health Departments and physicians in the State that all serodiagnostic tests for syphilis will be done here in our own laboratory, as of August first. I talked this over with Dean Cooper on my way to Washington the other day.

This will relieve you of considerable expense and will also enable you to concentrate on the rest of your work, so that you can get more pleasure out of it and so that results will be more satisfactory.

Please be good enough to collect all the Wasserman containers which you have and I will get someone to bring them in to us. In the future, we will send them out from here. With best wishes and personal regards, I am

(Signed) A. T. McCormack, M. D.
State Health Commissioner.

b. Doctor Brown's letter

July 26, 1938

Dr. Frank L. McVey, President
University of Kentucky

Dear Doctor McVey:

In my conference with you this morning, relative to the matter of Dr. A. T. McCormack's letter of July 22, in which he states that he is notifying all county health departments

and physicians of the state that all serodiagnostic tests for syphilis will be made at the Louisville laboratories of the State Department of Health, as of August 1, you asked that I submit to you for your consideration the points that must be considered in connection with the matter of complying with Doctor McCormack's letter.

1. Dr. McCormack's letter infers, but does not specifically state, that the Public Service Laboratories shall discontinue serodiagnostic tests for syphilis (Wasserman and Kahn tests).

As far as these laboratories are concerned we will be very glad to be relieved of this enormous volume of work and would much prefer that it be taken over entirely by the State Department of Health, and that they be entirely responsible for the work, rather than for the work to be divided between the two laboratories, thus eliminating any source of criticism or conflict regarding the handling or accuracy of the work.

2. The original law, as passed by the Legislature in 1918, required the Experiment Station to make laboratory examinations of such specimens as may be submitted by the State Board of Health, in the discharge of its duties.

Later, when the appropriation was made direct to the University, the appropriation bill specified that the laboratories were to do laboratory work for the State Board of Health and "other departments of the State Government".

Does Dr. McCormack's letter relieve the University of the legal responsibility of doing serological work for such State institutions as Eastern, Central and Western State Hospitals, State Reformatory at LaGrange, State Penitentiary at Eddyville, Greendale Reform Schools, Children's Home at Lyndon, Feeble-Minded Institute at Frankfort, etc.?

Has the University the right to discontinue this work for the above mentioned institutions, solely on the authority of Dr. McCormack's letter?

3. For the past eighteen years, physicians and health departments have been accustomed to sending their serological work to these laboratories, and it will be difficult to make such a radical change without a good deal of confusion. Our experience leads us to believe that even if Dr. McCormack does notify all health departments and physicians of this change, unless an announcement can be sent from these laboratories which will plainly

place the responsibility for a discontinuance of the work here at these laboratories, specimens will continue to be received, involving a large amount of correspondence and the forwarding of specimens to the Louisville laboratories.

However, before such notice is sent by these laboratories, I would like to have specific authority from you for making such announcement.

4. In his letter, Dr. McCormack asks for the return of all Wasserman containers which we have. Until advised to the contrary, we are retaining those containers that are clearly the property of the Public Service Laboratories, and paid for by the University, and are returning to the State Department of Health only those containers that are identified by a color scheme adopted by them last fall when they first began supplying Wassermann containers for branch laboratories at Paducah, Madisonville, Ashland and the laboratories at Louisville.

As previously stated, we will be very glad to be relieved of the burden and expense of conducting serodiagnostic work for syphilis, if it can be legally done, and trust that if you see fit to comply with Dr. McCormack's letter, a clean-cut separation of the work be made.

It would be very unsatisfactory to attempt to do a limited part of the work for any special group. It would be necessary to retain the full-time services of a serologist for only a limited volume of work.

However, if all serological work from all sources is handled at the Louisville laboratories, it will permit us to dispense with the services of our present serologist, thus making available funds for other laboratory purposes.

(Signed) Linwood A. Brown
Director, Department of
Public Service Laboratories.

c. President McVey's letter to Doctor McCormack

July 27, 1938

Dr. A. T. McCormick, Director
State Department of Health
Louisville, Kentucky

My dear Dr. McCormick:

I have your letter of July 22 stating that all serodiagnostic tests for syphilis will be made at the Louisville laboratories after the first of August. We are

quite in agreement with this order, since it will relieve the laboratories here of a considerable amount of work, but several questions arise which we would like answered in as definite a way as possible.

In the past eighteen years physicians and health departments have been accustomed to send their serological work to the laboratories of the Experiment Station. Judging by experience in the past, it is quite likely that health departments and physicians will continue to send their work here. In order to avoid a large amount of correspondence and the forwarding of specimens, it seems that a very definite statement should be sent from our laboratories here, as well as from your own.

A second question arises as to the serological work in State institutions, such as the State hospitals, reformatory and penitentiary, the Greendale and Lyndon Schools and the Feeble-Minded Institute at Frankfort, etc. Is it expected by these institutions that they will be taken care of at Louisville? Something quite definite ought to be stated on this point.

You, of course, are quite aware of the inconvenience that would arise if the work is carried on in different places. We do not wish to have what might be called a residue of such work, requiring the presence of a serologist on our staff.

Your careful consideration of these points, with comment upon them at any early date, would be much appreciated.

(Signed) Frank L. McVey
President of the University

d. Doctor McCormack's reply

July 30, 1938

Dr. Frank L. McVey, President
University of Kentucky
Lexington, Kentucky

My dear Mr. President:

In reply to your letter of July 27, we have sent out letters to every health department and every physician in the State, telling them that serodiagnostic work for syphilis will be done in our laboratory here in Louisville, beginning August first.

Of course, some of them will continue to send specimens in to you and we will simply ask Dr. Brown to forward them to us.

I saw Dr. Wilson yesterday and instructed him to send all specimens for serodiagnosis from the State Institutions to us here, beginning August first and he has issued instructions to the superintendents of the various groups that this will be done.

It will relieve your laboratory of the load so that you will have funds and personnel to concentrate on other phases of laboratory work. It is always a pleasure to cooperate with you and your staff and we want to congratulate you for what you have done. We are glad to be able to relieve you of some of the burden.

(Signed) A. T. McCormack,
State Health Commissioner

The correspondence was ordered incorporated in the minutes.

11. Agricultural Extension.

The President filed corrected budget summary for Agricultural Extension for the present fiscal year.

The corrected summary shows total allotments and corresponding expenditures amounting to \$723,553.15.

The corrected budget summary was approved and ordered substituted for the original summary in the Budget for year 1938-39.

12. Appointments and Other Staff Changes.

President McVey presented staff appointments and other changes requested by deans and heads of departments, and, on his recommendation, by motion and second, the following were approved and record ordered made in the minutes:

Appointments

James Distler, graduate assistant in the Bureau of School Service, for nine months, beginning September 1, 1938, at salary of \$50.00 per month. Funds are provided in original budget.

Henry S. McGuire, assistant bacteriologist, Department of Public Service Laboratories, salary \$125.00 a month, effective August 1, 1938. This appointment is made to fill the vacancy caused by resignation of Harvey Cunov, and it is to continue subject to the approval of Dean Cooper.

T. Hayden Rogers, Assistant in Agronomy in Experiment Station, salary \$2000.00 per year, effective August 1, 1938, or when he reports for duty thereafter. He is a graduate of Alabama Polytechnic Institute.

Resignation

Harvey Cunov, Assistant Bacteriologist, Department of Public Service Laboratories, effective August 1, 1938.

Correction

In the minutes of July 20, 1938, the salary of instructor, George Fithian, was shown as \$1,000.00. The salary should be stated at \$1600.00 for academic year.

Agricultural Extension

Andrew M. Harris, County Agent, Marshall County, effective July 15, 1938 to June 30, 1939, salary \$175.00 a month, payable from Bankhead and Offset to Federal Funds. Change in territory only.

William E. Wiedeburg, County Agent, Christian County, effective July 1, 1938 to June 30, 1939, salary \$250.00 a month, payable from Bankhead and Federal Additional Cooperative Funds.

John L. McKittrick, Field Agent in Agricultural Engineering and Soil Management, Experiment Station, effective July 1, 1938 to June 30, 1939, to be paid from General Fund and reimbursed by TVA, salary \$250.00 a month.

On motion, duly seconded, the Committee adjourned.

D. H. Peak
Secretary, Board of Trustees.