

Kentucky University, Lexington, Ky., June 11, 1874

Session of
June 11,
1874

Board met at 9 o'clock - Roll called the following Curators were present- Chm. Bishop, Allen, Gratz, Steele, Goodloe, Elley, Woolfolk, A. H. Bowman, Jos. Smith, Givens, W. L. Williams, Hernadon, White, Ricketts- Groom, Z. F. Smith, TArbitt, Sloan, Withers, Campbell, Shirley, Wing, Miller, Rogers, Kinnaid, Crutcher, Geo. White, Gano, Shackelford.

Proposed
Honorary
Degrees of
LL.D.

W. L. Williams opened session by Prayer- Minutes of Previous meeting read and approved.

Communication
from W. B.
Smith

A communication was read from H. Linville asking the Honorary degree of LL.D. be conferred on Prof. Rowland of Salem Oregon-

Moved by Curator Dr. Smith that the Secy, be instructed to advise Prof. Rowland that the By-laws of this institution forbid the conferring of Honorary degrees- adopted.

Contract with
Law Library
Association

A communication was read from W. B. Smith Moved and adopted that the secy be instructed to inform Mr. Smith that we do not wish his services.

7 The secy. made a contract with the Library Association in relation to the Law Library which on motion was ratified-

The following resolution was offered by Z. F. Smith.

Res. That the Ex. Committee be instructed to order the sale of locust trees from the Ashland & Woodlands estates in such quantities as can be spared and on best terms they may be able to make. The following Resolutions was presented by Curator Sloan which on motion was for the present laid on the table. /307/

Whereas there seems to exist a general misunderstanding in relation to the status, action and purposes of the Board of Curators of Kentucky University toward the Churches of Christ in Kentucky therefore

Resolved that in order to correct a mistaken public sentiment to dispel popular prejudice as also for the purpose of general information we declare

1. We accept and hold the charter to be the only authoritative declaration which can define the rights of ownership and control the powers and fiduciary obligations of the Board and their relations to all the beneficiaries of the Institution.
2. Under the Charter the Christian Churches of Kentucky do in a certain sense real and important have the control of the University through a Board constituted according to law of which at least two thirds must be members of those churches and do thus have an ownership of the University which under the limitations of the Charter we recognize - The legal title to the property and duty of the care and management of the University are vested in the Board and we cannot in good conscience resign the one or refuse to exercise the other, but we desire to hold this title and manage the institution so that the trusts imposed upon us may be fiathfully executed.

Res. of R. R.
Sloan

Sale of Locust
trees for posts

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3. It is difficult perhaps impossible to draw the lines between these different rights sufficient clearup to avoid all ambiguity- That much misapprehension in the public mind has arisen from this cause is doubtless especially from the consideration that distinctions between ownership in an official and popular sense have been not only not well understood but often expressed in language not difficulty discriminating especially in the peculiar phrases and status of the public mind.
4. Of this however we can and do assure the Churches of Christ in Kentucky that their interests and rights are sacred under the Charter and shall be by us ever sacredly preserved in rigid compliance with its provisions and strict accordance with its spirit.
5. That we recognize the fact that we hold in trust large and important interests besides those donated directly to Ky. University originally given and consecrated to the purposes of popular and general education, which we have accepted as auxiliary to the beneficial means and ends of this Institution and that these interests are held under certain qualifications and conditions, and we pledge that we will faithfully carry all obligations assumed in their behalf according to the terms of contract for the same, the Charter of the University and the original purposes for which these interests were created -
6. All allegations that the Board are not in sympathy with the Christian Church or that they intend to pervert its funds from their legitimate ends are untrue-

We disclaim any purpose to sectarianize the Institution ourselves and stand pledged to resist all effort on the part of others to subsidize or pervert the Institution or even the smallest of its sacred trusts to any use foreign to the end of their original purpose

Laid on the table to be called up in afternoon. / 309/

Curator Withers as Chm. of Committee on College of Law reported as follows-

The Committee to which was referred so much of the Regents report that refers to the College of Law begs leave to respectfully report.

That the resignation of the Presiding Officer Hon. Madison C. Johnson and of Professor J. Q. Harrison renders a reorganization of the College indispensable - We regard it of the highest importance that this College should be fostered and placed on an enduring basis- To this end we recommend that two professors be appointed as soon as possible so that their names may be announced in time to secure a full attendance of students to next session-

Your Committee hold themselves ready to co-operate actively with the Board and Extive Committee to accomplish the end proposed- all of which is respectfully submitted.

Wm. T. Withers)
R. J. White) Comtee.

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Committee on
Commercial
College.

Committee on Commercial College made report and it was adopted and ordered filed.

Commencement
exercises

Moved by Curator Gano that the Board accept the invitation of the faculties to adjourn and attend the Commencement exercises-
Lost.

Members
excused

Moved and adopted that members of the Board who have children interested in the exercises be excused.

Alexander
Proctor nomi-
nated & elec-
ted Prof. in
Bible Col.

The Nomination Committee made the following nominations-
For Professor in Bible College- Alexander Proctor
Rules suspended in all the nominations and Mr. Proctor
elected unanimously by a standing vote.

Curator Goodloe made report on Commercial College which was adopted and filed.

Election of
Pres. & Secy
of the Board

R. M. Bishop was unanimously elected chairman for the ensuing year.

Jas. Woolfolk was unanimously elected secretary for the ensuing year.

Election of
Exec. Com.

Board met minutes read & approved.

B. Gratz- Dr. Smith- R.C. Ricketts- J. S. Woolfolk nominated and elected as the Executive Committee for the ensuing year-----
2 voting contra

Election of
Treasurer

D. S. Goodloe was nominated and elected to the office of Treasurer of Ky. University for the ensuing year.

R. A. Buck-/311/
ner & W.C.P.
Breckinridge
elected Profs.
in Law Col.

Judge R. A. Buckner & W. C. P. Breckinridge were unanimously elected to fill the vacant chairs in the Law College.

For members of the Board - W. R. Estill, J. Z. Price, James A. G. Lee, Dr. N. B. Wells- unanimously elected.

The following resolution was offered by Curator Sloan and adopted.

Thanks to
Curator Jos.
Wasson

Resolved

That inasmuch as Curator Wasson did of his own choice decline a nomination or renomination, we do hereby in view of his voluntary retirement from that Committee tender our hearty thanks for his long and faithful services in said Committee.

Resolution
offered by
Curator Sloan
taken up

Resolution offered by Curator Sloan during the morning session and laid on the table were called up by Curator Groom-

The following was offered by Curator White as a substitute for said resolution.

Curator White
offers a
substitute

Whereas the Charter of Kentucky University provides copy Preamble 8, Sec. 1 Charter Whereas an Institution of learning known and called by the name of Bacon College was founded by certain members of the body of the "Disciples of Christ" denominated Christians, and was chartered by the legislature of Kentucky in the year 1836 and where as said Institution after a series of unsuccessful efforts for its permanent endowment and establishment

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suspended its regular collegiate operation and whereas, in view of the educational wants of the said body of Christians in Kentucky, and of their wishes for the permanent success /312/ of said institution known and expressed at various times - a plan for its full endowment and reorganization has been presented and prosecuted by John B. Bowman of Mercer County Ky- which has resulted thus far in the raising of \$150,000 of endowment fund- and whereas it is desired to establish a first class University upon a more modern, American and Christian basis; and to carry out such design it is necessary to amend and extend the provisions of the Charter of said Institution.

Therefore be it resolved - We most solemnly avow- that it is the fixed determination of the Board of Curators to conduct & manage the University in strict accordance with the Charter especially with the clauses in letter & spirit especially regarding the wishes of the Christian Church in Kentucky. Curator Withers offered the following resolution as an amendment to Curator White Mes. 1st that we hereby affirm that we hold the legal title to Ky. University, its funds and property except the A. & M. College as Trustees for the Christian Churches of Ky. subject to the trusts conditions and limitations of the act consolidating Ky University & Transylvania University and the act establishing the A. & M. College of Ky. and will conduct and control Ky. University in the interests of the Christian Church so far as the same can be done under limitations imposed on us by law- which was lost.

A vote was then taken on Curator White's substitute - The ayes and nays being called for resulted as follows
 Ayes Allen- Steele- Elley- Givens- W. L. Williams- R. J. White- Ricketts- Withers- Gano 10.
 Nays- Bishop- Gratz - Woolfolk- A. H. Bowman- Dr. Smith, Herndon- Groom- Z. F. Smith- Tarbitt- Sloan- Campbell- Shirley- Wing- Kinnaird- Crutcher- Geo White. 17

Vote was then taken on Curator Sloans Pre. & Resolution which upon the call of ayes & nays were adopted by the following votes-
 Ayes- Bishop-Gratz- Woolfolk- A. H. Bowman- Z. F. Smith- Tarbitt- Sloan- Campbell- Shirley- Wing- Kinnaird- Crutcher- Geo. White-17
 Nays- Allen- Steele- Elley- Givens- R. J. White- Withers- Miller- Rogers- Gano 9.

Moved by Curator Sloan that the report of the Executive Committee be approved which was adopted-
 Excused from voting.

Curator Ricketts-Givens- & Groom- Kinnaird & Wing - Excused because not present when the report was read.

The following resolution was offered by Curator Withers.

Curator
 Withers offers
 an amendment
 to Curator
 White's Sub-
 stitute. This
 was lost.

/313/

Curator
 White's Sub-
 stitute
 rejected

Curator Sloan's
 Preamble &
 resolution
 carried

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Resolution
made by Cura-
tor Withers

Resolved- that an agreed case be made in which will be pre-
sented the question whether the appropriations made by the Exec-
utive Committee to defray expenses of Curators & others at
Frankfort in opposing the amendment of the Charter and also whe-
ther the Executive Committee have authority to pay the fee or
fees of any Atty. incurred for the same purposes. /314/

The case to be made up by the Extive. Committee on the one
side and any Curators on the other who may oppose the appropria-
tion.- The agreed case shall be submitted to the justices of the
Court of Appeals for its decision and until the decision is ren-
dered the Extive. Comtee. is hereby requested to make no order
for the payment of such fee or any other of said expenses-
Unanimously adopted-

Collection
of debts
due
University

Curator Givens offered the following - Resolved in view of
the necessities of Ky. University the Executive Committee be in-
structed to use all proper means to collect all doubtful notes
due it, especially those on which the interest has not been paid
regularly - adopted.

Financial
Emergency

Moved by Z. F. Smith that the Board confer full power on the
Executive Committee to meet the financial emergency which has
come upon the University and shall discharge all liabilities in-
curred and to be incurred by realizing upon all the available
means of the Institution and curtailing expenditures as far as
practicable subject to the limitations of the Charter.

Adopted

Sale of
Commercial
Bank Stock
authorized

Moved and carried that the Treasurer in connection with the
Extive, Comtee. after careful consultation with financiers, be
authorized to sell, if thought best the Commercial Bank Stock now
owned by Ky. University, and invest the same in good and profi-
table stocks or other securities.

Payment to
General Fund
from Endow-
ment Fund.

Moved by Curator Withers that the Extive Committee be au- /315/
thorized to pay back to the general fund by a sale or hypotherca-
tion of such part of Endowment fund as will in amount be equal
to the sum refunded out of the income or general fund to the
Donors to the Endowment fund in Mercer County in compliance with
the act of the legislature - adopted.

On motion the Board adjourned sine die
Jas. S. Woolfolk Secr.

R. M. Bishop

President