

Kentucky University, Lexington, Ky., June 13, 1873

Session of  
June 13, 1873

Pursuant to adjournment the Board met at ten o'clock instead of 9 o'clock and on motion of Curator Jos. Smith, Curator E. Campbell was called to the Chair-

Session of the Board was opened by Prayer by Curator Ricketts.

The roll being called the following Curators were found present, J. B. Bowman, J. G. Allen, Benj. Gratz, Joseph Wasson, D. S. Goodloe, G. W. Elley, Joseph S. Woolfolk, A. H. Bowman, Joseph Smith, G. W. Givens, A. H. Herndon, R. J. White, R. C. Ricketts John Shackelford, Z. F. Smith, J. P. Tarbitt, Enos Campbell, John Aug. Williams, S. M. Wing, Horace Miller, Henry Bell, William E. Rogers, James G. Kinnaird, James Crutcher, Geo. G. White, R. M. Gano, A. M. Barnes-

Dr. J. G.  
Chinn re-  
quest

There was a communication received from Dr. J. G. Chinn asking to be released from his subscription of \$500 to Ky. University upon motion of Curator White amended by Curator Jno. Aug. Williams. The matter was referred to the Exctive Committee with instructions to say to Dr. Chinn that the Board will not at any time press him for collection of his note Curator Goodloe afterwards moved a consideration which was adopted,

Same referred  
to Exctive  
Com. with  
instructions.  
Same  
reconsidered  
Final despo-  
sition of same

Curator Goodloe then moved that the Regent be instructed to deliver the note up to Cr. Chinn also to avoid establishing a precedent that may prove injurious to the University this Board ordered that the papers & correspondence be filed - In answer to Resolution /261/ of this Board the Treasurer made an expose of the receipts and expenses of the University for the year 1859-60 & 61. Curator Williams moved that these be filed with the papers of the Institution. Adopted. Curator Tarbitt moved that this Board is satisfied with the expose of the finances made by the Treasurer for the years mentioned. adopted.

Treasurers  
expose of the  
finances  
Action of the  
Board thereon

The Committee on grevances composed of R. M. Bishop Chairman R. R. Sloan, J. G. Allen, Andrew Steele & E. E. Groom made an unanimous report.

Report of  
Committee  
on grivances.

Curator Sloan read the report in his clear and impressive style a copy of which read as follows-

Your Committee to whom, under a resolution passed June 14, 1872, were referred the complaints and grivances of all parties with instructions to report to the Board for final action beg leave to make the following report.

Kentucky

University

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The Committee organized June 14th 1872 by the appointment of R. M. Bishop Chairman and R. R. Sloan clerk- The following were agreed upon as rules to govern the investigation

1. Each complaintant to furnish as his specific charges with a brief statement of the facts on which he will rely to make out his case.
2. The accused, in turn, to furnish a statement of the grounds of his defense.
3. The evidence pro & con to be taken in presence of both parties or their proxies unless said right be waived in writing /262/ affidavits waived unless insisted on by the parties.
4. When the evidence is fully before us the complaintants may offer his argument the complaintants his final replication in which no new matter shall be introduced.
5. Everything, argument, evidence all to be furnished in writing and every document must come in duplicate form first copy for the Committee- the second for the other party.
6. Notice of time and place of taking testimony to be duly given and (to expedite the investigation) the duplicate may be sent direct to the other party or through the Committee at option.

The Clerk was instructed to send copies of the above to the several parties complaining or complained of which he did June 18, 1872 with demand that they forward all communications "early as possible."

Our Committee being a new Committee with nothing before them addressed letters to the following - the only parties supposed by the Committee to have greivances to lay before us sending copies of the foregoing rules and requesting the early pursurtations of their case if any they had Viz Elley, Bowman, Wilkes, Withers & McGarvey. We wrote these parties not as a matter of debt but of grace, for it was known to them and to all that by vertue of the resolution appointing as we were a kind of omnibus greivance Committee before whom all might bring their complaints.

After a time we received from Curator Elley certain charges against Professor Peter and the memorials of Professor and /263/ Curator Wilkes - the same as had been before the former (ec the Peace Committee) and which when they were discharged had been by them returned to the Board. The accused in those documents were promptly notified. Duplicates of the same as also copies of the rules of the Committee being sent them.

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Time passed on, the documents came slowly in delays some of them unavoidable, were disappointing our desires and efforts to bring these troubles to a speedy end.

A majority of our Committee met in Louisville in October and their instructions the Clerk wrote the Parties them behind that unless their documents were in within a given time December 30th unless extended for good reasons at discretion of the Chairman, we should consider them delinquent and therefore derelict in duty, we said to them in your names the Report must be made- We present your herewith the result-

1. The documents in the Elley Versus Peter case consists of 8 full columns of newspaper matter 18 pages foolscap-well filled and 33 full pages of Commercial note, closely written with sundry letters and et ceteras not counted. These your Committee have read in toto and carefully covered the whole matter- We present you as the maturest judgement we can from the following conclusions in which the Committee are unanimous.

1. Much of the matter submitted in the documents is merely personal and therefore we were forbidden to consider it by the terms of the resolution under which we were appointed.

2. Much else is matter of controversy, between the parties involving questions of logic and argument not within our province to decide.

3. While we would not deny to Professor Peter the right to appear in Public print, we do think that the articles then written were, under the circumstances in common with other publications of the time ill timed, unjudicious and in their effort detrimental to the interests of the Institution.

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In the case of McGarvey versus Bowman the documents (170 pages of legal cap) being read and carefully considered, we reach the following conclusion.

1. The case as submitted stands thus: Professor McGarvey in a memorial before us dated June 11th 1872 complains that Regent Bowman has charged him as being both a conspirator and a liar and ask the Board "to require the Regent either to prove or retract said charges."

The allegations of this memorial are based upon thru several newspaper articles published by Regent Bowman which accompany and are made part of said memorial.

2. Regent Bowman admits the publication of said three articles, not as renewing charges which he had, with view to reconciliation, with drawn, but in self justification, and response to certain publications of certain Editors of the Apostolic Times of whom Prof. McGarvey, the complainant in this case, is one.

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3. Of the very voluminous testimony advised in this case (1) much is irrelevant (2) much is negative in character (3) in much else there is want of definiteness in this; the proof is directed against the Editors of the Apostolic Times jointly so that a charge even if clearly presented against the Editorial corps as such would fail to fix guilt on J. W. McGarvey an individual member of that corps unless he is proven to have personally endorsed the thing complained of or we hold each responsible for the acts of all which, in a criminal case we could not do. /265/
4. From all the evidence before us pertinent to the case we are forced to the conclusion that, at the time those three publications were made and with the evidence there in the possession of the Regent he had reason to believe that there was a strong opposition to him as Regent on the part of said Editors (which we do not doubt he considered a conspiracy) so that he felt compelled to publish said articles as rebutting the denial on their part of said conspiracy.
5. We do not find from the evidence addressed that Prof. McGarvey is guilty of conspiracy against the Regent; moreover we also exonerate him under the alleged charge of falsehood; a charge not made by the Regent directly nor by implication unless from impressions which, even if logically drawn, should be accepted by the Regent as his own ere they are made the subject of criminal charges against him.
6. Any allusion to the Apostolic Times in the above report are introduced only because and in so far as they are connected with Prof. McGarveys' case now before us, and we utterly disclaim any Judgement or opinion in the conduct of said Editorial corps, as not before us in any sense in this investigation.
7. Your Committee feel it a duty to say in reference to certain testimony addressed in this case as touching the private character of the Regent, that it is based upon minor alone utterly unsubstantiated by any evidence whatever and consequently not only irrelevant but should not have been introduced.

In the case of Wilkes versus Bowman the documents before us 150 pages legal cap all /266/ have been carefully read and considered.

The case stands thus

1. Curator Wilkes in a memorial dated June 12, 1872 complains that Regent Bowman has by the publication made Dec. 30th, 1871 of a statement written October 7th /71, reiterated charges already withdrawn (2) that under date of April 6th/72 he expresses his belief that he would be able to show that it mattered very little

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what he Wilkes would affirm or deny on any subject; and asks that the Board demand of the Regent to prove the charges and sustain them statement before mentioned or unqualifiedly and publicly retract them.

2. Regent Bowman denies that he had violated good faith by the publication of said statement dated October 7/71 and (?) proposes to prove that Curator Wilkes had much to his injury, created the impression that he the Regent had taken the deed to Ashland in his own name and was holding the deed to Woodlands in his own name even after the latter had them deeded to the University.

3. Your Committee after a careful review of the testimony and pleadings in the case are agreed (1) That the publication December 30th 1871 has no evidence of intention on the part of J. B. Bowman to renew charges made and withdrawn by him November 1871 especially since that publication was a republication made as reply to another.

4. The Committee think that the statement in the Gazette that "it mattered very little what he Wilkes may affirm or deny on any subject" was not justifiable on the part of Mr. Bowman.

5. That Curator Wilkes, much to the injury of Regent Bowman did repeatedly and to different persons give erroneous impressions in reference to the title to the Realty as being held in his own name instead of the name of the University, that too, subsequently to the time said title had been recorded, is sustained by the testimony; and in so far as statement creating said impressions were made by him when opportunity to know better was within his reach he is at fault-

The Board of Curators have now before them our report on the complaints submitted to us, three in all and as to all which your Committee respectfully recommend that the Report entire be spread on the minutes, and that the secretary be instructed to furnish the parties respectively a copy of said Report so far as it may respect their individually cases also that the testimony and pleadings which we present you entire be filed among the archives of the Institution.

Your Committee have faithfully, fatiguingly but patiently inacted through over 450 pages foolscap closely written in the investigation of this case; we have given the fullest opportunity even to the last hour for aught that could be presented to us of testimony or of argument, without favoritism to none and only in the fear of God we have done as we believe the amplest justice to all others might do better but it is the best we can ever offer and in it we are a unit therefore we respectfully but firmly ask that your committee be now finally discharged. In conclusion passing from the parties whose names are before us in this report we have a word of counsel to all to them as well as others and to others as well as us three.

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There has been want of harmony in the Board much that is unpleasant in our meetings: Can we not bury the unpleasant memories of the past in the pledges and hope of a better and a brighter future? If any case all is well; if we cannot - can we not then as a last resort and remedy separate in peace: We will accomplish more dwelling apart in peace than together in strife.

Who would not prefer Abraham - like even the less fertile fields of usefulness than to dwell in Sodom strife & die in Sodoms ruins - Is there anyone who cannot work in peace and harmony with his fellows in the Board, Resignation would do honor to the head and heart of such a man.

He owes it to his peace and usefulness - to the peace and usefulness of others and to the success of the work in which we are engaged -

Let any member leave, the Institution will live in the hands of those who remain if harmonious in their cooperation; but it will die even amidst the strength of members if weak and through discord and strife -

A greater than we has said a "house divided against itself must fall" In imitation of his wisdom and the possession of his spirit shall we be one in this Holy Course -  
June 13th, 1873

R. M. Bishop  
John G. Allen  
And. Steele  
Ben B. Groom  
R. R. Sloan

Report adopted  
& Com. discharged

On motion of Curator Ricketts

It was resolved that the report be adopted and the Committee discharged - Unanimously carried ./269/

Regent Bowman immediately arose and expressed his acquiescence in the report so far as he was personally concerned. He approved cordially the recommendation of the Committee looking to peace and harmony in the Institution which could perhaps be effected only by the resignation of such as could not cooperate together and he expressed his readiness to make any sacrifice for the welfare and success of the Institution.

In order to remove all obstacles in the way so far as he was personally concerned he tendered in the same spirit his resignation as Regent and Treasurer which however the Board refused to accept and they unanimously requested him to withdraw the same.

On motion the Board adjourned but were almost immediately reconvened by the chairman the following Curators being present. Viz Curators Elley, Goodloe, Barnes, Groom, Givens, Wing, Sloan, Steele, Rogers, Miller, Gano, Ricketts, Worthington, Smith, Herndon, Wasson Bell, Gratz, Kinnaird, Woolfolk.

On motion of Curator Williams it was resolved that the Executive Committee be ordered to publish the last ten (10) pages of the Report as read by Curator Sloan. The Board then dispersed-

R. M. Bishop

President

Regent Bowman  
acquiesces &  
tenders his  
resignation  
as Regent &  
Treasurer  
The Board  
declines to  
accept the  
same.

Board  
reconvened

Publication  
ordered