

MINUTES OF THE EXECUTIVE COMMITTEE,
BOARD OF TRUSTEES OF THE
UNIVERSITY OF KENTUCKY.
SEPTEMBER 19, 1917.

The Executive Committee of the University of Kentucky met in the President's room at noon on the above named date with the following members present: Chairman Nichols, Messrs. Stoll, McKee, Brown, Johnston and Doctor Marks.

President Frank McVey, Acting President, P. P. Boyd and Vice President, H. S. Barker were also present.

After roll call, Mr. Frank Justice of the firm of F. T. Justice & Company, this city, appeared before the Board; and asked privilege to make a statement concerning an account held by his company against the University for construction of a sidewalk along the University property on the South side of Winslow Street.

Mr. Justice said that his firm held an account against the University for \$1098.06 for sidewalk construction on Winslow Street; that he had presented the account for payment, but that payment had been refused. He said he had taken the matter up with the city of Lexington, and through its accredited officials, had been told that the University was responsible for payment of the account. He said he desired to present the matter to the Board for final action. He explained that he did not wish to take legal steps to enforce collection, and that he hoped the Board would not subject him to the necessity of so doing.

Former President H. S. Barker, who was acquainted with the conditions affecting the Winslow Street improvements, replied to Mr. Justice, that while the account of his company was unquestionably correct, and that it had done the work in good faith, the city of Lexington, and not the University, was responsible for payment; that under agreement with the city, the University had deeded to the city a certain amount of land on the South side of Winslow Street in order to widen the street with the understanding that improvements thereon should be made by the city, and that no question had been raised as to what was the extent of these improvements, i. e., whether it was merely a reconstruction of the roadway with asphalt, or roadway reconstruction with sidewalk construction in addition, and that whatever step was taken toward reconstruction had been taken by the city and not by the University.

Mr. Stoll in further discussing the matter said:

The University executed a deed to the City of Lexington of certain property for the purpose of widening Winslow Street. My recollection is that the City agreed, in consideration of this conveyance, to reconstruct the street. I am not clear as to whether anything was provided in the agreement with reference to the sidewalk, but in my opinion this makes little difference. The University of Kentucky is public property used for public purposes. Under the Street assessment Law, the contractor has no personal right against the owner of the property for the cost of assessment, but has a lien upon the abutting property. While the Court of Appeals frequently differs with me, yet I am clearly of the opinion that the property of the University can not be subjected to payment of the special assessment for the sidewalk.

Some years ago we had occasion to look thoroughly into the matter, and our opinion was asked as to whether the property of the Eastern Kentucky Asylum for the Insane could be held liable for the reconstruction of West Fourth Street, which runs in front of the asylum property. After a thorough investigation of the matter we reached the conclusion that the property of the asylum could not be made liable for the cost of the assessment, and we so advised the contractor. My recollection is that this matter was afterwards submitted by the Board of Control for charitable institutions to the Attorney General for his opinion, and the Attorney General agreed with us and ruled that the property of the asylum could not be made subject or liable for this tax.

I can see no difference in principle between our case and the case of the asylum. The asylum is public property used for public purposes. The University is public property used for public purposes; and while, as I said before, the Courts frequently differ with me, yet I am clearly of the opinion that irrespective of whether the deed to the City, expressly or at all, refers to the sidewalk, under the law the property of the University is not liable for the payment of this Street Improvement Tax. It therefore occurs to me, Mr. Justice, that you have no recourse against the University. Whether you have a right to collect from the City of Lexington, I do not desire to express an opinion. As you know, the sidewalk was built solely upon the motion of the City of Lexington, and the University had nothing at all to do with its construction. It may be that the Court will differ with me in the interpretation of the law. Whether this be true, or not, I am of the opinion that the University is not liable for the payment of this tax.

I regret exceedingly that I have to take this position, but I believe that I am correct.

Mr. Justice then withdrew.

On motion of Mr. Stoll, seconded by Mr. Johnston, President McVey was authorized to have issued a check for \$4200, made payable to H. E. Curtis, Treasurer of the Athletic Association, to take up certain notes covering debts of the Athletic Association and that Mr. Curtis be instructed to supply the business office with a statement of the transactions, showing that the money was paid out of athletic fees. On call of the roll, the motion was adopted by unanimous vote.

President McVey gave it as his opinion that the books of the Athletic Association should be kept in the Business Agent's office, and that payments out of its funds should be made by the Business Agent.

On recommendation of President McVey, Mr. Stoll moved that there be charged to the Extension Division, in payment for quarters, heat, light and janitor's service, the sum of \$1200 a year. Seconded by Mr. McKee, the resolution was adopted on call of the roll, by unanimous vote.

President McVey submitted the following memoranda on which the Executive Committee's action is indicated at the end of each paragraph by parenthetical enclosures:

September 19, 1917.

MATTERS FOR CONSIDERATION OF EXECUTIVE COMMITTEE.

AGRICULTURAL COLLEGE

Appointments

The following recommendations are made to meet situations apparently not covered by present arrangements.

Agricultural College.

1. Doctor Mabel L. Roe- to fill vacancy caused by leave of absence of Professor A. H. Gilbert, at a salary of \$1200, with rank of assistant professor. (Concurred in by Board).
2. S. L. Hibberd- to fill place of A. N. Gordon on leave of absence, at a salary of \$1000.
(Concurred in by Board)
3. That Miss Buckman's salary be made same as last year, namely, \$1290. The budget calls for only \$1090, since Miss Buckman received \$200 from the Extension Division. This year the entire amount falls on the department.
(Concurred in by Board.)

Adjustments.

1. That Miss Mary E. Sweeney be granted leave of absence for two months from September 22, Miss Buckman to act as head of the Department.
(Left to President McVey with power to act.)
2. That Professor C. W. Mathews act as Head of the Department of Botany until Professor Gilbert's return.
(Concurred in by Board.)
3. That Mr. J. H. Martin be given title of Instructor in Poultry Husbandry. (Concurred in by Board.)
4. That Professor James O. LaBach be continued as Acting Head of Department of Food and Drugs and that resignation of Professor R. M. Allen be referred to the President for recommendation.
(Concurred in by Board.)

Expenses.

The following apportionment of funds is recommended:-

GENERAL EXPENSE BUDGET
Teaching Division
COLLEGE OF AGRICULTURE.

Administration	\$300
Markets	75
Agronomy	400
Animal Husbandry (1)	430
Animal Husbandry (2)	270
Bacteriology	375
	\$ 1850 -carried forward

Brought Forward	\$1850
Botany	600
Diseases of Live Stock	100
Entomology & Zoology	400
Farm Management	120
Home Economics	1280
Horticulture	400
Rural Kentuckian	<u>250</u>
Total	\$5000

(President McVey explained in this connection that this was merely a distribution of funds already provided for in aggregate by budget.)

Research Department.

Dean Roberts requests that the "Research Department" of the Experiment Station be discontinued. It is suggested that this be referred to the President for recommendation. (Concurred in by Board.)

Financial Reports of Hatch and Adams

Funds in Experiment Station.

Dean Roberts has submitted the financial reports of the Hatch and Adams funds in the Experiment Station. I recommend that the Business Agent be instructed to audit these and report at the next meeting of the Committee.

(The Chair authorized to appoint a committee to audit Hatch and Adams reports, appointed Messrs. Johnston and McKee, and instructed its Secretary to turn the reports over to the Business Agent, which was done.)

Adjustments in Department of Animal Husbandry.

Professor Good requests that \$1200 be assigned for the salary of a man to take Mr. G. N. McCarty's place, and that \$1500 be assigned for the salary of L. B. Mann. These recommendations mean an increase of \$500 in the budget for the Department of Animal Husbandry. Professor E. S. Good is willing to have that amount transferred from his expense budget. I recommend that this be done.

(Concurred in by Board.)

Qualifications for appointments in Extension Service.

I have received a letter from Doctor F. M. Mutchler, transmitted through Dean Roberts, relative to the collegiate training and rank of Extension Service workers. This is a matter of considerable importance and I suggest that it be referred to the President for further consideration.

(Concurred in by Board.)

Civil Engineering.

1. W. A. Newman of Lexington, to fill position for one year as Instructor of Civil Engineering, at a salary of \$1200.

(Concurred in by Board.)

Mechanical and Electrical Engineering.

1. That C. C. Harp be appointed Instructor in Steam Engineering for one year at a salary of \$800.

(Concurred in by Board.)

Outside Employment.

1. That Doctor F. E. Tuttle be permitted to make gas analyses from Kentucky oil fields when sent to the Department of Chemistry for analysis.

(President McVey indicated that he had given such permission to Doctor Tuttle.)

Military Matters.

1. The Department of War has designated Major Samuel a Smoke to act as Commandant at the University of Kentucky.

2. In the interim between the opening of college and the coming of the commandant, that D. R. Ellis be authorized to conduct military instruction, the salary to be decided upon later.

(Sections 1 and 2 under heading "Military Matters" were reported as matters of information and were approved by the Board.)

Smith Hughes Bill.

The following statement for information of Executive Committee is submitted:

Acting President Boyd attended a recent meeting of the State Committee on Vocational Training, in Frankfort. At that meeting it was voted to send State Superintendent Gilbert to Washington to present the request of Kentucky for aid under the Smith-Hughes Act. A statement has been forwarded, setting forth the claims of the University for federal aid under the act, and asking for an appropriation for the present year. The State Board favors dividing these funds with the two normal schools and the negro school.

Smith Lever Act.

Difficulties arising from its interpretation are in process of adjustment.

DEAN OF WOMEN

A communication has been received by the President from Miss Anna J. Hamilton, Dean of Women. It is recommended that action be postponed and the matter referred to the President, with instruction to report at the next meeting of the Committee.

(Concurred in by Board.)

THE Paving Matter.

The attention of the Committee is called to a letter received from James Denny, Solicitor for the City of Lexington. Instructions are asked for.

(Action noted in foregoing paragraphs of these minutes.)

General Information.

The new president of the University began his duties on September 14, and has been in residence at the University. He has spoken before the General Student Assembly September 14, the University Club, Sept. 15, the Y.M.C.A. and Y.W.C.A. opening meeting, the 16th, and the opening General Assembly the 18th. He has gone over the budget, visited many of the buildings and discussed the problems of some of the departments with the heads.

The Registrar reports the following enrollment for the past eight days:

Sept. 10... 320
Sept. 11....621
Sept. 12... 630
Sept. 13....634
Sept. 14....643
Sept. 15....652
Sept. 17....674
Sept. 18....687

Doctor McVey, the newly elected President of the University, having assumed the duties of the presidency on September the 14th, 1917, it is hereby ordered by the Executive Committee that the salary of Doctor McVey begin as of September 14, 1917.

On motion of Mr. McKee, seconded by Mr. Johnston, the Board adopted by unanimous vote the following resolution:

That Doctor Robert Graham be asked to supply a plan for a plant for the manufacture and sale of serum to prevent forage poison, and that he be requested further to present such plan to President McVey, to be submitted to this body for consideration in its next regular meeting in October.

Note:- (Doctor Graham was notified of the adoption of this resolution.)

D. H. Peak, Business Agent of the University, submitted the following report:

Lexington, Kentucky, Sept. 18, 17.

President Frank L. McVey, and
The Executive Committee of the
University of Kentucky.

Gentlemen:-

Student Fees.

Estimate based on registration to date:

		<u>Incidentals</u>	<u>Activities</u>	<u>Athletics</u>
Student fees	670	5360	1340	5025
Dormitories		1500-		
Other fees		500-		
		7360-	1340-	5025-

Vault

At your last meeting you ordered that the cost of vault and repairs to Business Office be paid by the three divisions of University. Statements were presented to each, but Doctor Mutchler says that Extension has no funds out of which this may be paid. I submit his letter, Exhibit No. 1.

(See action of Board in foregoing paragraph of these minutes.)

Requests for Appropriations

It appears that in 1915 an error of \$151.55 was made in payment of bill made on order of the Physics Department to Central Scientific Company, and that the company is now offering to refund the amount overpaid. I submit letters and statements, Exhibit No. 2. This matter was brought to my attention since last meeting of your committee.

Professor Killebrew of the Physics Department thinks that the amount to be refunded should be appropriated to that department. I file his request for appropriation, Exhibit No. 3.

(Board authorized that the \$151.55 referred to be expended for supplies for the Physics Department.)

Mr. Davies' Account

The matter of amount due former Business Agent, Hywel Davies, has been thoroughly discussed by this Board, and I think you should dispose of it. The three cancelled

checks amount to \$375.00. Mr. Davies claims that \$200 should be paid to John Morris, accountant; \$50.00 to himself, and the balance to the University. The only amounts that I am able to find due the University are \$20.00, carried as balance on cash book, and \$50.00 due key money.

(On motion of Mr. Stoll, seconded by Mr. Johnston, the Board, by unanimous vote, on roll call, concurred in the foregoing recommendation.)

Ordinance.

By request of Doctor Boyd, I submit, Exhibit No. 4, letter from War Department relative to Ordinance. The Commandant has heretofore attended to the Ordinance. (Submitted to Business Agent).

Mulligan Property.

Some progress has been made toward putting the grounds in order. Doctor McVey has inspected the property, and made suggestions as to improvements. A contractor has been asked to submit plans and estimate of costs which will probably be done at this meeting.

Cafeteria.

On approval of Mr. Nichols, Doctor Boyd and myself, Mrs. Judy opened the cafeteria September 10. Failing to meet with success, she closed it Thursday following opening of school. If required she is willing to pay for time in operation at rate agreed on, \$1.00 per day.

Mrs. A. T. Million, of Richmond, called yesterday relative to taking charge of the cafeteria. She proposes to run it on her own responsibility, charging \$3.50 per week for board. She asks that rental charges be made as reasonable as possible. Mrs. Million is a sister of Mrs. Clarence Egbert and Mr. J. C. Taylor of this city.

I am informed that an effort is being made to get up a boarding club with the idea of using the cafeteria. No application has been made for it, however.

(Referred to President McVey with power to act.)

Financial Report, August 31, 1917.

Teaching Division, Exhibit No. 5 shows balance of indebtedness \$57810.32.

Experiment Station, Exhibit No. 6, shows actual balance, \$10832.44.

Extension Division makes no report. There is no bank balance owing to the fact that no Federal Smith Lever funds have been received to date, and all State funds received exactly balance the vouchers paid-as all such vouchers are certified to the State Auditor for approval.

Patterson Hall, actual balance August 31, \$158.92.

Respectfully,

D. H. Peak, Business Agent.

Under the head of unfinished business, Mr. Frank P. Smith, architect for the Combs Lumber Company, was called before the Board, and explained plans which he had been instructed to make, for the improvement of the Mulligan property for a home for President McVey. Mr. Smith went into details of his plans

affecting the house, and answered numerous questions put to him by members of the Committee. President McVey stated to the Board that he approved the plans as submitted by the Architect. At the suggestion of Mr. Brown, the Board adjourned temporarily to inspect the Mulligan property personally.

After the inspection, and after further discussion, concerning improvement of the property, Mr. Stoll made the following motion:

RESOLVED, that the Mulligan house, recently purchased by the University, be reconstructed substantially in accordance with the tentative plans submitted to this body in its present meeting; that a contract be made on the basis of cost, plus 10%, and that arrangement be made so that the University may pay one third of this cost in 1917-18; one third in 1918-19 and one third in 1919-20, with the option that the University may pay all or any part of the contract price at any time; that it is the sense of this Committee that the work of reconstruction be begun at once, and completed at the earliest possible date. This motion, duly seconded by Mr. Johnston, was placed before the house, and on roll call resulted in the following vote:

Ayes--Chairman Nichols, Messrs. Brown, Johnston, McKee, Stoll and Doctor Marks.

Nayes--None.

Motion was then made, duly seconded and adopted that a committee of three be appointed to put into effect the foregoing resolution. Thereupon, Chairman Nichols appointed on this committee, the Business Agent, D. H. Peak, P. P. Johnston and the Secretary of this Board.

Mr. Brown moved that the furnace in the home of President Emeritus Patterson be repaired at an expense not exceeding \$100. Seconded by Mr. Stoll, the motion was adopted on roll call, by unanimous vote.

Mr. Stoll reported that he and Mr. Johnston, previously appointed as a committee to prepare by-laws, etc., desired to be excused from that work, and asked that the matter be referred to President McVey for further action, which was done. It was explained in this connection by Mr. Stoll that neither he nor Mr. Johnston was seeking to evade a responsibility, but that President McVey had in mind many ideas in reference to this particular duty, which was so much in advance of their own that they desired that the University enjoy the benefit of expert recommendation. President McVey said that he would take the matter up and would report at a future meeting of this Board.

On motion, the meeting adjourned.

Respectfully,

Secretary Board.