

P. P. J.

THE
TRANSYLVANIA
LIBRARY

IN SENATE,

WEDNESDAY, FEBRUARY 21, 1878.

Mr. JOHNSTON, from the Joint Special Committee to visit the Agricultural and Mechanical College, made the following report, which was ordered to be printed, viz :

To the General Assembly of the Commonwealth of Kentucky :

Your committee, appointed and acting under the following resolution :

WHEREAS, The Governor, in his annual message, called the attention of the Legislature to the condition and relation of the Agricultural and Mechanical College of Kentucky University; and whereas, it is important that the Legislature should be put in possession of accurate and detailed information respecting the Agricultural and Mechanical College; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee, consisting of five members of the Senate and seven of the House of Representatives, be appointed to visit the Agricultural College, with full power to examine, under oath, officers of the Board of Curators, Executive Committee, Faculty of the College, and such other persons as have been concerned or interested in the management of said College; and that said committee be instructed to report to the Legislature as early as practicable, by bill or otherwise.

beg leave to report that they proceeded to Lexington on the morning of January 28th, and remained in session at that place until the 31st of that month, and examined such persons, papers, and records as they deemed necessary to a discharge of the duties imposed upon them by said resolution.

In order that the report of the committee may be intelligible, and the inherent difficulties attending a wise and a just solution of the future of the Agricultural and Mechanical College may be in a measure understood, the committee deem it proper to state, to a limited extent, the nature of the tripartite alliance existing between the three co-ordinate branches which constitute Kentucky University.

1st. Kentucky University proper was chartered January 15, 1858, and is the legal successor of "Bacon College," which was chartered February 23, 1837.

2d. Transylvania University had its origin in 1780, in a donation by the State of Virginia of 8,000 acres of escheated land in the then county

of Kentucky, for the purpose of a "public school or seminary of learning." This donation was followed by others from the State of Virginia and by individuals, and by the State of Kentucky, by the city and the citizens of Lexington, the aggregate of which amounted, in 1865, to an endowment fund of \$65,500, and real estate, buildings, apparatus, &c., estimated to be worth about \$100,000. The information of the committee is, that whilst Transylvania has, at various times, been under the control of various ecclesiastical denominations, it has never lost its distinctive character impressed upon it by its first creation and endowment.

3d. The Agricultural and Mechanical College has no endowment or fund, except the proceeds of the land scrip, given by the United States by act of Congress of 1862, amounting to \$165,000, yielding an annual income of \$9,900.

Prior to the time the act which consolidated the Agricultural and Mechanical College with Kentucky University went into effect, Transylvania and Kentucky University were consolidated, by a contract made by and between the authorities of these respective institutions, which contract was recognized by the act of February 22, 1865. Whilst it may be true that the State is powerless, if she should so desire, to annul the contract between these institutions, it is the opinion of the committee that the said amalgamation of Transylvania with Kentucky University did not operate to vest Kentucky University with the absolute right to the property of Transylvania, nor to destroy its corporate existence; but that its property and fund is held in trust, subject to a reversion to the original trustees of Transylvania, upon the conditions set forth in the act of consolidation between them.

The act establishing the Agricultural and Mechanical College as one of the Colleges of Kentucky University was based upon the union of Transylvania and Kentucky University; and since said act of consolidation, the funds of these two institutions, and the funds of the Agricultural and Mechanical College, have been applied to the maintenance of the University as a whole, under the arrangements and terms hereafter stated.

In order to "aid in putting the Agricultural and Mechanical College into immediate operation," the Legislature, on the 10th day of February, 1866, appropriated \$20,000, reserving the right "to reimburse itself for the amount so appropriated out of the interest arising from the sale of the land scrip donated by Congress." This sum was duly paid over to the authorities of Kentucky University, and the State has never reimbursed itself of any portion thereof.

The testimony taken by the committee shows that about \$10,000 of this sum was used in the erection and furnishing of buildings for the use of

the Agricultural and Mechanical students, upon the lands owned by Kentucky University; the residue of the appropriation was used in putting the Agricultural and Mechanical College into active operation.

The question whether the expenditure for the erection of buildings was a proper one under the provisions of this act, we submit to the General Assembly.

We find that the interest on the fund arising from the sale of the land scrip has been semi-annually paid since the — day of ———, 1867, by the State to Kentucky University, in compliance with the compact between them.

We have not been able to discover that this fund has been diverted from the use for which it was intended, but has been used for the payment of salaries of Professors, and expenses of the Agricultural and Mechanical College; however, we would state that there are eight (8) Professors of the Kentucky University, six of whom draw their salaries from said fund, and about one fourth of the salary of President Patterson is drawn from said fund; but that the six Professors drawing their salaries from this fund are Professors of the Agricultural and Mechanical College, whilst President Patterson is President thereof. Some of these Professors also fill chairs in the College of Arts, a branch of the Kentucky University proper.

We find there is a note, executed by J. B. Bowman, as Regent and Treasurer, in the name of the Agricultural and Mechanical College, for the sum of \$11,480 72, which reads as follows:

\$11,480 72

LEXINGTON, KY., May 31, 1874.

One year after date I promise to pay to the order of the Executive Committee of Kentucky University eleven thousand four hundred and eighty dollars and seventy-two cents, amount borrowed of the Endowment Fund, bearing eight per cent. per annum from date, payable semi-annually, value received by A. & M. College, and secured by crop, stock, and implements, &c.

A. & M. COLLEGE,
By J. B. BOWMAN,

Regent and Treasurer Kentucky University.

The consideration of this note was for the expense incurred for the erection of buildings, purchase of machinery, &c., for use of the Agricultural and Mechanical College. This is only a nominal indebtedness, and is so regarded by all parties, it being the duty of the Kentucky University, under its contract with the State, to furnish buildings, machinery, and land for the Agricultural and Mechanical College, and was only executed to keep proper accounts between the different funds of Kentucky University.

We find that the chairs of the Agricultural and Mechanical College are filled by a corps of professors, all of whom are eminently and perfectly competent to the full discharge of the duties incumbent upon them. Whatever else may have contributed to the apparent decline in the prosperity of the institution, certainly no part of it can be traced to inefficiency in the teachers employed by the University.

In order to secure the location of the Agricultural and Mechanical College at Lexington, the citizens of Fayette county donated, in private subscriptions, about \$100,000, which, with donations made by citizens of other counties, was used in the purchase of Ashland and Woodland, two magnificent bodies of land of unsurpassed beauty and fertility, whereon the Agricultural and Mechanical College is situated, containing 433 acres. Upon the improvement of these lands, and in the erection of buildings thereon, a large sum has been expended, coming partly from donations and partly from the original endowment fund of Kentucky University.

The title to this property is vested in Kentucky University, who hold it subject to the claim of the donors of the fund above mentioned in case a severance of the Agricultural and Mechanical College from Kentucky University should be had, and subject to the right of user by the State so long as the present alliance and location of the two institutions continues.

As to whether or not the State can claim any interest in said land, by reason of the fact that a part of the donors of the fund subscribed to the University upon the faith of its alliance with the Agricultural and Mechanical College, your committee express no opinion.

The committee found that the Kentucky University had at all times had more than enough land for the use of the Agricultural and Mechanical students; but they are of opinion that the Agricultural Department has not proven a success, due in part, as they think, to a want of more imposing and attractive buildings, in part for a lack of more comfortable dormitories for the students, in part to the aversion of the students to manual toil; but whatever the cause may be, the fact is, that the practical advantages to the student in agriculture have been meager in the extreme.

The Mechanical Department is not now in operation at all, having been discontinued.

It is proper to state that a donation of \$25,000 was made by Mr. Yost to the Agricultural and Mechanical College, which sum was given to this department, with the proviso that the profits, if any, should go to the University, and that \$8,211 66 was realized out of the gift, which was used in the erection of one of the buildings on the "Ashland" estate, known

as the Mechanical Hall, and this amount the Agricultural and Mechanical College still owns.

Since the establishment of the Agricultural and Mechanical College, the attendance has been as follows :

Matriculates, session 1866-'7, 190, of whom 102 were State students.

Matriculates, session 1867-'8, 220, of whom 106 were State students.

Matriculates, session 1868-'9, 283, of whom 95 were State students.

Matriculates, session 1869-'70, 300, of whom 75 were State students.

Matriculates, session 1870-'1, 212, of whom 57 were State students.

Matriculates, session 1871-'2, 217, of whom 83 were State students.

Matriculates, session 1872-'3, 181, of whom 59 were State students.

Matriculates, session 1873-'4, 170, of whom 43 were State students.

Matriculates, session 1874-'5, 98, of whom 35 were State students.

Matriculates, session 1875-'6, 94, of whom 38 were State students.

Matriculates, session 1876-'7, 110, of whom 52 were State students.

Matriculates, session 1877-'8.

During the eleven years of the existence of the Agricultural and Mechanical College there have been ten full graduates, two of whom were State students. But whilst the number of full graduates has been small, it is proper to state that the advantages derived by those who did not actually graduate is not justly measured by that fact.

For a more full description of the character of the buildings, lands, course of study, &c., we refer to the Report of the Board of Visitors just made.

The committee is of opinion that the numerical decline in the College is due in part to the financial depression of the country at large; in part to the springing up of other institutions of learning in different portions of the country and of this State; in part (so far as State students are concerned) to the failure of the county authorities to select students from their districts; in part because a school of manual labor has not become palatable to the young men of the State; and in part to the unhappy differences of opinion that have existed for several years between those who have the deepest interest in, and the control over, Kentucky University. The committee has not conceived that its duty required it to investigate into the merits of the controversy, which has become so widely known, nor into the effect it has had, except in so far as the Agricultural and Mechanical College has been prejudiced thereby; and without expressing any opinion on the merits of that controversy, they do express the opinion that the Agricultural and Mechanical College has suffered therefrom more, perhaps, than from any other cause. The University, as a whole, has been crippled; its management is not approved by the mass of the very large, influential, and wealthy sect under whose auspices it

was in part founded; very many of them are in avowed hostility to its management by the Board of Curators, and are not disposed to lend the institution that aid and support that they otherwise would. Whether this dissatisfaction is just or unjust, the effect is the same, and the Agricultural and Mechanical College, as one of the limbs of the University, has suffered in common with it.

The committee is of opinion that the experience of the past eleven years sufficiently demonstrates the fact, it is unwise for the State to form any alliance with any religious denomination whatever; that she should control her own fund absolutely, free from entanglements with any sect or sects.

We are of opinion that the State of Kentucky, standing as she does midway between the North and the South, possessing a climate of unsurpassed healthfulness, free from debt, and almost free from State taxation, owes it to her present, and to the generations of her sons yet to come, to erect and endow a great university, which shall rank with that which has made Virginia scarce less famous than the achievements of her greatest men. The fund the State now owns should be regarded as a nucleus for the building up, from time to time, as fast as public opinion and legislative liberality will permit, of such an institution.

As to the future management and disposition of the Agricultural and Mechanical College, the committee offer the following suggestions as their conclusions from the facts elicited in the investigation:

1st. The State, as above set forth, contributes yearly \$9,900. This sum goes toward defraying the expenses of the Agricultural and Mechanical College. All students of the University have the privilege of receiving instruction from the chairs of the Agricultural and Mechanical Department, and all students of the Agricultural and Mechanical Department have the privilege of attending the College of Arts of the University.

The only advantage derived by a State student over a student in any other branch of the University is, that he is required to pay no tuition fee, and has the privilege, in preference to any other student, of being allowed work on the farm, by which he may support himself in whole or in part.

Owing to the existence in the market of coupons of scholarship owned by donors to the building fund of Kentucky University, tuition may be gotten at very reduced rates, ranging from \$2 50 to \$10 a session. Whilst this does not prejudice the State student, it makes the actual saving to the State student over any other student in the matter of tuition very insignificant, and would seem hardly to justify the outlay.

2d. The University in none of its branches will fully prosper as long as it is deprived of the patronage and support, sympathy and co-operation,

of that body of Christians who contributed so largely to the founding of the original Kentucky University, and who own so large a part of the University as now constituted, and the committee are not able to see much hope of reconciliation under the present management.

3d. The purely agricultural and mechanical advantages heretofore derived have been meager, and we see no prospect of their being increased.

4th. On the other hand, the State, by virtue of her contract with the University, has advantages which should have their weight. She has, as long as the contract exists, the right to use the lands of the University; she has the privilege of having State students attend the College of Arts; she has the privilege of the apparatus, &c., of Transylvania University. These advantages, however, are impaired somewhat by the fact that the two places, the Agricultural and Mechanical Department and Transylvania, are situated about one and a half miles apart; and she has the advantage of the buildings of the Agricultural and Mechanical Department. As long as the present alliance continues, the foregoing are some, but not all of the advantages and disadvantages of the connection.

If a severance is had, it is the conclusion of the committee that many difficult and delicate questions, touching the rights of various parties in interest in Kentucky University and Transylvania, will spring up for settlement, not affecting the Agricultural and Mechanical College, but affecting Transylvania University and the power of the State to exercise any control thereover so long as Kentucky University sees proper to stand by the compact between them.

But without giving more of the testimony elicited, or more specifically the conclusions reached by the committee upon the various branches involved in the investigation, we are satisfied that the facts justify us in the following recommendations:

1. The repeal of so much of the act of February 23, 1865, as establishes the Agricultural and Mechanical College as one of the Colleges of Kentucky University, and assumption by the State of the absolute control over the fund heretofore contributed to the Kentucky University; said repeal to take effect at the termination of the present scholastic year.

2. The appointment of trustees or commissioners, vested with authority to settle any outstanding differences that may exist between the Agricultural and Mechanical College and Kentucky University.

3. The appointment of a commission, for the purpose of locating the Agricultural and Mechanical College at some convenient and suitable place, under such restrictions as may seem best; but with the condition that it never be placed under the control of any religious sect or denomination whatever. The committee will also tender an act embodying the

foregoing recommendations, together with provisions for carrying the same into effect, the passage of which they recommend.

All of which is respectfully submitted.

- P. P. JOHNSTON, *Chairman,*
- GEO. WRIGHT,
- D. G. MITCHELL,
- DAVID R. MURRAY,
- FRANCIS L. CLEVELAND,
- J. T. TARTAR,
- C. U. McELROY,
- J. M. KASH,
- R. L. SPALDING,
- J. S. OWSLEY,
- HENRY GEORGE,
- M. HAMILTON.