

To the Honorable the Board of Curators of Kentucky University:

GENTLEMEN—The Executive Committee to whom is delegated the authority to do, *ad interim*, any and everything which the Board itself might rightfully do, when in session, *provided* their proceedings so far as may relate to the legitimate business of the whole Board, shall not be considered final unless they be ratified at the next meeting of the Board—ask leave to submit the following as the ground, in part, of their recent action in reference to the suspension or removal of Prof. J. W. McGarvey:

The Committee felt that, after the adjournment of the Board in June last, the work of restoring peace and official harmony in the University as far as this was practicable, was, by force of circumstances, by the very nature of their office, and by the action of the Board, thrown on their hands. They felt, moreover, in view of all the facts in the case, and the complications and strife of several years' duration, and especially in view of the utter failure of every effort on the part of various committees to establish peace, that the work of properly preparing for the opening of another session was unusually delicate and difficult. Nevertheless, they resolved, with a full purpose to do their whole duty to the institution, to be guided by the clearly indicated policy of the Board, and by their own dispassionate judgment as to what was necessary and proper to be done.

After due deliberation they were forced to the conclusion that the resignation of Prof. J. W. McGarvey would greatly promote the desired harmony, and they accordingly resolved to request him, in kind and respectful terms, voluntarily to tender his resignation.

They were influenced in this decision by the following considerations:

1. His well known want of sympathy with the Regent, the chief officer of the University, in his educational work, and in his administrative policy, which work and policy the Board have always approved.

2. His strong opposition to that officer, reported by the *Committee on Grievances* long known to the Executive Committee, and since fully avowed by himself.

3. The want of proper co-operative harmony between himself and other instructors in the University, produced, we have reason to believe, by the course of Mr. McGarvey himself.

4. His conduct as editor of the *Times*, immediately after the adjournment of the Board in June last, in publishing articles concerning the report of the *Committee on Grievances*, before that report appeared, in which articles he does Mr. Bowman great injustices, by presenting him to the public as a false accuser of his brethren, when Mr. McGarvey himself had been Mr. Bowman's accuser before the Board.

The imperative necessity that one or the other party to an irreconcilable difficulty in any institution of learning should withdraw from the same, and the fact that the Board had refused to allow the Regent to resign, when he proffered to do so, left the Executive Committee no alternative, save to invite the resignation of Professor McGarvey.

Encouraged by their own view of what was right in the premises, and by the very earnest and unanimous exhortation of the Board at its last meeting, addressed to all the parties in this controversy, and to all others as well, the Executive Committee resolved to address Professor McGarvey a respectful note, asking him, for the sake of peace and harmony in the institution, to tender his resignation.

But after the committee had thus resolved, they concluded to delay the sending of their communication, in the hope that when the report of the "Committee on Grievances" had been given to the press, Professor McGarvey's course would render the request unnecessary. They hoped that his editorial procedure at least would be so fair and generous and pacific, especially toward his colleagues, that all disturbances might be at last composed; or, if he chose to proceed otherwise, that he would feel it to be his duty to resign without a suggestion from them, as we hoped he would do after the action of the Board.

In all these expectations we were disappointed. The article in the *Times* of July the 3d, of which he is the acknowledged author, destroyed all hope that we may have had, that harmony could be restored, and the interests of the University promoted, without some action on the part of the Executive Committee. We accordingly sent him a letter urging him to resign, and this we begged him to do voluntarily, for peace sake, and without prejudice to himself or censure from us. Mr. McGarvey declined, in terms not the most respectful, to comply with the request of the Committee and to conform his action to the line of peaceful policy so heartily recommended by the Board.

His course under the circumstances, so unexpected to the committee, left them no alternative save either to arrest the exercise of the functions of his office as Professor, or to permit him to remain the occasion or cause of renewed strife and alienations in the Institution.

They invite the close and unbiased attention of the Curators to the following considerations especially, furnishing ample grounds for their final proceeding:

1. It is a fact well known to the Board that slanderous reports had gone out to the public to the effect that the Treasurer had fraud-

ulently appropriated or misused the funds of this Institution. A publication of the fact that Mr. Bowman had been unanimously re-elected Treasurer at our last meeting, and that his financial dealings had been, time and again, inquired into by the Board and uniformly declared to be correct and faithful in every particular, was necessary to his vindication, as well as that of the Board who continued him in office.

The Executive Committee accordingly prepared a very brief statement of these matters of record, and did, as soon as possible after the adjournment of the Board in June last, give them to the press, in connection with the report of the "Committee on Grievances."

Prof. McGarvey, knowing that the Regent of the institution had been injuriously misrepresented among the readers of his own paper, nevertheless deliberately refused or neglected to publish these facts as thus officially set forth.

2. The law of the University, p. 18, directs that the Executive Committee shall cause to be published such documents as will make a fair exhibit of the general condition of the University.

In the discharge of this duty the Committee prepared a paper for early publication, embracing the report of "Committee on Grievances," and such a statement of facts from the records of the Board as, in their judgment, was necessary.

Mr. McGarvey, although a Professor in the University, suppresses the publication of these statements in his paper, and thus refuses to give to the public such facts as the Executive Committee deemed necessary to the interests of the institution.

The judgment of the committee as to what ought to be published should, on every principle of official honor, have prevailed over his prejudices and personal feelings against the Regent, so far as to have caused him to give to the public the entire paper of the committee. We can construe such an action in no other way than as wholly incompatible with his subordinate position as professor, disrespectful to the authorities of the Institution, and as evidence of an unwillingness on his part to give a misrepresented colleague the benefit of the truth. During the summer and fall of '71 or '72, when certain parties thought proper to discuss the exciting questions of the hour in the newspapers, Dr. Peter judged it expedient to address certain communications to the press in reply to attacks on Mr. Bowman, and, as he believed, on the interests of the University. We would not here discuss the propriety of any of these publications. But the Board of Curators, after mature reflection, decided.

"The articles written by Dr. Peter, in common with other publications of the time, were, under the circumstances, ill-timed, injudicious, and, in their effects, detrimental to the interests of the institution."

In his recent article in the *Times*, Mr. McGarvey states simply that Dr. Peter had been censured by this Board for articles which he had written for the newspapers, "which articles," he adds, "were in the interests of Mr. Bowman, and antagonistic to the editors of the *Times*, and to the action of the Main Street Church."

The conclusions which his readers were thus forced to draw was that Dr. Peter alone was censured by the Board, and that, too, for writing articles that were favorable to Mr. Bowman and unfavorable to Mr. McGarvey.

Now, the strife-producing character of Mr. McGarvey's article appears in this: That he suppresses the fact that others also were equally censured by the Board. He seems to labor to create the impression that Dr. Peter's articles alone, because unfavorable to him and to certain elders of the Main Street Church, and favorable to the Regent, were condemned by the Curators.

In this procedure he did all that an editor could have done, to fix in the mind of the public all the censure of the Board in this regard on his colleague, Dr. Peter, and that, too, on false grounds, knowing at the time that the condemnation was meant to be distributed among all the newspaper writers of the time, himself included.

4. An article written by Tutor Smith, on *University Troubles*, for the *Cincinnati Gazette*, Mr. McGarvey, after the adjournment of the Board, denounces in the *Times* as containing falsehood and base slander. Mr. Smith thereupon addressed him a note, asking space to reply to this grave charge, asserting his ability to prove that he wrote truth. Mr. McGarvey refused to give him the opportunity to reply to so serious an accusation. We do not, in any wise, indorse the propriety of Mr. Smith's writing any article on the University difficulty, being himself a teacher in the institution, but we submit whether Prof. McGarvey wrote in the interests of peace and harmony, when he thus denounces the statements of his colleague as false and base slanderous, and then refuses the opportunity to reply.

Tutor Smith, finding all harmony between himself and Prof. McGarvey thus permanently disturbed, and learning that his article to the *Gazette* was, in the judgment of members of the Executive Committee, and other Curators, calculated to increase rather than to allay strife, had the proper self-respect and regard for the opinion of Curators to tender his resignation, which the Executive Committee promptly accepted.

We think that the course of Mr. McGarvey in his controversy with his colleague, was objectionable, and that he was the senior of the latter, who is a young man, and as he is an editor of a religious newspaper, his severe denunciations of Mr. Smith were, under the circumstances, the more inexcusable.

Moreover, we would impress it upon the minds of the Curators that it was under the professed apology of a reply to Tutor Smith that Mr. McGarvey finds the opportunity to injure the reputation and usefulness of the Regent.

5. Mr. McGarvey, in the article which we are reviewing, complains that the report of the Committee on Grievances had been anticipated by certain writers, and the nature of the case misrepresented in the papers before the report was prepared.

It is evident that he here seeks to make the impression that only the friends of Regent Bowman sought, by premature publications, to forestall opinion in regard to the report.

But the facts in the case furnish positive proof of Mr. McGarvey's determination to allow no peace in the University save on his own terms; for he, himself, while thus publicly criminating a colleague, was guilty of the same offense.

In an article of June 26th, written before that report was given to the public, he states that the editors of the *Times*, Mr. Wilkes among the number, had been vindicated and were anxious for their *vindictum* to appear. Whatever impropriety there was, therefore, in any attempt to forestall public opinion, Mr. McGarvey was equally guilty of it.

Moreover, in order to keep alive an unjust prejudice against Mr. Bowman, he claimed for his co-editor, Wilkes, that he had been vindicated by the yet unpublished report. Now, was this statement even true?

The Board decided that the charge which Mr. Bowman had once brought against Mr. Wilkes was sustained by the testimony; and that so far as his statements had made impressions injurious to the Regent, when opportunity to know better was in his reach, he was at fault.

With this verdict of guilt well known to him, Editor McGarvey, a week or more before the "report" was published, announces the vindication of the whole editorial corps!

In this connection the committee would call special attention to the fact that Curator Wilkes had repeatedly made the most serious charges against Regent Bowman, which charges had been before the committee for investigation. In view of these facts, the declaration of Prof. McGarvey to the effect that Mr. Wilkes had been vindicated by the Board, could have had but one meaning, viz.: That the Regent had been found guilty of the unfaithfulness with which Mr. Wilkes had charged him! We submit then that Prof. McGarvey was not only guilty of making the erroneous statement that the report of the committee contained the vindication of the honor of all the original editors of the *Times*, but that he thereby implies the very dishonesty and criminality that had been charged against the Regent.

This deliberate perversion of the character of the report, of itself, in our opinion, sufficient ground to demand his removal from the institution.

6. Mr. McGarvey has inexcusably done Mr. Bowman still further injury and injustice by his suppression of a few very important words of the report, when endeavoring to persuade his readers of his own complete exonerated from what he calls the charges of the Regent. It will be remembered that in his memorial of January 11th, 1872, he calls on the Board to vindicate him from the charge of being a liar, which charge, he alleges, had been brought against him by Mr. Bowman.

In commenting on the decision of the committee in the premises, Mr. McGarvey says that he had been completely exonerated from the charge preferred against him. He thus leads his readers to suppose that he had been tried and fully acquitted on some charge of lying that Mr. Bowman had publicly and falsely brought against him, when he himself had been Mr. Bowman's accuser, and had preferred charges against him. Now, the suppression of any essential part of the solemn decision of a tribunal like that, is morally improper. But, when such suppression does injury and injustice to an opponent, it is unpardonable. In the case of Prof. McGarvey, his mutilation and misrepresentation of the report, to the injury of Mr. Bowman, is, under the circumstances, deserving of extreme censure.

The decision of the committee on the point alluded to, is that, while they exonerate Mr. McGarvey under an alleged charge of falsehood, they declare that no such charge had been made by the Regent at all, directly nor by implication, unless from inference, which even, if logically drawn, should be accepted by the Regent as his own, before they are made a subject of criminal charge against him, the Regent. Thus it appears that while the Board were willing to exonerate Mr. McGarvey under a charge of falsehood, which he alleges had been made by the Regent; they were also emphatic in denying in the same sentence that the Regent had brought any such charge, and yet Mr. McGarvey deliberately suppresses this fact. He thus leaves Mr. Bowman before the public in the attitude of a false accuser, convicted and exposed as such by the Board. This piece of injustice to a superior officer furnishes additional sufficient grounds for the action of the Executive Committee.

8. Another apparent effort on the part of Mr. McGarvey to do Mr. Bowman all the injury he could, and which served to render the latter bitter against him, and the Regent irreconcilable, is in Mr. McGarvey's editorial notice of the slanders of Mr. Bowman's private character.

Mr. McGarvey sees fit to refer to these reputed slanders again, and gives his readers the

full benefit of the scandal by saying merely that the committee say of certain testimony touching the private character of the Regent: "That it should not have been introduced." Now, the report of the committee emphatically declares not merely that that testimony should not have been introduced, as Mr. McGarvey has stated the matter, but that it should not have been introduced for the reason, that it was confessedly based on rumor alone, utterly unsubstantiated by any evidence whatever, and irrelevant, thus giving the amplest vindication of Mr. Bowman, and leaving the censure for its introduction to fall on whomsoever deserved it.

But, worse than all this, Mr. McGarvey, after endeavoring to exonerate himself from all blame for the introduction of this scandal, punishes this unfortunate sentence: "More on this matter" (the scandal), "we do not choose to write unless future developments shall compel us to do so."

In such a connection these words can have no other significance than to insinuate vice and to threaten its exposure—words that were sufficient of themselves to prevent all future co-operation with him on the part of the Regent, though nothing else had ever been written.

9. In explaining to his readers the very plain verdict of the Board in the case of Mr. Wilkes, Mr. McGarvey endeavors to persuade them that the Board did not find any fault with Mr. Wilkes for any statement which he may have made concerning the title to Ashland or Woodland, but only for the impression which his statements may have produced on the minds of some persons. Now, the verdict of the committee is in these words:

"That Curator Wilkes, much to the injury of Mr. 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 University—that too subsequent to the time said title had been recorded—is sustained by the testimony; and, in so far as statements creating said impressions were made by him, when opportunity to know better was within his reach, he is at fault."

The charge of Mr. Bowman against Curator Wilkes is thus emphatically declared to be sustained. But, desiring that full justice should be done to all parties, the Committee proceed to censure Curator Wilkes for his statements, on the ground, 1st, that those statements gave erroneous and injurious impressions; and, 2d, that Mr. Wilkes had the opportunity to know better.

And yet, after Mr. McGarvey had heard the report of the committee read, he does not hesitate, as we have seen, to publish it as a fact that Mr. Wilkes had been vindicated! And more than this, he even spread the injurious statement again before the public that Mr. Bowman had held the title to Woodland in his own name for nearly a year after it had been paid for by the money of the University—a statement which is not true, and the facts connected with which Mr. McGarvey could easily have known had he desired—is virtually but a repetition of the story which the Board unanimously condemned as truthless and injurious.

In conclusion, we beg leave to say, that no documents touching the unfortunate difficulties in the University, for the removal of which the Board had wisely prepared the way, in the whole scope, tenor and spirit, could have been more injurious to others, and more fatal to the peace and harmony of the institution than those published by Prof. McGarvey in the *Times*, so soon after the adjournment of the Board, so palpably misrepresenting its action, and so manifestly calculated to open up afresh the wounds which they had endeavored to heal.

These articles are herewith appended, and we leave it to the judgment of the Board, after carefully reading them, and weighing all we have said, to determine whether they do not furnish ample evidence of a persistent disposition on the part of Mr. McGarvey to use his office as Professor, and his position as editor of a religious newspaper, to do some of his colleagues all the injury he can, and to defeat any effort for peace unless it be accomplished by the disgrace of the founder and the faithful, self-sacrificing Chief Executive officer of the University.

With the exception of Mr. McGarvey, there has been, and is, entire harmony and co-operation among all the officials of Kentucky University, as far as known to us.

From the foregoing statements, and from the fact that Mr. McGarvey is, and has been for years, more or less, not on terms of cordial relationship with a number of his colleagues of the Faculty and the officials of the Institution, nor in proper sympathy to cooperate with its management, we are compelled to regard him as an irreconcilable element of discord in the government of Kentucky University, and his removal as necessary to the peace and prosperity of the same.

As the authority of the Executive Committee to suspend or remove Mr. McGarvey has been questioned, we beg leave to say that the power of appointment and the creating of vacancies in the Faculties has been repeatedly exercised by the Committee for fifteen years, without a previous voice of dissent or doubt as to the legality of these precedents, Mr. McGarvey himself holding his professorship under the exercise of this authority.

BENJ. GRATZ, *Ch'm pro tem.*
JOSEPH SMITH, }
JOS. WASSON, } Com.
JOS. WOOLFOLK, } Ex.