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Institute of University of Kentucky

1866 – 1916

Semi-centennial Addresses

of James Kennedy Patterson Ph. D., LL. D.,

President Emeritus University of Kentucky

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In 1865 there existed in Kentucky four or five denominational Colleges each of which was doing good academic work along the old classical lines. Before the outbreak of the civil war keen rivalry stimulated competition and kept standards high. They did not rank with the old Colleges of the East but what they did, they did well. The degree of A.B. still suggested some Latin and Greek in its curriculum, and that of B.S. some physical and chemical science. The Chair of Philosophy was considered the chair of honor and the ability with which it was filled gave dignity and prestige to the institution.

In 1862 Congress made liberal provision for instruction in those branches of learning related to Agriculture and the Mechanic Arts "without excluding other scientific and classical studies and including military tactics in such manner as the legislatures of the States may respectively prescribe in order to promote the liberal and

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of the industrial classes in the general pursuits
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For this purpose Congress granted public lands
in proportion to representation in Congress. The allotment
to Kentucky was 330,000 acres, an area amounting
to over 515 square miles. The State did not
consider itself prepared at that time to establish
such a College as the organic Law contemplated
and the dignity of the Commonwealth required
upon an independent basis and readily acceded
to the proposal of the recently consolidated Kentucky
and Transylvania Universities to engraft the
College upon the new institution as one of its
Associated Colleges. In 1865 this union was
effected and in October 1866, the Agricultural
and Mechanical College, known for many years
as State College, and which has since grown into
the University of Kentucky, opened its doors for
the matriculation of students. The income of the
new University was about $25,000 of which $9,900
belonged to the Agric. and Mech. College and was

applied to its sole and exclusive use, few of its matriculates were ready for College work. Five sixth of its students were in the preparatory Department, a department then indispensable, because of the backwardness of Education in the State, outside of Louisville so far as I am aware no High School at that time existed. For some years the Alliance worked well, Education was in consequence of the war prostrate in the South and West. Students flocked in from Kentucky and the adjacent States. In 1870 the matriculation reached its maximum 767, of which the A. & M. College had 300. But religious dissentions over the management and policy of the institution by the governing Board began to loom up. The quarrels were carried into the General Assembly, failing to eliminate John B. Bowman the Creator of the Consolidation, a man of liberal views and of larger ideas on Education than those held by the majority of his co-religionists the Christian Church withdrew its patronage, causing thereby a rapid decline in attendance

and reputation. The crisis culminated in 1878 when the Legislature intervened and withdrew the A&M College from its unfortunate connection. When the separation took place the Agricultural and Mechanical College was nowhere. It had neither lands nor buildings nor equipment, nothing except $9900, the income derived from the invested funds which had accrued from the sale of the land scrip given by Congress for its endowment, the General Assembly of 1878 appointed a commission to locate it. This Commission advertised for bids. Bowling Green and Lexington were the only competitors. The former offered an alliance with Ogden College and $30,000 in bonds for the purchase of land. The latter offered its City park as a site for buildings, and the City and County added to this offer $50,000 in bonds for the erection of buildings or the purchase of land. The latter, after much opposition from its old partner the Kentucky University, was accepted by the Legislature. John B. Bowman had failed to realize his expectation of a great University which should give a lead to

Education in the South and Southwest, but he had created conditions unconsciously which resulted in the establishment of a greater University founded exclusively on secular lines and which should see the close of the century assert and vindicate the principle of State aid for higher Education, and of State control of State institutions. Let us not hesitate in the celebration of this our jubilee to (award) the meed of praise which is his due to John B. Bowman, the stalwart champion of higher Education in Kentucky.

After its location had been determined the General Assembly of 1880 considered the question of future endowment and adequate maintenance. Various plans were proposed, amid strong opposition from the denominational Colleges. The General Assembly passed by small majorities an act giving it annually the proceeds of a tax of one half of one cent on each hundred dollars of taxable property owned by white persons in the Commonwealth. The income was thus at once increased from $9,900 per annum to $27,500

Period of Opposition

It was hoped that the strong opposition which the 1/2 cent Tax had encountered throughout the State and in the Legislature of 1880 would gradually subside and finally disappear after the adjournment of the General Assembly. Not so however, the denominational Colleges formed the nucleus of an opposition which grew rather than diminished and the members of the late General Assembly who had voted against the Tax stimulated the hostility to the College. The pulpits of the Presbyterian, the Baptist, the Christian and the Methodist rang with the "iniquity and injustice of the Tax", and made it an issue in the next Election. It was quite apparent that when the next General Assembly should convene the existence of the Tax would be imperilled with the odds strongly against the College.

It happened that in Louisville on the 18th of Nov. 1881, from business relations with the ~~Editor of the~~ Courier-Journal, I suggested that Mr. Watterson be invited to make the address of dedication

of the College Building then in process of Erection, while in the Commonwealth Journal Office, at night, waiting for an interview, the Managing Editor brought me a copy of an article signed by representatives of the Colleges viz Central University, Kentucky University, and Centre, Georgetown, Ky. Wesleyan and Bethel Colleges, which would appear in the issue of the following morning, this manifesto was addressed to the people of Kentucky, but was especially intended for the members of the General Assembly who would convene in Frankfort on the 28th of November, the paper was adroitly and ably drawn, embodying such that was germane to Education as then existing in Kentucky. Its appearance was so timed that it was expected to reach the members elect of the General Assembly at their homes before setting out for Frankfort. The brief interval intervening would scarcely, it was thought, leave time for a reply and thus public opinion would ~~would~~ in great measure be formed before the Assembly convened.

With this conviction I determined to remain in

Louisville another day and answer it before my return. The manifesto of the Colleges appeared in the issue of the 19th and my reply on the morning of the 20th of Nov. and the same Post which carried the attack carried in most cases the defence. The assailants happily were placed on the defensive and kept ~~from~~ there

By individual letters addressed to the Senators before the 18th of Nov. I had anticipated most of the vital points in the manifesto and had done much to explain and conciliate. I argued that while the denominational Colleges had done a great and an indispensable work in laying the foundations of the classical and liberal education which the Commonwealth required that the time had come for a new departure in Education for the endowment of which Congress had made provision, that Kentucky's allotment of Land had been practically wasted, that it devolved upon the State having accepted the trust to make good the deficiency caused by this mismanagement, and that the A & M College had neither the disposition nor the intention to interfere with the work of the existing Colleges.

that the new institution to the maintenance of which the State was committed should make provision not only for the classical and liberal Education which Congress contemplated but for those Scientific subjects which lie at the foundation of modern agricultural and industrial development, and that provision for the endowment of research followed as a necessary consequence, (Museums), Laboratories and mechanical appliances unknown to the Collegiate work of the existing Colleges were indispensable, and that whereas the former thought in hundreds of dollars the latter must think in thousands and tens of thousands. Endowment by private benefaction might suffice for the Colleges of the older time, but endowment by the State was an absolute necessity for the College and University of the modern type.

When the Legislature assembled the outlook was gloomy in the extreme. Blanton and Dudley, and Beattie, Miller and Wagner were there representing the Colleges. Dozens of letters for the Members came in by every mail pouring

against the iniquity and the Continuance of the Tax. To add to our embarrassment we had been misled by our Architects, The buildings were only half completed and the money was all expended. It became apparent that unless we could borrow money to complete the half erected buildings we must suspend operations. Moreover if our embarrassments should become known the General Assembly would hesitate to provide money for an institution which did not know how to spend it judiciously. The Banks refused to lend except on personal security — inasmuch as the College having only a contingent interest in the property given by the city had nothing to mortgage. In this emergency (Hypothecated) with the Northern Bank my own collaterals, borrowed the money and placed it in the hands of the Executive Committee to carry on the work on the Building and took the notes of the Community for repayment, well knowing that if the ½ Cent Tax were repealed I should lose all.

Dr. Ormond Beatty President of Centre College presented ~~the Argument~~ before a crowded Audience

Indeed the Senator from Fayette said to me: "you have done a very foolish thing, we expect the Tax and in that event you will be all right."
Legislature is likely

of Senators and Representatives the argument for the repeal of the Tax. He characterized it as "unwise, unjust, & cruel, oppressive". When his argument was completed the belief was strong that the tax was doomed. It fell to me to make the argument for the College which I did a few days later, when the audience adjourned sentiment had apparently changed and the tide had evidently begun to run in favor of the tax, the assailants then discovered that the tax was unconstitutional and without further delay made a direct onslaught upon it first before the General Assembly and later before the Courts. The ablest legal talent in Kentucky, Ex Chief Justice Lindsay, Alex P. Humphrey, Col. Bennett H. Young and James Trabue, was employed. After the conclusion of Judge Lindsay's argument the cause of the College seemed hopeless. John G. Carlisle was asked by the Chairman of the Executive Committee to defend the Constitutionality —

of the Law. He examined Article XI of the old Constitution and promptly declined saying "You have no case". In this emergency an opportune suggestion from J. P. Metcalfe a former Reporter of the Court of Appeals viz: that I should look into the debates which preceed the adoption of the Constitution induced me to try what a layman might do. I continued to prepare and deliver before a full House a reply and much to my surprise won on every point along the whole line. The discomfiture of Client and Counsel was complete. The Law was saved,

But after the adjournment of the Legislature a suit was brought in the Chancellors Court in Louisville to test the validity of the Law. The Chancellors Court allowed me to file as a brief the Argument which I had made before the Legislature and on that brief the Colleges won. The Contestants appealed, I filed my brief with the Appeals Court also and some years later Judge Holt writing the opinion affirmed the Constitutionality of the act; the Judge said that he based his opinion on the lines of the brief which I had submitted.

When our Buildings were completed we had a debt of $37,000 but by the most rigid Economy every dollar

was paid within three years, and no one outside of the Board of Trustees knew anything of our embarrassment till after the debt was paid

I had counted upon the active opposition of the denominational colleges and of a large number of their coadjutors in the General Assembly but I had not anticipated and was not prepared for the active and energetic and bitter opposition which the bill encountered from the Agricultural, and from the Grange organizations which represented them. They did not want an institution which might grow into a University; they wanted an agricultural college pure and simple, with blacksmith and carpenter shops attached. They wanted no "Mechanic Arts" which might develop into technical schools, no scientific studies other than the most meager (certainly) one there (directly) related to farming. ~~and this farming is very elementary affair~~. (We employed one of the most highly educated (Veterinarians) in America, who after every effort had been made to secure students in the course of two or three years designed he became he could get no

pupils). For the maintenance of an agricultural College, the Agriculturists of the State thought not the annual income from the Congressional Scrip fund sufficient. Most would only seduce the management of the College to ~~establish~~ to establish courses of study for liberal education and for this the denominational Colleges already existing could supply all that the State required. This missionary, obstinate hostility was even more difficult to overcome than the opposition of the Colleges. Cleardy and Green and Bird and Logan and Hanna were not men to be readily convinced by argument nor won over by diplomatic tact. A propaganda of more than 20 years was required for an acquiescent support of State aid for scientific agriculture. The fruits of this missionary work you witness today, where formerly they bitterly opposed the appropriation of hundreds they now readily vote thousands for instruction in agriculture, and where with difficulty we could get a dozen or a score of students in agriculture, the College of Agriculture now vies with all the others in the number of its matriculates.

To the hostility of the denominational Schools, the ignorance and apathy of the General Public, the opposition of the Agricultural was to be added the indifference of five sixths of my own faculty. When I look back upon the The College had been hard pressed, almost driven to the wall, like Horatius in the Roman legend, after the enemy thought time drinking but still against he rose It might now say in the language of the Persian Poet

"Dead and buried had they seen me
So the ready tale they spread
But I lived to see the tellers
~~Buried all themselves and dead~~"

Dozens and scores of the leaders however lived to regret the part which they had taken and to congratulate the College on the success which it had under Providence achieved.

The late Hon. Cassius M. Clay was kind enough to say in a public address which he made in 1909 that ~~the triumph of the College was not~~ the great achievement of my life, ~~but~~ was the Education of the people of Kentucky into the conviction that it is the duty of

of the State to make adequate provision for higher education. This accomplished all else logically follows. But though the battle was won the fruits of victory were not easily attained. In every General Assembly from 1883 to 1890 opposition to the continuance of the tax article and motions to repeal were introduced, Committees of investigation were appointed. The College was harrassed and annoyed and hailed and required to show its passports at every turn.

In 1887 I assisted in securing an annual appropriation from Congress for the Experiment station which I had established two years before. The General Assembly meanwhile had given the Station control over the sale of fertilizers with a royalty on every package sold. In 1890 I aided in obtaining from the Federal Government an appropriation of 4/7 of $25000 as additional income for the A&M College.

The first Legislature which met after the adoption of the new Constitution was charged with the duty of bringing the Statutes of the State into harmony with the organic law. The Charter of 1880 underwent revision. The question arose how to allay the public discontent in regard to the 1/2 cent tax. The opposition came mainly from the outlying Counties. They said we pay a special tax for the support of a College in Central Kentucky from which we derive little or no benefit. Free tuition given to County appointees is an insignificant return for what we pay. Geographical conditions make it virtually a College for Lexington and the adjacent Counties. The Legislature of 1893 felt the justice of this contention and determined to equalize advantages as far as possible. The joint Committee on the College at the instance of Representative Ferguson and Senator DeBow recommended the following section of the revised Charter which was adopted

that each Legislative Representative district in consideration of the incomes accruing to said institution under the present laws for the benefit of the Agricultural and Mechanical College be entitled to select and to send to the College each year one or more properly prepared students as hereinafter provided for, free from all charges for tuition, matriculation, fuel, room rent, one dormitory fees except board. All beneficiaries of the State who continue students for one consecutive collegiate year, or ten months shall also be entitled to their travelling expenses in going to and returning from said College. The selection of beneficiaries was to be made by the County Superintendents on competitive examination on subjects prepared by the faculty. This law worked admirably. Discontent vanished. The immunities conceded to County Appointees not as a gratuity but as a right especially travelling expenses, placed every County in Kentucky on a footing of absolute equality, placed the College virtually in every County, the outlying counties not only cleared opportunity but became

loyal supporters of the College, many of the most distinguished of the Alumni came from the Counties formerly hostile but thenceforward loyal to the core. If the former period was the Era of opposition, the period which followed may be called the Era of Conciliation, for the attainment of this end I felt no less satisfaction than for the success achieved in procuring the endowment through the ½ cent tax and in maintaining its Constitutionality.

In 1878 the last year of the alliance of the A. & M. College with the old Kentucky University - the total enrollment was 78, in 1908 1064, In 1880 the senior class numbered 4, in 1910, the last year of my administration 83; In 1880 the College owned not an acre of ground, in 1910 it owned 250 acres for the last 240 acres of which it paid $27,000, In 1880 the income was $9,900. In 1910 it turned over to my successor an annual income of $140,000, and grounds buildings and equipments that had grown from absolutely nothing to an estimated value of $930,000.

In 1880 only two courses of study leading to a degree existed, with a normal school and an academy which prepared students to enter College. In 1910 there existed the College of Science and Arts, the College of Agriculture the Colleges of Civil Engineering, Mechanical Engineering and Mining Engineering, The Normal Department had been a political bargain was in 1908 at the instance of Richmond and Bowling Green Eliminated, though subsequently restored under another name, and the Academy ceased to exist in 1911.

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By their fruits ye shall know them, Men do not gather grapes from thorns nor figs from thistles. I would not bring into invidious comparison the alumni of the University of Kentucky with those of any other State University; but I may without boasting be be permitted to say that of the 883 alumni graduated between 1869 the first year of my Presidency and 1910 the last year not more than 1/2 of one percent have been failures. What other University in America old or new has a better record? The Alumni have been in demand East West North and South and readily find remunerative employment, In Law, in Medicine, in Engineering, in Government stations in administrative offices, State and federal, they secure place and applause. They have won their spurs and hold the honors which they have won. "In their veins the sap swells high today and will swell higher still tomorrow."

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Ideals of Patriotism differ. The Boston and the American love their country with no less devotion than do the Teuton and the Slav. But the Anglo-Saxon Conception of the State differs by the whole diameter of political existence from that of the Central European Powers. With the former Liberty is the prime and the original Concept, When the Anglo-Saxon creates the State he invests it with Authority in order to safeguard and perpetuate freedom, and the problem with him is how best to coordinate Liberty with Authority; with the Teuton and the Slav the State owes its existence to Authority based upon Divine Right inherent in the Sovereign. Whatever freedom exists is conceded by Authority and may be revoked by the Sovereign who grants it. The State is every thing the individual exists for and is sub-merged in the State.

Now knowing life may be expected to reflect and does reflect the conditions civil and religious, intellectual and moral under which they come into being and in which they are (nurtured). An atmosphere of freedom pervades the one, and of Authority the other. The one thinks unfettered, the other in bonds.

Knowing organization in America and in Great

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Britain free, controlled only by collective (individualism), that is by public opinion. If there be a tendency to degenerate into licence, conservatism interposes a check and insists upon a wholesome moderation which shall submit conflicting and crude systems of thought to the adjudication of Reason and adopt the resultant as the ability of speculative activity and its application to practical life. If in Central and Eastern Europe the University ventures to exceed the limits conceded by Authority, Authority interposes a timely warning, and if this be not heeded closes its doors.

Following this line of thought it may be observed that the conception of University organization and ends which obtains in the Mother Country and her dependencies differs widely from those which obtain in the U.S. States of the American Union. Each State has its own conception of what a University should be and of the work which it should do. The older privately endowed Universities, Harvard Yale Pennsylvania Columbia and we may add Johns Hopkins differ from the State Universities, Wisconsin, Ohio State, Illinois California and Cornell in the courses of study accordingly. Johns Hopkins could not be (transplanted) to Arkansas, the University of Kansas to Connecticut, An individualism, born of (breed

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conditions attaches itself to each, ~~for cannot grow sugar cane in Rhode Island, nor bananas in Montana~~,
The University of Kentucky has like its (congeners) distinctive characteristics of its own. It is distinctly American and it is distinctly Kentuckian. Like its fellows it reflects the conditions under which it came into being and like them it will modify these conditions ~~in these conditions~~ for good or evil in the days to come. A heavy responsibility therefore rests upon its governing Board and upon its administration, high integrity of purpose, sincerity in profession, capability in action, thoroughness in instruction, a delicate sense of honor be the end and aim of its activity. Will the formation of character take precedence of the production of wealth and the moulding and fashioning of manly men and womanly women be held as the best product of university life? No better material exists in America. A homogeneous population of reputable lineage representing the best blood of the old world and the new, a generous soil mountains teeming with mineral wealth, self reliance a resolute and vigorous independence which starts from all and goes to all its dictates kind and generous to a fault

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a narrow selfishness they despise ~~and~~ duplicity and treachery they abhor, and the violation of a trust they regard with ineffable scorn, and loving truth for its own sake they love nothing without truth.

If the function of university life be to awaken and to direct mental activity, to create a desire for learning and to impart it, to arouse as Huxley says a fanaticism for Truth, to cultivate and quicken and expand the human soul, to stimulate a passionate desire for the realization of the True the Beautiful and the Good; if the highest end of education be to cultivate the mind for its own sake, believing that "on earth there is nothing great but man, in man there is nothing great but mind," to perfect through thinking the instrument of thought, then President Hopkins and his appreciative (pupils) working together in a log cabin ~~[illegible]~~ represent the nucleus and contain the germ of university life, Brick and mortar and spacious grounds and well equipped laboratories do not make a university, but ~~[illegible]~~ learned sagacious, sympathetic teachers and earnest capable studious pupils. Can (we) in these days realize now and here the fundamental conception which made (made) Hopkins and his pupils (famous) and gave to Williams College a (renown) which has made it famous? Can we and will we lay the foundations here of a distinct type of culture

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physical and mental and moral pronounced in its individualism and cosmopolitan in its scope? Peculiar conditions of race, of tradition, of soil of climate of mountain and valley of river and hill and plain supply the basis, provide the germ out of which such a type may and can be evolved. The University of Kentucky if worthy of the name, ~~God grant that it may~~ - will for all time mould the highest thought and shape the destiny of the Commonwealth. Progressive but not radical, conservative but not reactionary, may it be the guiding star of the State, the sheet anchor of hope, the fountain, the fons et origo of integrity of faith of trust of honor and of purity, with no blot on its escutcheon and with no stain of dishonor upon its shield.

Time has been when Kentucky's sons made her name famous in science in art in statesmanship in invention in scholarship in literature and in arms. Let that era revive and continue. Let it be said in the ages to come as the Psalmist said of the Israelite of the Golden age, "This man and that man was born there". And when the pilgrim of the future shall return to revisit his Mecca let him feel that its innermost shrine is the University of Kentucky.

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For this purpose Congress granted public lands in proportion to representation in Congress. The allotment to Kentucky was 330,000 acres, an area amounting to over 515 square miles. The State did not consider itself prepared at that time to establish such a college as the organic laws contemplated and the dignity of the Commonwealth required, upon an independent basis and readily acceded to the proposal of the recently consolidated Kentucky and Transylvania Universities to engraft her College upon the new institution as one of its Associated Colleges. In 1865 this union was effected and in October 1866, the Agricultural and Mechanical College, known for many years

as State College, and which has since grown into the University of Kentucky, opened its doors for matriculation of students. The income of the new University was about $25,000 of which $9,900 belonged to the Agricultural and Mechanical College and was applied to its sole and exclusive use. Few of its matriculates were ready for college work. Five-sixths of its students were in the preparatory department, a department then indispensable, because of the backwardness of education in the State. Outside of Louisville, so far as I am aware, no High School at that time existed. For some years the alliance worked well. Education was in consequence of the war prostrate in the South and West. Students flocked in from Kentucky and the adjacent States. In 1870 the matriculation reached its maxium 767, of which the Agricultural and Mechanical College had 300. But religious dissension over the management and policy of the institution by the governing Board began to loom up. The quarrels were carried into the General Assembly. Failing to eliminate John B. Bowman, the Creator of the Consolidation, a man of liberal views and of larger ideas on education than those held by the majority of his co-religionists, the Christian Church withdrew its patronage, causing thereby a rapid decline in attendance and reputation. The crisis culminated in 1878 when the Legislature intervened and withdrew the Agricultural and Mechanical College from its unfortunate connection. When the separation took place the Agricultural and Mechanical College was nowhere. It had neither land nor buildings, nor equipment, nothing except $9,900, the income derived from the invested funds which had accrued from the sale of the land scrip given by Congress for its endowment. The General Assembly of 1878 appointed a Commission to locate it. This commission advertised for bids. Bowling Green and Lexington were the only competitors. The former offered an alliance with Ogden College and $30,000 in bonds for the purchase of land. The latter offered its city park as

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After its location had been determined the General Assembly of 1880 considered the question of future endowment and adequate maintenance. Various plans were proposed. Amid strong opposition from the denominational Colleges the General Assembly passed by small majorities an act giving it annually the proceeds of a tax of one half of one cent on each hundred dollars of taxable property owned by white persons in the Commonwealth. The income was thus at once increased from $9,900 per annum to $27,500.

PERIOD OF OPPOSITION.

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benefaction might suffice for the Colleges of the olden time, but endowment by the State was an absolute neccessity for the College and University of the modern type.

When the Legislature assembled the outlook was gloomy in the extreme. Blanton and Dudley, and Beatty, Miller and Wagner were there representing the Colleges. Dozens of letters for the members came in by every mail protesting against the iniquity and the continuance of the tax. To add to our embarrassment we had been misled by our architects. The buildings were only half completed and the money was all expended. It became apparent that unless we could borrow money to complete the half erected buildings we must suspend operations. Moreover if our embarrassments should become known the General Assembly would hesitate to provide money for an institution which did not know how to spend it judiciosly. The banks refused to lend except on personal security - inasmuch as the College having only a contingent interest in the property given by the City had nothing to mortgage. In this emergency I hypothecated with the Northern Bank my own collaterals, borrowed the money and placed it in the hands of the Executive Committee to carry on the work on the building and took the notes of the University for repayment, well knowing that if the one-half cent tax were repealed, I should lose all. Indeed the Senator from Fayette said to me, "You have done a very foolish thing. The Legislature is likely to repeal the tax and in that event you will lose all." Dr. Ormond Beatty, President of Centre College, presented before a crowded audience of Senators and Representatives the argument for the repeal of the tax. He characterized it as "unwise, unjust, excessive, oppressive." When his argument was completed the belief was strong that the tax was doomed. It fell to me to make the argument for the College which I did a few days later. When the audience adjourned sentiment had apparently changed and the tide had evidently begun to run in favor of the tax. The assailants then discovered that the tax was unconstitutional

and without further delay made a direct onslaught upon it, first before the General Assembly and later before the Courts. The ablest legal talent in Kentucky, Ex-chief Justice Lindsay, Alex P. Humphrey, Colonel Bennett H. Young and James Trabue, was employed. After the conclusion of Judge Lindsay's argument the cause of the College seemedhopeless. John G. Carlisle was asked by the Chairman of the Executive Committee to defend the Constitutionality of the tax. He examined Article XI of the old Constitution and promptly declined saying "You have no case". In this emergency an opportune suggestion from J. P. Metcalfe, a former Reporter of the Court of Appeals, viz; that I should look into the debates which preceded the adoption of the Constitution induced me to try what a layman might do. I ventured to prepare and deliver before a full House a reply and much to my surprise won on every point along the whole line. The discomfiture of client and counsel was complete. The tax was saved.

But after the adjournment of the Legislature a suit was brought in the Chancellor's Court in Louisville to test the validity of the Law. The Chancellor's Court allowed me to file as a brief the argument which I had made before the Legislature and on that brief the College won. The contestants appealed, I filed my brief with the Appelate Court also and some years later Judge Holt writing the opinion affirmed the constitutionality of the act. The Judge said that he based his opinion on the lines of the brief which I had submitted.

When our buildings were completed we had a debt of $37,000 but by the most rigid economy every dollar was paid within three years, and no one outside of the Board of Trustees knew anything of our embarrassment till after the debt was paid.

I had counted upon the active opposition of the denominational Colleges and of a large number of their co-religionists in the General Assembly but I had not anticipated and was not prepared for the active and energetic and bitter opposition which the tax encountered from the Agriculturists, and

from the Grange organizations which represented them. They did not want an institution which might grow into a University. They wanted an agricultural college pure and simple, with blacksmith and carpenter shops attached. They wanted no "Mechanic Arts" which might develop into techinal schools, no scientific studies other than the most meager outlines and these directly related to farming. (We employed one of the most highly educated veterinarians in America, who after every effort had been made to secure students, in the course of two or three years resigned because he could get no pupils). For the maintenance of an Agricultural College, the Agriculturists of the State thought the annual income from the congressional script fund sufficient. More would only seduce the management of the College to establish courses of study for liberal education and for this the denominational Colleges already existing could supply all that the State required. This unreasoning, obstinate hostility was even more difficult to overcome than the opposition of the Colleges. Clardy and Green and Bird and Logan and Hanna were not men to be readily convinced by argument nor won over by diplomatic tact. A Propaganda of more than 20 years was required for an acquiescent support of State aid for scientific agriculture. The fruits of this missionary work you witness today. Where formerly they bitterly opposed the appropriation of hundreds they now readily vote thousands for instruction in agriculture, and where with difficulty we could get a dozen or a score of students in agriculture, the College of Agriculture now vies with all the others in the number of its matriculates.

Dozens and scores of the leaders however lived to regret the part which they had taken and to congratulate the College on the success which it had under Providence achieved.

The late Honorable Cassius M. Clay was kind enough to say in a public address which he made in 1909 that the great achievement of my life was the education of the people of Kentucky into the conviction that it is the duty of the State to make adequate provision for higher education.

This accomplished all else logically follows. But though the battle was won the fruits of victory were not easily retained. In every General Assembly from 1883 to 1890 opposition to the continuance of the tax existed and motions to repeal were introduced; Committees of Investigation were appointed. The College was harassed and annoyed and required to show its passports at every turn.

In 1887 I assisted in securing an annual appropriation from Congress for the Experiment Station which I had established two years before. The General Assembly meanwhile had given the Station control over the sale of fertilizers with a royalty on every package sold. In 1890 I aided in obtaining from the Federal Government an appropriation of sixth-sevenths of $25,000 as additional income for the Agricultural and Mechanical College.

PERIOD OF CONCILIATION

The first Legislature which met after the adoption of the new Constitution was charged with the duty of bringing the Statutes of the State into harmony with the organic law. The Charter of 1880 accordingly underwent revision. The question arose how to allay the public discontent in regard to the one-half cent tax. The opposition came mainly from the outlying counties. They said we pay a special tax for the support of a College in Central Kentucky from which we derive little or no benefit. Free tuition given to county appointees is an insignificant return for what we pay. Geographical conditions make it virtually a college for Lexington and the adjacent counties. The Legislature of 1893 felt the justice of this contention and determined to equalize advantages as far as possible. The joint committee on the College at the instance of Representative Ferguson and Senator DeBow recommended the following section of the revised Charter which was adopted, viz; "That each Legislative Representative district in consideration of the incomes accruing to said institution under the present laws for the benefit of the Agricultural and Mechanical College be entitled to select and to send to the College each year one or more properly prepared students as hereinafter provided for, free from all charges for tuition, matriculation, fuel, room rent and dormitory fees except board. All beneficiaries of the State who continue students for one consecutive collegiate year, or ten months, shall also be entitled to their travelling expenses in going to and returning from said College. The selection of beneficiaries was to be made by the county superintendents on competitive examination on subjects prepared by the Faculty. This law worked admirably. Discontent vanished.

The immunities conceded to county appointees not as a gratuity but as a right, especially travelling expenses, placed every county in Kentucky on a footing of absolute equality, placed the College virtually in every county. The outlying counties not only ceased opposition but became loyal supporters of the College. Many of the most distinguished of the alumni came from the counties formerly hostile but thenceforward loyal to the core. If the former period was the era of opposition, the period which followed may be called the era of conciliation. For the attainment of this end I felt no less satisfaction than for the success achieved in procuring endowment through the one-half cent tax and in maintaining its constitutionality.

PERIOD OF DEVELOPMENT

In 1878 the last year of the alliance of the Agricultural and Mechanical College with the old Kentucky University, the total enrollment was 78, in 1908 1,064. In 1880 the senior class numbered 4, in 1910, the last year of my administration, 85. In 1880 the College owned not an acre of ground, in 1910 it owned 250 acres for the last 40 acres of which it paid $27,000. In 1880 the income was $9,900. In 1910 I turned over to my successor an annual income of $140,000, and grounds, buildings and equipments that had grown from absolutely nothing to an estimated value of $930,000.

In 1880 only two courses of study leading to a degree existed, with a normal school and an academy which prepared students to enter College. In 1910 there existed the College of Science and Arts, the College of Agriculture, the Colleges of Civil Engineering, Mechanical Engineering, Mining Engineering, and the College of Law. The Normal Department by a political bargain was, in 1908, at the instance of Richmond and Bowling Green eliminated, though subsequently restored under another name. The academy ceased to exist in 1911.

"By their fruits ye shall know them, Men do not gather grapes from thorns nor figs from thistles." I would not bring into invidious comparison the alumni of the University of Kentucky with those of any other state university, but I may without boasting be permitted to say that of the 883 alumni graduated between 1869- the first year of my Presidency and 1910 the last year - not more than one-half of one percent have been failures. What other university in America old or new has a better record? Her alumni have been in demand East, West, North and South and readily find renumerative employment. In law, in medicine, in engineering, in experiment stations, in ad-

ministrative offices, state and federal, in science, pure and applied, they have won their spurs and hold the honors which they have won. "In their veins the sap swells high today and will swell higher still tomorrow,"

In 1910 wearied with an almost continuous service of 41 years, I offered my resignation. The Board of Trustees urged me to withold it and Governor Wilson refused for months to accept it. I thought however that I had earned my retirement and pressed its acceptance. At the time of my retirement I was the oldest in continuous service of any College President in America. The Board of Trustees granted me, in recognition of service rendered, and in anticipation of services yet to be rendered, honorable and generous conditions of retirement coupled with expressions of regard for which I was deeply grateful.

In 1895 a domestic calamity left me childless. My affection was then centered upon the University which has since been to me as a son. My greatest pleasure has been in its development and in its prosperity. The Sovereign dies but the Kingdom goes on. We pass away but the University survives. In it there is continuity and development. There may be periods of adversity in this as in all human institutions, alternating with periods of prosperity. But of this be assured, the University has come to stay. Esto perpetua!

Ideals of patriotism differ. The Briton and the American love their country with no less devotion than do the Teuton and the Slav. But the Anglo-Saxon conception of the State differs by the whole diameter of political existence from that of the Central European Powers. With the former liberty is the prime and the original concept. When the Anglo-Saxon citizen creates the State he invests it with authority in order to safeguard and perpetuate freedom, and the problem with him is how best to coordinate liberty with authority. With the Teuton and the Slav the State owes its existence not to the citizen but to authority based upon Divine Right inherent in the Sovereign. Whatever freedom exists is conceded by authority

and may be revoked by the Sovereign who grants it. The State is everything, the individual exists for and is submerged in the State.

Now University life may be expected to reflect and does reflect the conditions, ethnic and political, civil and religious, intellectual and moral, under which they come into being and in which they are nurtured. An atmosphere of freedom prevades the one, and of authority the other. The one thinks unfettered, the other in bonds.

University organization in America and in Great Britian is free, controlled only by collective individualism, that is by public opinion. If there be a tendency to degenerate into license, conservatism interposes a check and insists upon a wholesome moderation which shall submit rival conclusions and rival systems of thought to the adjudication of reason and adopt the resultant as the arbiter of speculative activity and its application to practical life. If in Central and Eastern Europe the University ventures to exceed the limits conceded by authority, authority interposes a timely warning, and if this be not heeded closes its doors.

Following this line of thought it may be observed that the conception of university organization and ends which obtains in the Mother Country and her dependencies differ widely from those which obtain in the 48 states of the American Union. Each State has its own conception of what a University should be and of the work which it should do. The old privately endowed Universities, Harvard, Yale, Princeton, Columbia, and we may add Johns Hopkins, differ from the State Universities, Cornell, Wisconsin, Ohio State, Illinois, California, and arrange their courses of study accordingly. Johns Hopkins could not be transplanted to Arkansas, the University of Kansas to Connecticut. An individualism, born of local conditions attaches itself to each.

The University of Kentucky has like its congenors distinctive characteristics of its own. It is distinctly American and it is distinctly

Kentuckian. Like its fellows it reflects the conditions under which it came into being and like them it will modify these conditions for good or evil in the days to come. A heavy responsibility therefore rests upon its governing Board and upon its administration. Will integrity of purpose, sincerity in profession, capability in action, thoroughness in instruction, a delicate sense of honor be the end and aim of its activity? Will the formation of character take precedence of the production of wealth and the moulding and fashioning of manly men and womanly women be held as the best product of University life? No better material exists in America. A homogeneous population of reputable lineage representing the best blood of the Old World and the new, a generous soil, mountains teeming with mineral wealth, self reliance, a resolute and vigorous independence which exacts from all and gives to all its dues. Kind and generous to a fault, a narrow selfishness they despise, duplicity and treachery they abhor, and the violation of a trust they regard with ineffable scorn, and loving liberty for its own sake they love nothing without liberty.

If the function of university life be to awaken and to direct mental activity, to create a desire for learning and to impart it, to arouse as Huxley says a fanaticism for Truth, to cultivate and quicken and expand the human soul, to stimulate a passionate desire for the realization of the True, the Beautiful and the Good; if the highest end of education be to cultivate the mind for its own sake, believing that "on earth there is nothing great but Man, in man there is nothing great but mind," to perfect through thinking the instrument of thought, then President Hopkins and his appreciative pupil working together in a log cabin represent the essence and contain the germ of university life. Brick and motar and spacious grounds and well equipped laboratories do not make a university but learned, eager, sympathetic teachers and earnest, capable, studious pupil s.

Can we in these days realize now and here the fundamental conception which made Mark Hopkins and his pupils famous and gave to Williams College a renown which has made it famous? Can we and will we lay the foundation here of a distinct type of culture physical and mental and moral, pronounced in its individualism and cosmopolitan in its scope? Peculiar conditions of race, of tradition, of soil, of climate, of mountain and valley, of river and hill and plain, supply the basis, provide the germ out of which such a type may and can be evolved. The University of Kentucky if worthy of the name, will for all time mould the highest thought and shape the destiny of the Commonwealth. Progressive but not radical, conservative but not reactionary, may it be the guiding star of the State, the sheet anchor of hope, the fountain, the fons et origo of integrity, of faith, of trust, of honor, and of purity, with no blot on its escutcheon and with no stain of dishonor upon its shield.

Time has been when Kentucky's sons made her name famous in science, in art, in statesmanship, in invention, in scholarship, in literature and in arms. Let that era revive and continue, Let it be said in the ages to come as the Psalmist said of the Israelite of the Golden Age, "This man and that man were born there." And when the pilgrim of the future shall return to visit his Mecca let him feel that its innermost shrine is the University of Kentucky.

In 1862 the Congress of the United States passed an act donating to each State 30,000 acres of the public lands for each representative in the Federal Legislature in order to found and endow colleges for instruction in those branches of learning related to agriculture and the mechanic arts, classical and other scientific studies might also be included and instruction in military tactics was made obligatory. Under this allotment Kentucky received 330,000 acres, a munificent endowment which if properly managed would when the lands were sold and the proceeds invested have yielded an income adequate to the maintenance of such an institution as was then contemplated. The Legislature of Kentucky accepted the donation but does not seem to have been able to [illegible] the significance of the trust. Instead of placing the College upon an independent basis it attached

it to a denominational institution situated in Lexington and known as the Kentucky University. The conditions of this alliance required that the Kentucky University should make the Agricultural and Mechanical College one of the coordinate colleges of the Kentucky University, should within a year provide a farm for experimental agriculture, in consideration whereof, and for the purpose of defraying the expenses of instruction and administration the State agreed to pay annually to the Kentucky University the interest on the invested proceeds accruing from the sale of the lands. The further condition was added that if at any time the State should see proper to dissolve this relation for any cause satisfactory to the State authorities it might do so. The Commissioners of the Sinking fund were directed by the Legislature of 1865 to sell the land and invest the proceeds of the sale. The land scrip was placed in the hands of M. C.

Johnson who without exercising much discretion placed the scrip upon the market and sold it for fifty cents per acre. The sale yielded $165,000 which was invested in Kentucky 6% bonds. If the donation of land to Kentucky had been managed as economically as some other states managed theirs the state would have realized at least one million for the purpose of founding and endowing its College under the act. But the magnificent grant was virtually sacrificed through carelessness or incompetency.

The College was opened in 1866 as one of the Colleges of Kentucky University — and continued in this relation till 1878 when the legislature of that year appointed a committee to investigate and report to the General assembly upon the expediency of continuing longer the connection which had been established in 1865. The committee after an exhaustive

Examination reported unanimously in favor of dissolving the Connection. It further recommended that the College should be reestablished and placed on an independent basis, that opportunity should be given to any town which desired to bid for its location, that it should be made more comprehensive in its scope and purpose, and that the income from the invested funds accruing from the Sale of the land scrip should be applied for its benefit. It was further recommended that it should be entirely undenominational and should be managed and controlled by a Board of Trustees appointed by the Governor. The report of the committee was adopted and in June 1878 the connection of the Agricultural and Mechanical College of Kentucky with the Kentucky University ceased. There were but two Competitors for the location Bowling Green and Lexington. The former offered

$30,000 and a connection with Ogden College, the latter $50,000 and the city Park as a site containing 52 acres and situated within the city limits. The latter offer was accepted and the College remained at Lexington. Upon careful consideration it was found that the income from the Congressional Scrip fund was altogether insufficient for the maintenance of such an institution as the Commonwealth required, and the Legislature of 1880, in reestablishing the College and determining its location, passed an act appropriating to it annually the proceeds of half a cent upon each hundred dollars of taxable property. A charter conferring ample powers was passed making provision for internal expansion such as the resources of the College and the necessities of the public might from time to time justify. Accordingly in 1880 the College thus reestablished and reorganized opened its doors for the reception of students.

Courses of Study were arranged in Agriculture, Science Classics and Normal School Training, a Faculty consisting of seven professors and two assistants was provided. The money given by Fayette County and the city of Lexington was applied to the erection of Buildings and in 1882 the College entered upon possession of its new quarters. Opposition however had meanwhile developed. The denominational Colleges made common cause against the half cent tax levied annually, alleging that by virtue of the State aid thus given the State College would be enabled to offer to the public greater advantages in Education and at cheaper rates than could be presented by the denominational Colleges of the Commonwealth. An earnest appeal was made to the Legislature to repeal this tax as "morally unjust & excessive oppressive". No contest within my recollection has been fought before the Legislature with more pertinacity — and bitterness. But after the lapse of three months the motion to repeal

was defeated and the State College schemed of immediate apprehension addressed itself successfully to its proper work. I have dwelt at some length upon the early history of the College because its origin and the difficulties which it had to encounter in its early history are by the majority of persons imperfectly known.

Passing over much that might be said I will now state what advantages the College has to offer to the public. The courses of study comprise the following, each extending over four years and leading to a degree,

Agriculture, Mechanical Engineering, Civil Engineering, Three Scientific courses, viz Mathematical, Biological and Chemical, Classical, and Pedagogy. An academy prepares students for the Freshman class. Three minor courses of study to prepare teachers for the different grades of certificates required by law are provided

The departments of study which make up the courses presented above are Mathematics pure and applied, Physics, Zoology, Botany Chemistry Geology Mineralogy Biology, Anatomy, Physiology, Drawing free hand and Mechanical, Agriculture, Horticulture, Entomology, English Latin, Greek, French, German, Spanish, Italian, Mental and Moral Philosophy, Logic, History, Political Economy, Normal School work and military Science. These are for the most taught by Professors whose time is devoted exclusively each to his own specialty. As a consequence our corps of Professors with their assistants is large — no less than twenty eight in number. The material appliances which make instruction effective are ample. Our museums and Laboratories are well equipped for illustration and for experimental work. Botany Biology Geology, Entomology and Anatomy and Physiology are all taught in the Laboratory and with the microscope. These require large space both for class room instruction for lectures and for practical work. The Physical and Engineering Laboratories are large and well equipped, the machinery in the latter costing not less than $35,000. Within the last ten years two large buildings have been erected for experimental analysis in connection with Agriculture and for Mechanical and Civil

Engineering. We have now under contract another Building 95-feet square and three stories high into which will be transferred when completed four of the Departments of Natural Science, including the Experimental farm. The aggregate value of grounds Buildings Apparatus Museums and Laboratories is about $500,000. All this has been gathered together and created within the last 12 years. During the first part of this period the College had a fierce struggle for existence. But its assailants have dropped off one by one. They have discovered that there is no necessary rivalry between them and the State College. It addresses itself as well to lines of work which the denominational Colleges have neither the means nor the inclination to attempt. But while its education in the main is on the lines laid down in the Act of Congress of July 1862 it does not confine itself exclusively to the technical and the practical. These are its ultimate aim but it endeavors to reach this ultimate end by making the liberal the basis of the practical in its course of instruction and training. It aims as far as possible to develop and perfect the mind as an instrument of thought. as a condition and an indispensable condition for

skillful and technical dexterity. It aims to educate and coordinate the mind the eye and the hand. to make the mind the custodian and interpreter of the records of nature, leaving to the eye and the hand to apply these through mechanical adaptation to the necessities of human life. The liberal education given is provided in order that man may be better able to understand and conquer and apply to his own advantage the forces of nature when he knows something of the wonderful powers of his own mind, whence he came and whither he goes, his origin and his destiny. Accordingly means have been provided, for cultivating and enlarging his mental powers, through the study of language, the best models of literature, the great thoughts of illustrious men in all ages, the analysis of the mental powers, the moral and aesthetic faculties of the human soul, the law of right and the law of duty. In this course of instruction it is not forgotten that is a citizen. and that any course of education would be defective which fails to prepare him for the duties of citizenship. He must be made acquainted with the principles of the Government under which he lives, its history, its relation to other nations

the disposed rights and duties of citizens and of peoples.
No college bred man nowadays can afford to be ignorant of the laws of trade, the laws of supply and demand, the principles of finance, the laws governing the uses of land and of money, the relations of capital and labor.
No college bred man can afford to be ignorant of the history of his own people, the race of which his nation is a part, and the larger human race of which it is a coordinate. This presupposes both history and Philosophy the history of mankind and the history of human thought.
Now all this may be dressed at as "the higher education,
It is higher than many of the low conceptions that attach to education no doubt. But it is a conception which regards man as superior to that which he subdues and creates, which regards mind and its attributes above matter and its properties, which regards the perfection of man as a thinking living sentience as superior to the perfection of any material product of man. The higher education allies man with God, the lower education allies man with Earth.

I now desire to call your attention for a few minutes to the advantages offered by the State College. It provides an education for the Agriculturist which enables him to apply the principles of science to the cultivation of the soil. He analyzes his soil in order to know its constituent elements, He analyzes his crops in order to know what constituent elements in his soil are available for the nourishment of the plants which he desires to grow, He is then able intelligently to supply by artificial means what is lacking, He is made familiar with the laws of animal and vegetable life and learns how to apply the conditions of soil and climate to their development, All this is an intelligent adaptation of means to end.

In Mechanical Engineering, the student lays his foundation in Physics Chemistry and Mathematics, He is taught to design and to build the most complicated mechanism, making his own models, working out from given data the conclusions sought and testing the results obtained by practice. Our graduates in this course have taken high rank and obtained positions of trust and profit. When the Secretary of the Treasury

advertised some time since for candidates to take the competitive examination for admission into the Revenue Cutter service as engineers the graduates of the State College carried off more prizes in proportion to numbers than those of any other institution in the country.

All our students without exception who have gone to Johns Hopkins University for post graduate courses have taken honors. One is now pursuing archaeological and classical studies in Rome on a fellowship worth $800 a year. Another after taking a scholarship was elected Tory of Biology in Bryn Mawr and is absent from that institution on leave pursuing special studies in the marine laboratory at Naples. Others fill honorable positions as professors and Chief Chemists in manufacturing establishments.

Not long since one of the most distinguished lawyers in central Kentucky told me that upon the occasion of a professional engagement in one of the principal towns of S. E. Kentucky he found the leaders at the bar State College men, and equal in ability to the picked men of any bar in the commonwealth.

The State has made very liberal provision for the education of its sons and daughters in the State College. The Charter of 1893 provides that the State College shall stand in direct and intimate relation to the common school system. Each Legislative representative district in the State is entitled to send each year a student to the State College whose appointment is valid until the appointee completes the course of study selected. Under this appointment, the beneficiary may select the Agricultural, Mechanical Engineering, Civil Engineering, Classical, any of the three Scientific courses, or the Collegiate Course in Pedagogy. The appointee is selected upon competitive examination, held under the auspices of the Superintendents of Schools in the respective Counties the time and place of the examination being designated by him. Any graduates of the public schools may become a competitor for the scholarship. The examination is made upon questions covering the common school course prepared and transmitted by the Faculty of the College to the County Superintendents. The advantages attaching to the

appointments are these viz: free tuition, free matriculation free room and fuel and lights in the dormitories on the College grounds, and if the appointee remains ten consecutive months or one collegiate year travelling expenses from his home to the College and return. The law expressly says that other things being equal the award of Scholarships on competitive examination shall be made to those whose means are small to aid whom this liberal arrangement is especially provided. I should here qualify the general statement just made by noting that no provision has yet been possible for free rooms for young ladies, inasmuch as there are no dormitories for females on the College grounds and the Board of Trustees have hesitated to incur the possible risks which might attach to such an arrangement. Good Board and lodging is however obtainable in private families at from $2,50 to $3.50 per week.

These immunities and privileges render the cost of living at the State College comparatively small. Board is provided on the College grounds at $2,25

for board and this with the books and uniform constitute the principal outlay of the student.
In addition to the foregoing privileges the State also requires that free tuition matriculation, room rent fuel and lights and handling expenses shall be given to four beneficiaries from each Representative district, to the normal School. These appointments are made on identical conditions as those to the long courses of study in the college but are tenable for one year only. If the Superintendents of county schools do their duty each county would have four students in the collegiate courses of study and four in the normal school.
One word in reference to the normal school. Students matriculate in this department receive instruction not only in Pedagogy proper, that is teaching how to teach, but every other department in science in language in philosophy and in literature is open to them. The whole range of instruction embraced in all the courses in the college is thus accessible to every normal student, and for the purposes of his

own special work every department in Science Literature Language and Philosophy is subordinated to the Dean of the Normal School and made available for his purpose.

In no College of Kentucky are such advantages presented to those who seek an Education. Every subject is taught by specialists with ample means for illustration and experiment and all these advantages are provided to state appointees at a merely nominal expense. Upon the County Superintendents rests a grave responsibility. They have it within their power to bring the blessings of advanced Education within the reach of the energetic and ambitious young men and women of their counties. Or they may by neglect of duty allow these possible advantages to count for nought. The county of Wayne for example had eight appointees in the College last year and the county of Hellon seven. The counties of Muhlenberg and Hart had none. Eighty-three counties had representatives in the College, some more some less. Thirty six had

none. Who was responsible for this? Not the College certainly. Circulars setting forth the main features of the law and embodying all the information required for Superintendents and applicants were sent in the early spring, two months before the time required by law, to each Superintendent in Kentucky, one circular for each school house in his County, and the law makes it his duty to place one circular in each school house. How many Superintendents placed these circulars of information as the law requires? How many utterly neglected the advertisement required by law setting forth the time and place of examinations to be held? How many threw them into the waste basket and took no account of them? And yet these duties form a part of the Common School law of Kentucky.

In some departments of study the State College offers facilities for comprehensive attainments and thorough work superior to those offered by any institution in the South. This is specially true of Mechanical Engineering. No College South of the Ohio River possesses an equal plant and an equal course of instruction. To all the sons and daughters of Kentucky its classes are open providing equal facilities for all and exclusive advantages to none. Its Labors vie with the great land grant Colleges of the North and West in the thoroughness of its work and the breadth and variety of its courses. We desire to make known to you and through you to the counties and cities and towns which you represent what it has done and can do for the Education of the young men and young women of Kentucky. In the struggle for existence which is upon us the best educated teachers will get the best schools. The best certificate out of 115 in the County of Ohio was awarded last year to a State

College man and an equal distinction was won this year in Wayne County by a State College woman. These are not isolated instances but examples. In the struggle for existence the best educated men will lead in the liberal professions, in Agriculture, in Commerce in manufactures, in Engineering in Railroad making, in Shipbuilding, in the Army and in the Navy. The rule of thumb methods is past, men of tact and trained knowledge with ability to translate it into practice are the men who will be the masters of industry and the leaders of thought, men who can coordinate brain power and strong intellect with the trained eye and skilled hand are the men who will control the industrial activity of the world. Competition is so keen and the margin of profits in many competing industries so small that minute economies made possible through improved mechanism and intelligent workmanship controlled

by educated masters determine the success or the failure of the great enterprises of the age. Shall we provide the sort of Education required by our citizens at home or allow them to go to other states to obtain it? Shall we provide them with an Education equal to the best that can be gotten in harmony with our own traditions and determined by our own environment or allow them to drift elsewhere to become inoculated with pestilent social and political heresies destructive of all that we have been accustomed to revere in the home and in the State? Build up your own institutions, the school and the church are the buttresses of society and the pillars of the state, Let the one be thorough and the other pure and our civilization will be a noble one, a civilization not variable barren ephemeral, but constant fruitful and durable as the everlasting hills,

Chronological Summary

In June 1909 I announced to the Board of Trustees of the State University of Kentucky my intention to resign at an early date. When requested the Board to appoint a Committee to report to the next meeting of the Board the conditions on which I should retire and to recommend to the Board a suitable successor. The Board appointed as a Committee Messrs H. S. Barker of Louisville, Melander B. Carroll of Oldham, R. C. Stoll of Lexington, Hon. Libbis Carpenter of Adair and myself.

On Dec 9 1909 the Committee unanimously reported "Conditions of Retirement" which report was unanimously adopted by the Board as an agreement between the Board and myself, on the execution of which agreement in good faith, I announced my intention to resign between that date and July 1 1910. See inclosure marked "A".

H. S. Barker meanwhile became a candidate to succeed me and made skillful use of his position as a member of the Board to secure the support of its members in his candidacy. My resignation was offered January 10 1910.

On February 3 1910 the Board met to elect a successor

I opposed the election of Judge Barton on the ground of utter lack of the qualifications indispensible for a University President, that his education was very limited, that he had no degree for undergraduate work in any College or University, that he had no practical experience in collegiate administration, that he could not teach, and if present in any class room in the University he could not say whether the instruction was good or the reverse. All the members of the Board except Cassius M. Clay and myself voted for him. My opposition to his election resulted in an alienation which has become a chasm. This has become wider as time went on, and was accentuated by his effort to put a woman who had no degree, at the head of the Dept. of Philosophy including metaphysics, logic and ethics, failing in that he then tried to have her placed at the head of the Dept. of Civil History, Economics & Sociology. Failing in this he then created for her a position in English, where no addition to the staff of instruction was needed. She is now enjoying emoluments equal to $2,200 per annum. I have criticised his incapacity, his prodigal and wanton

Expenditure of Public Money, his illegal action in violating openly, in spite of an opinion of the Attorney-General, the law relating to appointments by County Superintendents of benefiaries of the University.

In June 1911 he reported to the Board that he had discovered that one of the Conditions of Retirement which he had reported to the Board of Trustees and which was adopted by them viz: an annuity or retiring allowance during my lifetime had no legal sanction and urged its repeal. A Committee to whom it was referred unanimously reported against the recommendation which report was unanimously adopted by the Board

At a called meeting April 12 1912 he proposed to leave my annuity and other "Conditions of Retirement" untouched provided I would resign my seat on the Board of Trustees, to which I had been appointed by the Governor, and also resign my seat in the Faculty. At an adjourned meeting Aug. 5 1912 I declined to accede to the conditions sought to be imposed whereupon he moved to rescind all the "Conditions of Retirement", saying that he did not expect to me, "that

AGRICULTURAL - AND - MECHANICAL

COLLEGE

—OF—

KENTUCKY.

ACT OF MAY 9, 1893.

CAPITAL PRINTING CO., FRANKFORT, KY.

[BY AUTHORITY.]

AGRICULTURAL AND MECHANICAL COLLEGE

OF KENTUCKY.

CHAPTER 198.

AN ACT to provide for the effective management and administration of the Agricultural and Mechanical College of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: § 1. That the government, administration and control of the Agricultural and Mechanical College of Kentucky be, and is hereby, vested in a board of trustees, constituted and appointed as follows:

1. His Excellency, the Governor of Kentucky, who shall be *ex officio* chairman thereof.

2. Fifteen men, discreet, intelligent and prudent, who shall be nominated by the Governor of Kentucky, by and with the advice and consent of the Senate. They shall hold office for six years, five retiring and five being appointed at each regular session of the General Assembly. Said nominations shall be made within fifteen days after the Legislature convenes. Said trustees shall be appointed and distributed as follows, namely: One from each Congressional district outside of the Congressional district in which Lexington is situated, and the remainder from the latter district; but no more than three trustees shall be appointed from the county of Fayette: *Provided*, That no trustee now serving, under an appointment previously made, shall be dis-

placed by the operation of this act before his term of service shall have expired.

3. The president of the college shall be *ex officio* a member of the board of trustees.

§ 2. The board of trustees, when appointed and qualified, shall be a body-corporate, under the corporate name of the Agricultural and Mechanical College of Kentucky, and as a corporation shall have power to sue and be sued, implead and be impleaded, contract and be contracted with, and possess all the immunities, rights, privileges and franchises usually attaching to the governing bodies of educational institutions. They shall have power to receive, hold and administer, on behalf of the institution whose government, administration and control is committed to them, all revenues accruing from all existing or future endowments, appropriations or bequests, by whomsoever made, subject to the conditions attaching thereto; to receive, administer and apply, for and on behalf of said college, all moneys, devises, stocks, bonds, buildings, museums, lands, apparatus, and so forth, and so forth, under the conditions attaching thereto. Said trustees shall have power to determine, from time to time, the number of departments of study or investigation which the college shall comprise within the scope of the organic act of Congress, or acts supplementary thereto, donating land scrip for the endowment of Agricultural and Mechanical Colleges; the relation which each department or group of departments shall sustain to each other and to the whole; to devise, allot and arrange the distributions of departments or groups of departments, with the designation appropriate to each, and to devise the means required for their effective instruction, administration and government. They shall have, also, power to appoint presidents, professors, assistants, tutors and other officers, and to determine the salaries, duties and official relations of each; and shall provide for a definite salary in money attached to all positions created and filled by the board of trustees; and there shall be no additions thereto in the form of fees, perquisites or emoluments of any kind whatever. They shall have full power to suspend or remove at will any of the officers, teachers, professors or agents whom they are authorized by law to appoint, and to do all other acts which may be needful for the welfare of the institution.

§ 3. Said board of trustees shall have power to grant degrees to the alumni of the institution, to prescribe conditions upon which post-graduate honors shall be obtained by its alumni and others, and to confer such honorary degrees, upon the recommendation of the faculty of the institution, as they may think proper.

§ 4. A majority of the whole board shall constitute a quorum for the transaction of business.

§ 5. In the appointment of presidents, professors or instructors, no preference shall be shown to any religious denomination.

§ 6. The board of trustees shall meet in Lexington twice each year, in the president's room in the college, namely: Upon the Tuesday preceding the annual commencement, and upon the second Tuesday in December. In the absence of the Governor the board shall have the power to appoint a chairman *pro tem.* They shall elect annually a secretary, who shall keep a record of their proceedings, and a treasurer, who shall receive and disburse the funds, and a business agent, who shall make all purchases for all departments of the college, and attend to all the business under the direction of the board. Said secretary and treasurer and business agent shall receive for their services a fair compensation; but the treasurer elected under the provisions of this act shall not be a member of the board of trustees or of the faculty of the college, or otherwise an employe of the college or of any of the departments thereof. They shall, at each regular meeting, appoint an executive committee, consisting of five of their number, residing in or near Lexington, including a chairman thereof. Three of whom shall constitute a quorum, and said committee shall choose from their number a chairman *pro tempore*, to act in the absence of the permanent chairman. The executive committee shall be charged with the general administration of the affairs of the college under such by-laws and regulations as shall be prescribed by the board of trustees, and with the execution of measures specially authorized by the board. It shall, at each regular meeting of the trustees, and at each called meeting if required, submit to the board a complete record of its proceedings for the consideration and approval of the board of trustees: *Provided*, That the authority of the board of trustees to revise the acts of the exec u

tive committee shall not extend to the rejection of any valid or authenticated account of money expended under a general or specific authority granted by the board of trustees, and within the sums appropriated by the board for specific or contingent objects at regular or called meetings. The secretary of the board of trustees shall also be secretary of the executive committee and the custodian of the records, and so forth, of the board and of said committee.

§ 7. That the treasurer of said college shall enter into covenant with the Commonwealth of Kentucky, with one or more good sureties bound therein, to be approved by the board of trustees, conditioned for the faithful performance of his duties, and the payment of all moneys that shall come to his hands to his successor in office, or to such person or persons as may be lawfully entitled to receive the same. Any person or persons, including the board of trustees, injured by any breach of this bond, may maintain in the Fayette Circuit Court appropriate action thereon. The said treasurer shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required.

§ 8. In the case of the death, resignation or refusal to serve of any of the trustees appointed as members of the board on behalf of the State, the remaining trustees shall, at their first meeting thereafter, have power to fill all vacancies occasioned by such death, resignation or refusal to serve; and the person or persons so appointed shall hold their office as trustees during the natural or unexpired terms of the person or persons for whom they are substituted and appointed. Any trustee who shall fail to attend two consecutive meetings, without proper notification to the secretary of the reason therefor, shall thereby vacate his office of trustee, and the board shall fill the vacancy as hereinbefore provided for.

§ 9. All necessary expenses incurred by the trustees in going to, returning from, or while attending the meetings of the

board, shall be met and discharged out of the funds of the institution.

§ 10. That in addition to the regular meetings, called meetings of the board of trustees may also be held. The call for such meeting must be in writing, signed by three or more trustees. The call must also be formally communicated by the secretary to each trustee by mail, at his post-office address, at least fifteen days before the day fixed for the meeting, and must state definitely the object of the meeting; and no business not thus explicitly announced shall be acted on at the called meeting.

§ 11. That the regular collegiate period of the Agricultural and Mechanical College shall be four years, and only those students who pass through that period and attain the prescribed standard of proficiency in the regular course of studies, or those who, having qualified themselves elsewhere, shall be found, after at least one year's attendance in the college, to have attained the prescribed standard of proficiency in the regular course of studies, shall receive a diploma from the college. But a normal department or course of instruction for irregular periods, designed more particularly, but not exclusively, to qualify teachers for common or other schools; and an academy or preparatory department to prepare students for the regular courses of study in the college, shall be established and maintained in connection with the college, each under a competent principal and assistants, and under the general supervision and control of the faculty thereof.

§ 12. That the board of trustees be, and hereby are, empowered to establish proper regulations for the government of the college and the physical training, military or otherwise, of the students, and to authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the institution.

§ 13. That the board of trustees shall make to the General Assembly, within the first month of each regular session, a full report of the condition and operation of the college since the date of the preceding report, with such recommendations concerning the college as may be deemed necessary.

§ 14. Each legislative district in the State shall, in consid-

eration of the incomes accruing to the college under "An act for the benefit of the Agricultural and Mechanical College of Kentucky," approved April 29, 1880, be entitled to select and to send to said college each year one properly prepared student, free from all charges for tuition, matriculation fees, room-rent, fuel and lights, and to have all the advantages and privileges of the college and dormitories free, except board. Said students shall be entitled, free of any cost whatever, to the benefits enumerated above, for the term of years necessary to complete the course of study in which he or she matriculates for graduation, or during good behavior. All beneficiaries of the State who continue students for one consecutive collegiate year, or ten months, unless unavoidably prevented, shall also be entitled to their necessary traveling expenses in going to and returning from said college. The selection of the beneficiaries shall be made by the superintendents of common schools in their respective counties, upon competitive examination, on subjects prepared by the faculty of the college, and transmitted to said superintendents before the first day of June of each year: *Provided*, That no standard of admission adopted by the college for admission into the academy shall exclude from the benefits of this act county appointees who have completed the course of study prescribed by law for the common schools of the Commonweath. Said competitive examination shall be open to all persons between the ages of fourteen and twenty-four years. Preference shall be given, other things being equal, to those who have passed with credit through the public school, persons of energy and industry, whose means are small, to aid whom in obtaining a good education this provision is intended. If any representative district contains more than one county, each county so included shall be entitled to select one beneficiary as aforesaid. Said competitive examination shall be held, and the successful competitor appointed, between the first day of June and the first day of August of each year. It shall be the duty of the county superintendent to make known the benefits of this provision to each common school district under his superintendency, with the time and place when and where such competitive examination shall be held. He shall, for this purpose, appoint a board of examiners, whose duty it shall be to conduct the examination.

§ 15. In addition to the foregoing, teachers or persons preparing to teach may be admitted at the rate of not more than four from each county, upon the same conditions, receive the same benefits, and have the same privileges in said college as prescribed in the preceding section. These appointments shall be vested in the county superintendents. Said appointments may be made and certified to the president of the college at any time between the first day of July and the thirty-first day of December of each year.

§ 16. The president shall, on or before the first day of July of each year, have printed and mailed to each county superintendent of common schools of this State at least as many circulars of information relative to said college as there are common school districts in said respective counties. Said circulars shall set forth in full the benefits of methods of admission into, and the probable cost to beneficiaries of said college. The county superintendent of common schools shall have at least one of said circulars posted in the school-house of each common school district in their respective counties during the term of the free school thereof.

§ 17. All acts and parts of acts in conflict with this are hereby repealed.

§ 18. That, as the difference in the cost of travel from different parts of the State practically operates as a difference in advantages offered to different parts of the State, an emergency is declared to exist, and this act shall be in full force and effect from and after its approval by the Governor.

W. M. Moore,
Speaker of the House of Representatives.

M. C. Alford,
President of the Senate.

Approved May 9, 1893.

John Young Brown, *Governor.*

By the Governor:

John W. Headley,
Secretary of State.

ACTS OF INCORPORATION

OF THE

AGRICULTURAL AND MECHANICAL COLLEGE,

LEXINGTON KY.

YEOMAN OFFICE—E. H. PORTER, PUBLIC PRINTER.

BOARD OF TRUSTEES

OF THE

AGRICULTURAL AND MECHANICAL COLLEGE

OF KENTUCKY.

TERM OF OFFICE EXPIRES JANUARY 10, 1882.

W. B. KINKEAD, Lexington.
B. J. PETERS, Montgomery County.
WM. H. WADSWORTH, Mason, County.
P. H. LESLIE, Barren County.

TERM OF OFFICE EXPIRES JANUARY, 10, 1884.

JAMES F. ROBINSON, Jr., Lexington.
B. F. BUCKNER, Lexington.
JOHN G. SIMRALL, Louisville.
D. C. BUELL.

TERM OF OFFICE EXPIRES JANUARY, 10, 1886.

ROBERT S. BULLOCK, Fayette County.
L. J. BRADFORD, Covington.
A. R. BOONE.
PHILIP P. JOHNSTON, Fayette County.

INTRODUCTORY.

Agricultural and Mechanical Colleges in the United States owe their origin to an act of Congress, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862. The amount of land donated was 30,000 acres for each Representative in the National Congress. Under this allotment, Kentucky received 330,000 acres. Several years elapsed before the Commonwealth established an Agricultural and Mechanical College under the act. When established, it was not placed upon an independent basis, but made one of the Colleges of Kentucky University, to which institution the annual interest of the proceeds of the Congressional land grant were to be given for the purpose of carrying on its operations. The land scrip had meanwhile been sold for fifty cents per acre, and the amount received—$165,000—invested in six per cent. Kentucky State bonds, of which the State became the custodian in trust for the College.

The connection with Kentucky University continued till 1878, when the act of 1865, making it one of the Colleges of said University, was repealed, and a Commission appointed to recommend to the Legislature of 1879–'80 a plan of organization for an Agricultural and Mechanical College such as the necessities of the Commonwealth require. The city of Lexington offered to the Commission, which was also authorized to recommend to the General Assembly the place, which, all things considered, offered the best and greatest inducements for the future and permanent location of the College, the City Park, containing fifty-two acres of land, within the limits of the city, and thirty thousand dollars in city bonds for the erection of buildings. This offer the county of Fayette supplemented by twenty thousand dollars in county bonds, to be used either for the erection of buildings or for the purchase of land. The offers of the city of Lexington and of the county of Fayette were accepted by the General Assembly.

By the act of incorporation, and the amendments thereto, constituting the charter of the Agricultural and Mechanical College of Kentucky, liberal provision is made for educating, free of tuition, the energetic young men of the Commonwealth whose means are limited. The Normal Department, for which provision is also made, is intended to aid in

building up the Common School System by furnishing properly qualified teachers. This College, with the associated departments which will, from time to time, be opened as the means placed at the disposal of the Trustees will allow, will, it is hoped, in the no distant future, do a great work in advancing the educational interest of Kentucky. Being entirely undenominational in its character, it will appeal with confidence to people of all creeds and of no creed, and will endeavor, in strict conformity with the requirements of its organic law, to afford equal advantages to all, exclusive advantages to none. The liberality of the Commonwealth in supplementing the inadequate annual income arising from the proceeds of the land scrip invested in State bonds will, it is believed, enable the Trustees to begin and carry on, upon a scale commensurate with the wants of our people, the operations of the institution whose management and oversight have been committed to them by the General Assembly of Kentucky.

IN SENATE,

SATURDAY, APRIL 24, 1880.

MR. P. P. JOHNSTON moved that 300 copies of the charter of the Agricultural and Mechanical College, and amendment thereto, be printed, viz:

CHAPTER 359.

AN ACT TO INCORPORATE THE AGRICULTURAL AND MECHANICAL COLLEGE OF KENTUCKY, AND TO PROVIDE FOR THE FUTURE MANAGEMENT THEREOF.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the government, administration, and control of the Agricultural and Mechanical College of Kentucky be, and hereby is, vested in a Board of Trustees, constituted and appointed as follows: First, His Excellency the Governor of Kentucky, who shall be *ex officio* Chairman thereof. Second, twelve men, discreet, intelligent, and prudent, who shall be nominated by the Governor of Kentucky, by and with the advice and consent of the Senate, and who shall hold their office for six years, four retiring and four being appointed at each regular session of the General Assembly. Third, and four who shall be elected by the Alumni of the institution so soon as said Alumni shall exceed one hundred; and shall also hold their office for six years, two being elected and two retiring every two years. The present Board of Visitors shall continue to perform the duties assigned to the Board of Trustees under this act until said Board shall have been appointed and qualified.

§ 2. The Board of Trustees, when appointed and qualified, shall be a body-corporate, and as a corporation shall have power to sue and be sued, implead and be impleaded, contract and be contracted with, and possess all the immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions in Kentucky. They shall have power to receive, hold, and administer, on behalf of the institution whose government, administration, and control is committed to them, all revenues accruing from all existing or future endowments, appropriations, or bequests, by whomsoever made, subject

to the conditions attaching thereto; to receive, administer, and apply, for and on behalf of said College, all moneys, devises, stocks, bonds, buildings, museums, lands, apparatus, &c., &c., under the conditions attaching thereto. Said Trustees shall have power to determine, from time to time, the number of departments of study which the College shall comprise within the scope of the organic law of Congress donating land scrip for the endowment of agricultural and mechanical colleges, the relation which each department or group of departments shall sustain to each other and to the whole; to devise, allot, and arrange the distributions of departments or groups of departments, with the designation appropriate to each, and to devise the means required for their effective instruction, administration, and government. They shall also have power to appoint presidents, professors, assistants, and tutors, and to determine the salaries, duties, and official relations of each; to remove or suspend from office all incumbents of offices filled by them, for just cause, and to do all other duties which may be needful for the welfare of the institution: *Provided*, That no professor or president shall be removed except for just cause, and by a majority of the whole Board.

§ 3. Said Board of Trustees shall have power to adopt such by-laws as they may deem proper, not inconsistent with this act.

§ 4. Said Board of Trustees shall have power to grant degrees to the Alumni of the Institution, to prescribe the conditions upon which post graduate honors shall be obtained by the Alumni and others, and to confer such honorary degrees, upon the recommendation of the Faculty of the Institution, as they may think proper.

§ 5. A majority of the whole Board shall constitute a quorum for the transaction of business.

§ 6. In the appointment of presidents, professors, or instructors no preference shall be shown to any religious denomination.

§ 7. The Board of Trustees shall meet in Lexington once in each year, upon the Tuesday preceding commencement day. In the absence of the Governor, *ex officio* Chairman of the Board, the Chairman of the Executive Committee, hereinafter provided for, shall act as Chairman of the Board; and in the absence of both the *ex officio* Chairman and the Chairman of the Executive Committee, the Board shall have power to appoint a Chairman *pro tem.* They shall appoint one of their members as secretary, who shall keep a record of their proceedings, and a treasurer, who shall receive and disburse the funds of the Institution under the direction of the Board. Said secretary and treasurer shall receive for their services a fair compensation. The treasurer shall enter into a

bond, with sureties to the State, for the faithful and honest discharge of his duties, in a penalty equal to twice the amount of the funds annually committed to his trust. He shall keep an itemized account of receipts and expenditures. He shall pay no moneys except upon the authorization *of the Chairman* of the Executive Committee or of the Board of Trustees, and he shall submit a statement of his accounts to the Board of Trustees at its annual meeting, and to the Executive Committee one week before the annual meeting of the Board, with vouchers for all expenditures; make a settlement with the Board and receive the discharge of the same.

§ 8. The Board of Trustees shall, at each regular meeting, appoint an Executive Committee, consisting of five of their number, residing near Lexington, three of whom shall constitute a quorum. Said Executive Committee shall have power to do, in the interval between the regular meetings of the Board of Trustees, all that the Board may rightfully do when convened for business. Said Executive Committee shall determine when it shall hold its meetings, *where, and how often;* they shall keep a record of their proceedings, which record shall be submitted to the Board of Trustees, at its annual or called meetings, for its approval, amendment, or ratification. But no acts of the Executive Committee, except the ordinary business required to be transacted for the effective operation and administration of the Institution, shall have the force and effect of an enactment of the Board of Trustees beyond the time of meeting of the Board in regular or called sessions, unless ratified by the Board of Trustees at their first meeting thereafter.

§ 9. A called meeting of the Board of Trustees may be had at any time, notice in writing of not less than thirty days being given of the same. Said notice in writing shall be given by the secretary of the Executive Committee, by direction of the Chairman of the Executive Committee. At least three members of the Board of Trustees shall sign the call for said special meeting, and no business shall be transacted at such called or special meeting other than the business specified in the call or germane thereto.

§ 10. In case of the death, resignation, or refusal to serve of any of the Trustees appointed as members of the Board on behalf of the State, or of any of the Trustees appointed by the Alumni, the remaining Trustees shall, at their first meeting thereafter, have power to fill all vacancies occasioned by such death, resignation, or refusal to serve, and the person or persons so appointed shall hold their seats as Trustees during the natural or unexpired terms of the person or persons for whom they are substituted and appointed.

§ 11. All necessary expenses incurred by the Trustees in going to, returning from, or while attending the meetings of the Board, shall be met and discharged out of the funds of the Institution.

§ 12. Each Representative District in the State of Kentucky shall be entitled to send two properly prepared students to this College free of tuition; said students shall be selected and appointed on competitive examination, and the Trustees and teacher of each common school taught within said Representative District shall select and send before an examining board, appointed by the Court of Claims, one student taught in the school managed and taught by them, from whom said examining board shall make the selection of appointees to said College. Preference in such selection and appointment shall be given to energetic young men, whose means are not large, to aid whom in obtaining a good education this provision is specially intended. All such appointees shall retain their appointments in the Agricultural and Mechanical College during good behavior, until their term of education is completed.

§ 13. The Faculty of the Agricultural and Mechanical College shall have power to grant certificates to teachers, students of the College, valid in any county in Kentucky, under the conditions and limitations prescribed by the common school law.

§ 14. The Board of Trustees shall possess a common seal, which shall be attached by the president of the Board, or by the Chairman of the Executive Committee, when the Board of Trustees is not in session, to all diplomas, honorary degrees, and all public documents emanating from the College.

§ 15. One student from each county in the Commonwealth, who has been engaged in teaching, or whose immediate object is to prepare for the profession of teaching, and whose studies are directed specially with reference to that end, shall, upon the presentation of a certificate to that effect from the common school commissioner of his county, be entitled to free tuition in the Agricultural and Mechanical College of Kentucky.

J. M. BIGGER,
Speaker of the House of Representatives.

CLINTON GRIFFITH,
Speaker of the Senate, pro tem.

Approved March 4th, 1880.

LUKE P. BLACKBURN.

By the Governor:

SAMUEL B. CHURCHILL, *Secretary of State.*

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE SECRETARY OF STATE.

I, SAMUEL B. CHURCHILL, Secretary of State of the Commonwealth aforesaid, do hereby certify that the foregoing writing has been carefully compared by me with the original on file in this office, whereof it purports to be a copy, and that it is a true and exact copy of the same.

{L. S.} In testimony whereof, I hereto sign my name and affix my official seal. Done at Frankfort, this 24th day of March, A. D. 1880, and in the eighty-eighth year of the Commonwealth.

SAMUEL B. CHURCHILL,
Secretary of State.

BY THOS. A. HARRIS, *Assistant Secretary of State.*

AN ACT

TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE AGRICULTURAL AND MECHANICAL COLLEGE OF KENTUCKY, AND TO PROVIDE FOR THE FUTURE MANAGEMENT THEREOF," APPROVED MARCH 4, 1880.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the Board of Trustees of the Agricultural and Mechanical College, had on the 25th day of March, 1880, at a meeting of said Board held in the city of Lexington, be, and the same are hereby, declared regular and valid, and as fully authorized by law as if said proceedings had been had at a meeting of said Board held on the Tuesday before the commencement day of said College.

§ 2. That the corporate body created by the second section of said act, entitled "An act to incorporate the Agricultural and Mechanical College of Kentucky, and to provide for the future management thereof," approved March 4, 1880, shall have perpetual succession, sue and be sued, implead and be impleaded with, under the corporate name of the "Agricultural and Mechanical College of Kentucky."

§ 3. The Board of Trustees shall have full power to suspend or remove, at will, any of the officers, teachers, professors, or agents whom they are authorized by law to appoint; and so much of section three of said act as places limitations on the power of the said Board in this regard, or upon the manner in which said suspension or removal shall be made, is hereby repealed.

§ 4. That, in addition to the meeting required to be held on the Tuesday before each commencement day of the College, called meetings

of the Board of Trustees may be also held. The call for such meetings must be in writing, signed by three or more Trustees. The call must also be formally communicated by the secretary to each Trustee, by mail, at his post-office address, at least fifteen days before the day fixed for the meeting, and must state definitely the object of the meeting; and no business not thus explicitly announced shall be acted on at the called meeting.

§ 5. The Board of Trustees shall, at each regular annual meeting, appoint an Executive Committee, consisting of five of their number residing near Lexington, including a chairman, three of whom shall constitute a quorum; and said committee shall choose from their number a chairman *pro tempore*, to act in the absence of the permanent chairman. The Executive Committee shall be charged with the general administration of the affairs of the College, under the by-laws and regulations prescribed by the Board of Trustees, and with the execution of measures specially authorized by the Board. It shall, at each regular annual meeting of the Board of Trustees, and at each called meeting, if required, submit to the Board a complete record of its proceedings, together with a full and detailed account of the receipts and expenditures since the last preceding annual meeting, for the consideration and action of the Board of Trustees: *Provided*, That the authority of the Board of Trustees to revise the acts of the Executive Committee shall not extend to the rejection of any valid and properly authenticated account of money expended under a general or specific authority granted by the Board of Trustees, and within the sums appropriated by the Board for specific or contingent objects at a regular or called meeting. The Secretary of the Board of Trustees shall be *ex officio* Secretary of the Executive Committee, and the custodian of the records, &c., of the Board and of said Committee; and he may employ an assistant, who shall aid him in the clerical duties of said office, and receive such compensation as may be determined by the Board of Trustees.

§ 6. That the treasurer of said College shall enter into a covenant to the Commonwealth of Kentucky, with one or more good sureties, bound therein, to be approved by the Board of Trustees, conditioned for the faithful performance of his duties, and the payment of all moneys that may come to his hands, to his successor in office, or to such person or persons as may be lawfully entitled to receive the same. Any person or persons, including the Board of Trustees, injured by any breach of this bond, may maintain in the Fayette circuit court or common pleas court appropriate actions thereon. The said treasurer shall keep an itemized account of receipts and expenditures, and shall pay out no

money except on the authorization of the Board of Trustees given directly or through its Executive Committee. He shall render to the Executive Committee monthly statements of receipts and expenditures, and amount on hand, and a full and detailed statement, with vouchers, for the information and action of the Board of Trustees at its regular annual meeting, and at other periods when required; and the latter part of section seven of the said act commencing with the words, "The treasurer shall enter into a bond," &c., is hereby repealed.

§ 7. That the regular collegiate period of the Agricultural and Mechanical College shall be four years, and only those students who pass through that period, and attain the prescribed standard of proficiency in the regular course of studies, or those who, having qualified themselves elsewhere, shall be found, after at least one year's attendance in the College, to have attained the prescribed standard of proficiency in the regular course of studies, shall receive a diploma from the College. But a normal department, or course of instruction for irregular periods, designed more particularly, but not exclusively, to qualify teachers for common and other schools, shall be established in connection with the College; and those students who attain to the requisite proficiency as teachers, in the opinion of the academic board, shall be furnished by the College with a certificate to that effect; setting forth in each case the various branches in which the student is qualified; and such certificate shall be evidence of qualification to teach in the public schools of the State in the various branches named, without further examination.

§ 8. That section twelve of said act be, and is hereby, so amended as to allow each legislative Representative District to send, on competitive examination, one student each year, between the ages of twelve and twenty-five, to said College free of tuition charge, instead of two for the collegiate period, as in said act provided; and that teachers or persons preparing to teach may be admitted free of tuition charge for one year, at the rate of not more than four, at the discretion of the Board of Trustees, for each legislative Representative District; and that other students, without regard to place of residence or birth, may also be admitted to the College on the payment of the fees prescribed for them by the Board of Trustees or the academic board.

§ 9. That the Board of Trustees be, and they are hereby, empowered to establish proper regulations for the government of the College and the physical training, military or otherwise, of the students, and to authorize the suspension or dismissal of students for neglect or viola-

tion of the regulations, or for other conduct prejudicial to the character and welfare of the institution.

§ 10. That the Board of Trustees shall make to the General Assembly, within the first week of each regular session, a full report of the condition and operation of the College since the date of the preceding report, with such recommendations concerning the College as may be deemed necessary.

§ 11. The term of office of the present Trustees shall expire as follows: Wm. B. Kinkead, B. J. Peters, Wm. H. Wadsworth, and P. H. Leslie shall hold office until the 10th day of January, 1882, or until their successors are appointed and qualified; and James F. Robinson, jr., B. F. Buckner, John G. Simrall, and D. C. Buell shall hold their offices until the 10th day of January, 1884, or until their successors are appointed and qualified; and Robert S. Bullock, L. J. Bradford, A. R. Boone, and Philip P. Johnston shall hold their offices until the 10th January, 1886, or until their successors are appointed and qualified. Nothing in this seetion shall be construed to prevent any Trustee from resigning at any time he may desire to do so.

§ 12. This act shall take effect from its passage.

J. M. BIGGER,
Speaker of the House of Representatives.
JAMES E. CANTRILL,
Speaker of the Senate.

Approved April 23, 1880.
LUKE P. BLACKBURN.

By the Governor:
SAMUEL B. CHURCHILL, *Secretary of State.*

the University campus was not wide enough to hold him and me and that he hated me".

I made a brief reply, embodied in "An argument before the Board" on Judge Barton's motion.

The motion to rescind was carried.

Enclosed copy of the Powers of the Board marked "A" on the interpretation of which the legality of the Conditions of Retirement will depend, is included.

Also copy of the Conditions of Retirement marked "B".

" Copy of opinion of the Report of the "Carnegie Foundation for the Advancement of Teaching" on the Policy of the Board in the Election of my successor.