

Kentucky University, Lexington, Ky., Sept. 17, 1873

Nays- John G. Allen, Andrew Steele, G. W. Elley, C. T. Worthington, G. W. Givens, W. L. Williams, R. J. White, R. C. Ricketts, W. T. Withers, L. B. Wilkes, William E. Rogers, James G. Kinnaird, R. M. Gano 13.

Resolution  
Affirming  
power to  
remove or  
appoint  
temporarily

The requisite majority of the whole Board voting aye the substitute was declared adopted -

Curator Z. F. Smith offered the following Res. That in view of the proceedings of the last fourteen years and the powers conferred by the Charter and bylaws of the University it is the sense of this Board that the Executive Committee has the power to appoint or remove temporarily Professors in the Faculty during the interval between the meetings of the Board-

Point of  
order not  
sustained

Curator Worthington raised a point of order that the resolution was in violation of the Charter- not sustained by the Chair.

After free discussion of the Resolution the ayes and nays were called for.

Amendment  
proposed

Curator Steele moved to amend by striking out the word removal- amendment lost.

Pending the discussion a motion made to adjourn till tomorrow morning at 9 o'clock.

---

281

Session of  
Sept. 18,  
1873.

Kentucky University, Lexington, Ky.

Morrison College, September 18th, 1873

Board met prayer by Curator W. L. Williams, Minutes read amended and approved.

Resignation  
of Curator  
Yost

The Chairman of the Board read a Communication from Curator Yost tendering his resignation as Curator which on motion was accepted.

Motion to  
refer vacancy

Curator Campbell moved that the vacancy be referred to the Committee on Nominations.

Motion to  
amend

Curator Withers moved to amend that no more vacancies be filled until the number of Curators be reduced to thirty one unless it be necessary to do so to comply with the requirements of the Charter.

Point of  
order not  
sustained

Curator Jno. Aug. Williams raised a point of Order that this meeting being a called one cannot consider this question- The Chair decided it not well taken.

Kentucky University, Lexington, Ky., Sept. 18, 1873

Motion to  
lay on the  
table lost

Curator Worthington moved to lay the subject on the table-  
Motion lost.

Amendment  
lost

Question on the amendment being taken it was decided lost-  
Senator Withers moved that the nominating Committee report  
at the next Session of the Board - Lost.

Motion to  
report at next  
meeting lost

Curator Elley amended that the vacancy be filled now and  
presented the name of W. R. Estill-  
Amendment Lost.

Amendment to  
elect W.R,  
Estill, lost

Previous question was then called and carried-

/282/ Curator Campbell's resolution was then adopted.

Motion to  
refer carried

Moved by Curator W. L. Williams that Prest. Milligan be  
invited into the board carried.-

President  
Milligan  
invited

Committee on Petitions from Donors & churches through Jno.  
Aug. Williams reported progress and asked for further time  
which was granted

Time granted  
to confer on  
petition

Curator W. L. Williams presented the following protest  
against the removal of Prof. McGarvey.

Moved and carried that said protest be spread on the records-

Protest of the  
Minority a-  
gainst the re-  
moval fo Prof.  
McGarvey

Whereas by an action of the Board of Curators of Ky. Univer-  
sity, Prof. Jno. W. McGarvey was removed from the Chair of Sacred  
History in the Bible College in Ky. University upon what we believe  
illegal grounds and without sufficient cause- We therefore,  
Curators of Ky. University & having voted against the removal of  
Prof. McGarvey we respectfully petition the honorable Board of  
Ky. University to receive the following protest to the action of  
the Board of Ky. University removing Prof. J. W. McGarvey and  
that the same be placed upon the records of this Board. Our  
protest is made on the following grounds & for the following reasons  
1st. By a law of the Ky. University no charges may be brought  
against any Professor rcept for incompetency & unfaithfulness  
2. The alleged cause of the removal of Prof. McGarvey is one  
thing /283/ as given by the Extive Committee and a totally dif-  
ferent cause as given by the mover of the resolution for the re-  
moval of Prof. McGarvey.

3. That the removal of Prof. McGarvey was without sufficient  
cause and without preferment of regular and sufficient charges  
but by resolution only and therefore contrary to the charter.

The following Curators  
expressed approval and  
appended their names

W. T. Withers	John G. Allen
W. L. Williams	G. W. Givens
W. E. Rogers	Andrew Steele
L. B. Wilkes	R. M. Gano
G. W. Elley	
C. T. Worthington	
R. C. Ricketts	

Kentucky University, Lexington, Ky., Sept. 18, 1873

Statement  
from Pres.  
Milligan

President Milligan appeared before the Board on invitation and made statements of the condition of the Bible College. J. Fletcher Johnston, J. R. Morton admitted as reporters for the Gazette.

Answer to  
Pres. Milligan

Curator Jno. Aug. Williams moved that in answer to Pres. Milligan that assurance be given to Pres. Milligan and through him to the Professor & Pupils of the Bible College that ample provision will be immediately made for their full instruction and that Pres. Milligan be furnished with a copy of this resolution

Resolution  
appointing  
Alex. Proctor  
to fill Chair  
of Sacred  
History

Whereas the Extive Committee suspended adinterim Prof. J. W. McGarvey from the Chair of Sacred History in the Bible College/284/ of Ky. University and whereas said Committee have tendered said Chair to Elder Alexander Proctor of Mo. Wherefore be it resolved that Alexander Proctor be and is hereby now elected to fill said Chair.

Substitute  
moved.

Curator Worthington moved as a substitute the vacancy be filled with the name of Jno. J. Rogers.

Amendment to  
refer to the  
nominating  
Com. etc.

Curator Jno. Aug. Williams moved to amend that the whole matter be refered to the nominating Committee in conjunction with Pres. Milligan of said Bible College.

Reconsideration  
moved.

Curator Smith moved that the action of the Board in reference to Prof. McGarvey be reconsidered.

Motion to lay  
on the table  
the motion to  
reconsider  
carried.

Regent Bowman moved that the motion be laid on the table ayes and nays called for adopted by a vote of 20 to 13.

Ayes- R. M. Bishop, J. B. Bowman, Benj. Gratz, Joseph Wasson, D. S. Goodloe, Jno. Shackelford, J. S. Woolfolk, A. H. Bowman, Joseph Smith, A. G. Herndon, Z. F. Smith, J. P. T&rbitt, R. R. Sloan, Z. M. Shirley, S. M. Wing, Horace Miller, Landon Thomas, James Crutcher, G. G. White, A. M. Barnes-

Nays- John G. Allen, And. Steele, G. W. Elley, C. T. Worthington, G. W. Givens, W. L. Williams, R. C. Ricketts, Z. F. Smith, W. L. Withers, L. B. Wilkes, W. E. Rogers, James G. Kinnaird, R. M. Gano.

Motion of Z. F.  
Smith p.280  
adopted.

The motion of Z. F. Smith of last night was called up and adopted.

/285/  
Preamble & Res.  
ffered by Cu-  
rator Withers  
relating to the  
Tres. & Exec.  
Com.

Curator Withers offered the following Preamble and resolution-  
Whereas the 7th Section of the Charter of Kentucky University provides that the annual account of the Treasurer must be accompanied by the certificate of the Extive Committee signed by each member thereof and stating that it has been examined and that it is correct.

Kentucky University, Lexington, Ky. Sept. 18th, 1873

And whereas the Bylaws provide that the Extive Committee shall approve all drafts upon the Treasury and examine and adjust all accounts against the University and also that they shall audit the annual Report of the Treasurer.

And whereas both the Charter and Bylaws of the University indicate the Extive Committee as the Guardians of the Treasury and the Charter expressly exacts that when the Treasurer's term of office expires or he shall resign his office or be removed therefrom that he shall deliver up to the Extive Committee or their order all the books and papers pertaining to his office and in each and every particular account for and pay over all money or other thing of value which may come to his hands as Treasurer and shall also permit his books to be examined at any and all times by the Extive Committee.

And Whereas the duty usually devolves on the Extive Committee to examine and approve the Bond of the Treasurer and to determine as to the sufficiency and solvency of the Securities to the Treasurer's hand which the Charter requires to be renewed each year on his restriction to office.

/286/

And Whereas it is inconsistent and repayment to reason that under the circumstances, the Treasurer should be a member of the Extive, therefore be it Resolved

1st. That it is improper for any member of the Extive Committee to hold the office of Treasurer.

2. That the Bylaws and Statutes of the University be amended by adding under the title of the Extive Committee as follows: No Member of the Extive Committee shall be eligible to or even hold the office of Treasurer.

Motion made by Curator Barnes to lay on the table the above Preamble and Resolutions and carried by a vote of 20 to 13.  
Ayes & Nays being called

Ayes R. M. Bishop, J. B. Bowman, Benj. Gratz, Joseph Wasson, D. S. Goodloe, J. S. Woolfolk, A. H. Bowman, Jos. Smith, A. G. Herndon, John Shackelford, J. P. Tarbitt, R. R. Sloan, Enos Campbell, Z. M. Shirley, John Aug. Williams, S. M. Wing, Horace Miller, Landon A. Thomas, James Crutcher, Geo. G. White, A. M. Barnes,

Nays- J. G. Allen, And. Steele, G. W. Elley, C. T. Worthington, G. W. Givens, W. L. Williams, R. C. Ricketts, R. J. White, Z. F. Smith, W. T. Withers, L. B. Wilkes, Wm. E. Rogers, James G. Kinnaird, R. M. Gano.

Curator Withers offered the following Preamble and Res. marked (3)

R. M. Bishop  
President  
Board Curator .

Preamble  
and Res. by  
Curator  
Withers.

Kentucky University, Lexington, Ky., Sept. 18, 1873

Point of order  
not sustained

Curator Smith raised a point of order The matters in the resolution being the business of the Comtee to whom the petitions were refered

Motion to refer & previous question called

Not sustained

Regent Bowman moved that they be refered to the Committee on petitions of Donors & churches

Previous question called

Ayes & Nays called for on the reference and carried by a vote of 22 to 11.

Vote on the references

Ayes- R. M. Bishop, J. B. Bowman, Benj. Gratz, Jas. Wasson, D. S. Goodloe, J. S. Woolfolk, A. H. Bowman, Joseph Smith, A. G. Herndon, John Shackelford, Z. F. Smith, J. P. Tarbitt, R. R. Sloan, Enos Campbell, Z. M. Shirley, S. M. Wing, Horace Miller, Landon A. Thomas, James G. Kinnaird, James Crutcher, Geo. G. White, A. M. Barnes.

Nays:- John G. Allen, Andrew Steele, G. W. Elley, C. T. Worthington, G. W. Givens, W. L. Williams, R. C. Ricketts, W. T. Withers, L. B. Wilkes, Mrs. E. Rogers, R. M. Gano.

Board adjourns & recommends.

On motion of Curator Crutcher, Board adjourned sine die in some confusion but a Quorum was immediately convened when the minutes were read and approved and then adjourned.

---