

Minutes of the meeting of the Executive Committee of the Board of Trustees, University of Kentucky, for Wednesday, July 2, 1924.

The Executive Committee of the Board of Trustees of the University of Kentucky met in regular monthly session in the office of the president with the following members present: Chairman R. C. Stoll, Messrs. Rainey T. Wells, R. G. Gordon and Senator H. M. Froman. Other members present were President McVey and the Secretary of the Board.

On motion the minutes of the previous meeting were adopted as published.

1. The \$75,000,000 Bond Issue. After discussion of the University's attitude toward the \$75,000,000 bond issue to be submitted to the vote of the people of the State in the forthcoming election, the Committee authorized preparation and distribution by the President of a pamphlet setting forth the needs of the University, its plans for meeting those needs, and such other data as might be desirable for the information of either voters or speakers in studying or presenting the issues affecting the bond issue from the viewpoint of the University.

2. Request from the Greater Kentucky Association for Speakers for the Bond Issue. The President reported that requests had come to him from the Greater Kentucky Association for speakers from the faculty and students of the University to help to present the issues involved in the proposed bond issue; that the students have an organization of speakers that has been functioning effectively for the last six or eight months thru the media of addresses to luncheon clubs and other bodies thruout the State that desired their services; that services of these students were available for the bond issue campaign and that in addition, he believed, certain members of the faculty would serve in a similar capacity, but that funds would have to be provided to meet traveling and incidental expenses.

On motion of Mr. Wells, duly seconded and adopted, the President was authorized to recommend a plan of procedure to the next meeting of the Committee affecting the operation and financing of the proposed speaker bureau.

3. Recommendation from the Attorney General Regarding Printing. As response to a recent request by the President for an opinion from the Attorney General affecting certain phases of the State Printing Act, President McVey presented to the Committee the following self-explanatory communication:

Frankfort, Kentucky
June 24, 1924

Dr. Frank L. McVey
President, University of Kentucky
Lexington, Kentucky

My dear Doctor:

You propound the following question, and ask an opinion.

"Is the University of Kentucky, under the Act providing for state printing, compelled to have printing done by the State Printer, which is paid for from Federal Funds?"

In answer to said question will say that, when Federal funds are made available for State purposes and paid in to the State Auditor, they become State funds and the expenditure of the same is controlled the same as expenditures of other state moneys.

Consequently, all printing done in connection therewith must be under the supervision of the Public Printer and the laws governing same.

Very truly yours

Frank E. Daugherty
Attorney General

Mr. Stoll raised the question that the Attorney General's response was not clear on the point as to the right of the Experiment Station to use Federal funds to pay for printing when such Federal funds had not been "made available for State purposes" and had not been "paid in to the State Auditor."

On motion duly seconded and adopted the President was authorized to ask the Attorney General for an amplified opinion concerning the point raised.

President McVey reported that a former call had been made for a conference of the Board of Trustees with the Printing Commission to discuss the matter of control of University printing but confusion as to the date of such meetings had so far resulted in no meeting being held.

On motion, duly seconded and adopted, President McVey, Dean

Thomas P. Cooper and Rainey T. Wells were authorized to attend any conference arranged for the purpose named.

4. Insurance on Buildings at Quicksand, Kentucky. President McVey reported he had received the account of an insurance company at Jackson, Kentucky, of \$290.85, premium charged for insurance on certain buildings at Quicksand, the same being insured for a period of three years.

On motion the account was approved and payment authorized.

5. Report of W. C. Wilson. At this point Mr. W. C. Wilson, Alumni Secretary, entered the room. He made the following report:

TREASURER'S STATEMENT OF ALUMNI ASSOCIATION
1923-1924

Receipts

Balance from 1922-23	\$	344.96
Dues for 1923-24		1,797.94
		\$ 2,142.90

Disbursements

Mrs. Turner's Salary	\$	366.62
Exp. Mrs. Turner trip to K. E. A.		25.00
Office Supplies		29.44
Printing		363.91
Postage on Kernels		125.00
Kernels		679.50
Cold Checks		43.00
Telephone and Telegraph		6.55
Writing for Kernel		47.00
Engraving		6.50
Dues to Association, Alumni Sec.		10.00
"Kentuckian"		5.00
		1,707.52

Balance May 31, 1924		435.38
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WORK DONE IN ALUMNI OFFICE

1923-24

Summary

Letters Individual		2,471
Letters, Bulletins & Cards, Mimeographed		20,474
Printed Pamphlets & Letters		18,123
Cards, Printed		27,208
Cards Individual		268
Kernels		35,908
Total pieces of mail sent out		104,452

PLEDGES FOR FUNDS
PATTERSON MEMORIAL STATUE FUND

In 1918 Mr. Charles R. Brock and others launched a campaign for funds to erect a PATTERSON MEMORIAL STATUE with the following results:

Number of pledges made	222
Amount pledged	\$1,161.00
Amount collected to date	233.00

No expenditures have been made from this fund.

This campaign was never very active. Within the past two months, C. N. Manning has been selected Treasurer and collections of the above amount have been made by the Alumni Office.

Five per cent of the net collections from the Greater Kentucky Fund will go to this fund.

KENTUCKY MEMORIAL BUILDING FUND

This Campaign was prosecuted by citizens interested in the erection of a building on the campus of the University to the memory of the men and women who made the supreme sacrifice during the World War. The status of this is as follows:

Number of pledges	3,877	
Amount pledged		\$178,578.87

INVESTMENTS

Securities held by Mr. Downing, Treasurer.

American Rolling Mills Co. 15 year 6% gold notes, due Jan. 1, 1938	3,000.00
Armour & Company of Delaware first mortgage 20 year 5% guaranteed gold bonds, due Jan 1, 1943	3,000.00
United Railways of Havana 15 year, 7½% Equipment, Trust Notes, due Feb. 15, 1936	3,000.00
United States Liberty Loan 4½ bonds,	49,500.00
Southern Pacific Equipment Trust 5% Certificates Series "F"	4,000.00
American T. & T. Co., 5½ Debentures, due 1943	3,000.00
	<u>\$ 65,500.00</u>
Interest and profit on securities	10,398.86
	<u>75,898.86</u>

DISBURSEMENTS

Salaries	\$9,492.80
Traveling expenses	2,767.34
Printing	2,776.40

Jefferson Co., Campaign	194.06	
Telephone and Telegraph	61.13	
Cold Checks	127.50	
Miscellaneous	527.17	
Office Help	3,026.47	
Legal Fee, Bond Issue, Judge O'Rear	300.00	
State Headquarters, Louisville Office	452.87	
State Headquarters, Louisville General	941.77	
Loan to University of Kentucky	10,000.00	30,667.51
Approximate amount collected		<u>\$106,566.37</u>

GREATER KENTUCKY FUND

A campaign was launched by the Alumni Association in 1923 for Two Hundred Thousand (\$200,000.00) Dollars, to be distributed as follows:

Stadium	\$140,000.00
Basketball Auditorium	40,000.00
Patterson Memorial	10,000.00
Student Loan	10,000.00
	<u>200,000.00</u>

The status of this campaign is as follows:

Number of Pledges	5,863	
Amount pledged		\$221,549.00
Amount collected and deposited to credit of George B. Carey, Treas.		68,964.62
Deposited with D. H. Peak since June 1, 1924		<u>1,698.25</u>
Total to date		<u>70,662.87</u>

Disbursements by Geo. B. Carey \$.....\$_____

Collections should have amounted to about \$15,000.00 more than shown above.

6. Budget for Alumni Association. A motion was adopted requesting the President to work out a budget for Alumni Association expenses for the forthcoming session and present it in form of a recommendation to a subsequent meeting of the Board.

7. Professor H. H. Garman. Professor H. H. Garman came before the Committee. He said he had been carrying on in his department the work of inspecting seeds and nurseries of the State in accordance with requirements of statutory law. Recently, he said, Dean Thomas P. Cooper, Director of the Experiment Station, had instructed him to cut down this work and to dismiss two persons in his department who had been assisting in this work. Professor Garman said he objected to this step because the law required the

work done and that farmer and nurserymen of the State both desired it. He insisted that it continue. Professor Garman said that he had brought the matter to the attention of the Board in the hope that some means might be employed whereby he might continue the work of the two employees that Dean Cooper instructed him to drop.

Copies of correspondence setting forth the reasons for the action taken by Dean Cooper in the matter were submitted to the Executive Committee.

Mr. Wells moved that the action of the Director of the Experiment Station be approved and that the issue be not re-opened. Seconded by Senator Froman, the motion was then adopted.

8. Employment of Counsel for the University. Mr. Stoll stated that he had communicated with the Attorney General's office in Frankfort, speaking to Mr. Hogan, First Assistant Attorney General, over the telephone, relative to the employment of Counsel by the University and that he was advised that the Attorney General's office was so crowded with work that it could not attend to the various legal matters for the University and that the University should employ its own counsel.

9. Unfinished Work on the Basketball Building. Mr. J. Pelham Johnston, Attorney, employed by the University, made a report affecting unfinished work on the basketball building setting out a list of mechanic's liens filed against it by subcontractors working under the original contractor. Mr. Johnston's report was as follows:

July 2, 1924

Executive Committee of the Board of Trustees of
the University of Kentucky,
Lexington, Kentucky.

Gentlemen:

I have examined the records in the Fayette County Clerk's office and the papers submitted to me by Mr. Whipple with the view of reporting to you the status of the University of Kentucky under its contract with the Blanchard-Crocker Company for the erection of the basketball building, and now submit the following:

The University is under no obligation to pay any subcontractor or material-man for labor or materials furnished for the erection of said building unless the subcontractor or material-man complies with the mechanic's lien law by notifying the University in writing thirty-five days after the last

item of labor or material is furnished, "of his intention to hold said property liable, and the amount for which he will claim a lien," and within six months after he ceases to labor or furnish materials files in the county clerk's office a statement of his lien in the form required by the statute.

The Court of Appeals has held that the mechanic's lien statute authorizes the filing and assertion of such liens, without regard to whether the building is a public or private work, yet courts of equity will not exercise the power of selling property devoted to public use and indispensable to the administration of governmental affairs; but when declining on the grounds of public policy alone to enforce a lien by sale of the property a lien will attach to the fund in the hands of the state, county or municipality for the construction of the building. (Roe v. Scanlan, 98 Ky. 24; 32 S. W. 216; Noonan v. Hastings, 101 Ky. 312, 41 S. W. 32; Allen County v. U. S. Fidelity & Guaranty Co., 122 Ky. 825, 93 S. W. 44.) The balance owing to the Blanchard-Crocker Company should therefore be treated as a fund which is subject to the liens of subcontractors and material-men who have taken the steps necessary under the statute to acquire a lien.

The following subcontractors and material-men have given the University valid notice within the time required of their intention to hold the property liable and have either already filed statements of their lien or yet have the right to file the same. (In each instance where a lien has been filed one dollar has been added to the amount of the claim to cover the cost of filing the lien.)

Henry Brown - plastering - completed April 30 - notice May 28 - lien filed May 29 (includes \$913.12 to George Land and Brother)	\$ 1,405.00
George Land & Brother - sand, etc. - completed April 30 - notice May 28 @ lien filed May 29 -	867.10
Combs Lumber Co. - Materials - completed May 17 - notice June 12 -	2,268.82
J. D. Harper - roofing - completed May 5 - notice June 7 -	990.00
Charles T. Anderson - painting - not yet completed- notice June 13 -	482.00
	6,012.92

There is some doubt as to the validity of liens asserted by the following contractors:

Clay-Ingles & Co. - steel sash - completed March 10- notice March 25 - lien filed May 31 -	1,602.40
The notice does not unequivocally show an intention to hold the property liable. This subcontractor has also had an order of attachment served on the University.	
Richard Shea - brick work - no notice given, but under the facts it is possible for a court to decide that he has contracted directly with the owner, or, by reason of the facts, does not have to give notice -	1,900.00
	<u>3,502.40</u>

The following subcontractors and material-men have given notices or filed liens which are defective for the reasons stated, and therefore have no lien:

Cleveland Metal Roofing & Ceiling Co. - completed February 25 - notice May 1 - lien filed June 9. Notice given too late -	1,500.00
John G. Pool Co. - completed March ___ - notice May 29 - Notice given too late and does not unequivocally show an intention to hold property liable,	1,200.00
Smith Watkins Co. - completed May 13 - notice June 30- notice given too late -	32.81
N. P. McCallum - payroll advanced - assignment by The Blanchard-Crocker Co. which does not amount to notice	185.00
N. P. McCallum - salary - assignment by the Blanchard-Crocker Co. which does not amount to notice	1,254.36
	<u>4,172.17</u>

The following subcontractors and material men have taken no steps to obtain liens and can not now assert the same:

Allen Electric Company	661.90
VanDeren Hardware Company	89.96
Dayton Structural Steel Company	5,000.00
Jim Ross - cement floor	124.00
Crane & Company	98.44
Lexington Lumber & Building Supply Co.,	190.00
	<u>6,164.30</u>

We are advised by Mr. Whipple that at the time The Blanchard-Crocker Company abandoned the work there was \$11,900 owing to said company; and that since that time there have been made payments for finishing certain parts of the work and to mechanics (having mechanics' liens) on orders of the Blanchard-Crocker Company of various sums which in my opinion should be charged against the balance of \$11,900 to ascertain the balance upon which the liens above referred to shall attach. Said sums are as follows:

R. M. Fisher	200.00
Carl Mayerhoefer	105.00
Charles T. Anderson	93.00
Charles T. Anderson	225.00
J. Donnigan, on order of the Blanchard-Crocker Co.	4.90
J. Lilly " " " " " " " "	14.00
N. Swain " " " " " " " "	21.00
Weslager " " " " " " " "	48.00
Ed. Hughes " " " " " " " "	17.25
J. Peel " " " " " " " "	19.25
C. Watts " " " " " " " "	48.00
G. Shelton " " " " " " " "	48.00
A. Howell " " " " " " " "	28.80
	<hr/>
	872.20
Balance subject to liens	11,027.80
Balance on hand when work was abandoned	<hr/> 11,900.00

We are advised by Mr. Whipple that other payments of the same nature have probably been made through Mr. Curtis or Mr. Carey, and these payments will also have to be deducted from the above named balance.

This will leave in the hands of the University a balance of \$1,512.48 which is clearly not subject to any liens of any contractors or material-men, but the University will be without authority to pay out same except on the order of the Blanchard-Crocker Company or on the order of a court where said indebtedness is subjected by attachment. In either event such an act will constitute an act of bankruptcy by The Blanchard-Crocker Company and would give a preference to such creditors as received payment, and in all probability would cause other creditors to take steps to place the Blanchard-Crocker Company in bankruptcy.

Yours very truly,

J. P. Johnston

The report was received and ordered filed.

On motion, duly seconded, Mr. Johnston was authorized to represent the University in any legal controversy that might ensue affecting these claims.

10. Resignations. The following resignations were ordered accepted:

Mrs. Elizabeth Roberts, home demonstration agent, Boyd County, effective June 1, 1924.

Mrs. Octavia Evans, home demonstration agent, Daviess County, effective June 30, 1924.

11. Leave of Absence for Professor C. C. Anderson. Leave of absence for Professor C. C. Anderson for one year, without pay, was granted.

12. Appointments. The following appointments were approved: Appointment of William H. Hansen as instructor in Physical Education, at a salary of \$1,500 a year.

Appointment of Ray Eklund to coach freshman athletics, at a salary of \$2,400 a year, to be paid by the Athletic Council.

Appointment of Mrs. William Thornton Lafferty, assistant in Extension Division in charge of women's club work, at a salary of \$100 a month, effective September 1, 1924.

Appointment of Miss Mariel Hopkins, Head of the Department of Home Economics, resident teaching division, at a salary of \$3,000 a year, effective September 1, 1924.

Appointment of Miss Rama V. Bennett, instructor in Home Economics, to teach nutrition and dietetics, at a salary of \$2,100 effective September 1, 1924.

Transfer of Miss Nellie Gard, from position of field agent in Home Economics, Extension Division, to that of assistant professor in Home Economics, resident teaching division, at a salary of \$2,300 a year, effective June 16, 1924.

Appointment of William G. Finn, instructor in Agricultural Economics, department of Farm Economics, at a salary of \$2,200 a year, effective August 1, 1924.

Appointment of Ben R. Shaver, student assistant in Economics, at a salary of \$30 a month, for ten months.

Appointment of Eugene L. Jackson, microscopist in Feed Department of Experiment Station, at a salary of \$2,000 a year, effective July 1, 1924.

Appointment of C. S. Waltman, assistant horticulturist and instructor in horticulture at a salary of \$200 a month, effective September 1, 1924, continuing to June 30, 1924.

Appointment of Marion C. Brown, graduate assistant in Mathematics, at a salary of \$600, for the session 1924-25.

Appointment of J. E. Gager, assistant in Botany, at a salary of \$20 a month.

Appointment of D. E. South, instructor in Mathematics, at a salary of \$1,500 a year.

Appointment of B. B. McInteer, instructor in Botany at a salary of \$1,800 a year.

Appointment of John R. Holtzclaw, instructor in Chemistry at a salary of \$1,500 a year.

Appointment of J. F. Graham, field agent in club work, June 9 - August 31, 1924, salary \$125 a month.

Appointment of Mary Catherine Gormley, field agent in club work, June 9 - August 31, 1924, salary \$100 a month.

Appointment of Mary Elizabeth Galloway, field agent in club work, June 9 - August 31, 1924, salary \$100 a month.

Appointment of Ruth Prewitt, field agent in club work, June 9 - August 31, 1924, salary \$100 a month.

Appointment of V. C. Ashby, field agent in club work, June 9 - August 31, 1924, \$125 a month.

Appointment of Mrs. Orie W. Newman, home demonstration agent, Woodford County, May 12 to June 30, 1924, salary \$166 $\frac{2}{3}$ a month.

Appointment of O. L. Mullikin, county agent, Bourbon County, May 20 - September 19, 1924, salary \$150 a month.

Appointment of J. L. Shaw, field agent in club work, June 9 - August 31, 1924, salary \$125 a month.

Appointment of Elmer G. Leachman, assistant field agent, Junior Club Work, June 9 - August 31, 1924, salary \$100 a month.

Continuation of employment of T. H. Jones, county agent, Beattville, July 1, 1924 to June 30, 1925, salary \$183 $\frac{1}{3}$ a month.

Continuation of employment of J. C. Nageotte, county agent, Breckinridge County, July 1, 1924 to June 30, 1925, salary \$200 a month.

12.

13. Finishing off of Rooms in Basement of Science Building.
The Board authorized the finishing off of rooms in the basement of the Science Building.

14. Bids for Construction of New Chemistry Building.
President McVey was authorized to call for bids for construction of the new chemistry building when plans are completed.

15. Offer of Doctor Mulligan to Sell Lot. The offer of Dr. Louis Mulligan to sell a certain lot on Limestone Street to the University for \$1,100 was laid on the table.

Committee adjourned.

Enoch Grehan

Secretary