

Minutes of the meeting of the Executive Committee of the Board of Trustees, University of Kentucky, for its regular monthly meeting, Thursday, November 9, 1922.

The Executive Committee of the Board of Trustees, University of Kentucky, met in regular monthly session on Thursday, November 9, 1922, in the office of the President, at the University at 11:30 o'clock. The following persons were present: Judge R. C. Stoll, Robert G. Gordon, George Colvin, Frank L. McVey, President of the University, and Wellington Patrick, Secretary of the Committee.

The minutes of the meeting of the Executive Committee for October 12, 1922, were approved as published.

(1) Report of the Business Agent. The Business Agent's report was read and ordered incorporated in the minutes. The report was as follows:

November 8, 1922

Dr. Frank L. McVey  
University of Kentucky

Dear Doctor McVey:

At the June, 1922, meeting of the Executive Committee, an order was made authorizing the Chairman of the Executive Committee and the Business Agent to borrow, from time to time, such sums as may be necessary to meet the current expenditures of the University.

The indebtedness now existing under that order is \$70,000, represented by two notes, one of \$50,000, renewal of loan carried before July 1, 1922, and one of \$20,000, executed October 31, 1922. (These do not include the \$34,000 note secured by Liberty bonds). It now appears that we shall need \$50,000 to \$100,000 to meet current expenses from November 30 to December 31, the amount and time of the loans being dependent upon the promptness of payment of amounts due the University and the date of payment of December salary checks. All of this indebtedness may be paid in January after collection of amount due from State tax. (See statement of estimated income and expenditures).

It also appears that part of the amount needed may have to be secured from banks other than the Phoenix National Bank and Trust Company. In view of the above statements, and that order made during last fiscal year may be construed to apply only to that year, I suggest that an order be made approving the loan of \$50,000, dated August 29, 1922, and \$20,000, dated October 30, 1922, and that a further order be made something like the following:

On motion, duly seconded, the Chairman of the Executive Committee and the Business Agent of the University of Kentucky, are authorized to borrow from such sources as available, and to execute the note or notes of the University of Kentucky therefor, at one time, or from time to time, such amount or amounts as may be necessary to meet the current expenses of the University of Kentucky, the total amount of the indebtedness and expenditures of the University of Kentucky, at any time not to exceed the estimated income for the fiscal year plus the amount of legal indebtedness allowed by statute, to wit, \$87,350.98.

Very truly,

(Signed) D. H. Peek,  
Business Agent.

Financial Statement from July 1, 1922 to February 1, 1923. (Estimated from October 16, 1922, to February 1, 1923.)

Receipts		
July 1 to Oct. 16	330,982.26	
Oct. 16 to Oct. 31 (estimated)	<u>37,500.00</u>	368,482.26
Expenditures		
July 1 to Oct. 16	292,426.94	
Oct. 16, to Oct. 31 (estimated)	<u>70,000.00</u>	362,426.94
Excess of Receipts over Expenditures		
to Oct. 31, 1922		6,055.32
Overdraft July 1, 1922		<u>34,004.70</u>
Overdraft Oct. 31, 1922. (estimated)		<u>27,949.38</u>
Receipts for Nov. 1922. (estimated)		
State Tax	15,000.00	
Patt. Hall & Misc.	1,000.00	
Experiment Station	12,000.00	
Extension Division	<u>11,000.00</u>	
	39,000.00	
Expenditures for Nov. (estimated)		
	<u>100,000.00</u>	
Excess of Expenditures over Receipts for Nov.		
Overdraft Nov. 30, 1922. (estimated)		<u>61,000.00</u>
		<u>88,949.38</u>

Receipts for Dec. (estimated)  
 State Tax 49,000.00  
 Interest on En-  
 dowment Bonds 4,322.25  
 Patt. Hall &  
 Misc. 15,000.00  
 Exper. Station 12,000.00  
 Extension Div. 11,000.00

	91,322.25	
Expenditures for Dec. (estimated)	<u>110,000.00</u>	
Excess of Expenditures over Receipts for Dec.		<u>18,677.75</u>
Overdraft Dec. 31, 1922 (estimated)		<u>107,627.13</u>

Receipts for January (estimated)  
 State Tax 215,000.00.  
 Vocational Edu-  
 cation 14,000.00.  
 Patt. Hall & Misc. 3,500.00  
 Experiment Sta-  
 tion 15,000.00  
 Extension Div. 109,671.11

	357,171.11	
Expenditures for Jan. (estimated)	<u>120,000.00</u>	
Excess of Receipts over Expenditures for Jan.		<u>237,171.11</u>
Balance Jan. 31, 1923 (estimated)		<u>129,543.98.</u>

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Business Unit.

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Chairmen Executive Committee

## Statement of Income and Expenditures, Month of October, 1922.

	<u>Previously Reported</u>	<u>Current Month</u>	<u>Fiscal Year To Date</u>
<b>General Fund Income</b>			
Federal Appropriation	42,750.00		42,750.00
Vocational Education Board	1,036.49		1,036.49
General Education Board	900.00	900.00	1,800.00
Special Agricultural Appro.	3,258.91	7,116.70	10,375.61
State Tax	7,300.60	7,158.64	14,459.24
Interest on Liberty Bonds		850.00	850.00
Interest on Endowment Bonds	4,322.25		4,322.25
Student Fees	21,000.53	490.45	21,490.98
Student Fees - Summer School	7,040.00	(12.00)	7,028.00
Student Fees - University Ex- tension	924.76	443.00	1,367.76
Student Fees - Practice School	1,680.00	270.00	1,950.00
Miscellaneous Receipts	445.51	264.94	710.45
Rentals	559.90	67.00	626.90
Total	<u>91,218.95</u>	<u>17,548.73</u>	<u>108,767.68</u>
<b>Expenditures</b>			
Instruction	71,309.14	37,427.82	108,736.96
Administration Expense	22,457.27	8,161.32	30,618.59
Additions and Betterments	6,961.10	102.41	7,063.51
Total	<u>100,727.51</u>	<u>45,691.55</u>	<u>146,419.06</u>
<b>Excess of Expenditures over Income</b>	<u>(9,508.56)</u>	<u>(28,142.82)</u>	<u>(37,651.38)</u>
<b>Patterson Hall Income</b>			
Board	10,036.00	1,081.97	11,117.97
Room Rent - Summer School	1,791.00		1,791.00
Total	<u>11,827.00</u>	<u>1,081.97</u>	<u>12,908.97</u>
<b>Expenditures</b>			
Expense	4,043.55	3,124.14	7,167.69
Additions and Betterments	339.00	67.50	406.50
Total	<u>4,382.55</u>	<u>3,191.64</u>	<u>7,574.19</u>
<b>Excess of Income over Ex- penditures</b>	<u>7,444.45</u>	<u>(2,109.67)</u>	<u>5,334.78</u>
<b>General Fund Income</b>	103,045.95	18,630.70	121,676.65
<b>General Fund Expenditures</b>	<u>105,110.06</u>	<u>48,883.19</u>	<u>153,993.25</u>
<b>Excess of General Fund Ex- penditures over Income</b>	(2,064.11)	(30,252.49)	(32,316.60)
<b>Excess of Receipts over Ex- penditures</b>			
General Ledger Accounts	13,125.12	19,520.44	32,645.56

	<u>Previously Reported</u>	<u>Current Month</u>	<u>Fiscal Year To Date</u>
Excess of Receipts over Expenditures for the fiscal year to date - General Fund	<u>11,061.01</u>	<u>(10,732.05)</u>	<u>328.96</u>
Excess of Receipts over Expenditures for the fiscal year to date - General Fund			328.96
Cash in Bank July 1, 1922 - General Fund			<u>(75,423.41)</u>
Cash in Bank October 31, 1922 - General Fund			<u>(75,094.45)</u>
<b>Trust Fund Income</b>			
Bennett Prize	40.00		40.00
Crum Prize	60.06		60.06
Student Loan Fund	456.78	456.10	912.88
Special Scholarships	<u>950.00</u>	<u>300.00</u>	<u>1,250.00</u>
Total Income	<u>1,506.84</u>	<u>756.10</u>	<u>2,262.94</u>
Student Notes Paid	<u>650.00</u>	<u>570.88</u>	<u>1,220.88</u>
Total Receipts	<u>2,156.84</u>	<u>1,326.98</u>	<u>3,433.82</u>
<b>Expenditures</b>			
Expense	302.31	330.03	632.34
Student Notes	<u>1,045.00</u>	<u>580.00</u>	<u>1,625.00</u>
Total	<u>1,347.31</u>	<u>910.03</u>	<u>2,257.34</u>
Excess of Receipts over Expenditures	<u>809.53</u>	<u>416.95</u>	<u>1,226.48</u>
Excess of Receipts over Expenditures for the fiscal year to date - Trust Fund			1,226.48
Cash in Bank July 1, 1922 - Trust Fund			<u>1,324.78</u>
Cash in Bank October 31, 1922 - Trust Fund			<u>2,551.26</u>
<b>Experiment Station Income</b>			
Hatch - Federal Appropriation	3,750.00	3,750.00	7,500.00
Milk and Butter - Cash			
Receipts	3,090.50	1,771.92	4,862.42
Beef Cattle Sales	595.00	85.28	680.28
Dairy Cattle Sales	145.00	190.00	335.00
Sheep Sales	107.10		107.10
Swine Sales	19.48	83.88	103.36
Poultry Sales	601.72	251.59	853.31
Farm Produce Sales	508.37		508.37
Horticultural Sales	545.03	213.85	758.88
Seed Test	10.00	16.00	26.00
Rentals	453.00	214.67	667.67
Miscellaneous	127.50	15.00	142.50
Fertilizer - Fees	9,911.25	1,010.00	10,921.25

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	Previously Reported	Current Month	Fiscal Year To Date
Public Service - State Appro.		4,500.00	4,500.00
Feeding Stuffs - Fees	11,673.00	4,168.50	15,841.50
Adams - Federal Appropriation	3,750.00	3,750.00	7,500.00
Serum - Sales	2,204.95	826.30	3,031.25
Serum - Virus Sales	82.80	35.15	117.95
Serum - Live Stock	7.50	48.50	56.00
Serum - Supply Sales	24.35	24.70	49.05
Serum - Miscellaneous		6.30	6.30
State Appropriation	2,801.23	13,981.14	16,782.37
Creamery - License Fees	2,032.50	19.50	2,052.00
Creamery - Testers' Licenses	574.50	50.00	624.50
Creamery - Glassware Tested	85.29	30.09	115.38
<b>Total</b>	<b><u>43,100.07</u></b>	<b><u>35,042.37</u></b>	<b><u>78,142.44</u></b>
<b>Expenditures</b>			
Expense	51,210.25	19,120.44	70,330.69
Additions and Betterments	904.76	98.51	1,003.27
<b>Total</b>	<b><u>52,115.01</u></b>	<b><u>19,218.95</u></b>	<b><u>71,333.96</u></b>
Excess of Income over Expenditures	<u>(9,014.94)</u>	<u>15,823.42</u>	<u>6,808.48</u>
Excess of Income over Expenditures for the fiscal year to date - Experiment Station			6,808.48
Cash in Bank July 1, 1922 - Experiment Station			<u>39,478.62</u>
Cash in Bank October 31, 1922 - Experiment Station			<u>46,287.10</u>
<b>Extension Division Income</b>			
Federal Smith-Lever	76,120.65		76,120.65
Federal Supplementary	22,550.46		22,550.46
State Smith-Lever	11,391.91	22,349.27	33,741.18
County and Other	<u>1,153.80</u>	<u>395.85</u>	<u>1,549.65</u>
<b>Total</b>	<b><u>111,216.82</u></b>	<b><u>22,745.12</u></b>	<b><u>133,961.94</u></b>
<b>Expenditures</b>			
Expense	71,982.59	25,945.37	97,927.96
Excess of Income over Expenditures	<u>39,234.23</u>	<u>(3,200.25)</u>	<u>36,033.98</u>
Excess of Income over Expenditures for the fiscal year to date - Extension Division			36,033.98
Cash in Bank July 1, 1922 - Extension Division			<u>615.31</u>
Cash in Bank October 31, 1922, Extension Division.			<u>36,649.29</u>
<b>Summary</b>			
General Fund Income	103,045.95	18,630.70	121,676.65
Trust Fund Income	1,506.84	756.10	2,262.94
Experiment Station Income	43,100.07	35,042.37	78,142.44
Extension Division Income	<u>111,216.82</u>	<u>22,745.12</u>	<u>133,961.94</u>
<b>Total</b>	<b><u>258,869.68</u></b>	<b><u>77,174.29</u></b>	<b><u>336,043.97</u></b>

	Previously Reported	Current Month	Fiscal Year To Date
General Fund Expenditures	105,110.06	48,883.19	153,993.25
Trust Fund Expenditures	302.31	330.03	632.34
Experiment Station Expenditures	52,115.01	19,218.95	71,333.96
Extension Division Expenditures	<u>71,982.59</u>	<u>25,945.37</u>	<u>97,927.96</u>
Total	<u>229,509.97</u>	<u>94,377.54</u>	<u>323,887.51</u>
Excess of Income over Expenditures	29,359.71	(17,203.25)	12,156.46
Excess of Receipts over Expenditures for General Ledger Accounts	13,775.12	20,091.32	33,866.44
Student Notes	<u>(1,045.00)</u>	<u>(580.00)</u>	<u>(1,625.00)</u>
Excess of Receipts over Expenditures Combined Fund	<u>42,089.83</u>	<u>2,308.07</u>	<u>44,397.90</u>
Excess of Receipts over Expenditures for the fiscal year to date - Combined Fund			44,397.90
Cash in Bank and on hand July 1, 1922 - Combined Fund			<u>(32,504.70)</u>
Cash in Bank and on hand October 31, 1922 - Combined Fund			<u>11,893.20</u>

(2) Borrowing of Funds. On motion duly seconded and unani-  
mously adopted, the Chairman of the Executive Committee and the  
Business Agent of the University of Kentucky were authorized to  
borrow from such sources as are available and to execute the note  
or notes of the University of Kentucky therefor, at one time or  
from time to time, in such amount or amounts as may be necessary  
to meet the current expenses of the University of Kentucky, the  
total amount of the indebtedness and expenditures of the University  
of Kentucky at any time not to exceed the estimated income for the  
fiscal year plus the amount of legal indebtedness allowed by stat-  
ute, to wit \$87,350.98.

(3) Purchase of Lot from P. B. Collins on Graham Avenue. The  
following communication from the Business Agent was read and or-  
dered incorporated in the minutes:

Lexington, Kentucky  
November 8, 1922

Dr. Frank L. McVey

University of Kentucky

Dear Doctor McVey:

P. B. Collins wishes to sell a house and lot  
on Graham Avenue, adjoining campus at back of lot,  
one house and lot between it and Experiment Sta-  
tion lots on right, three houses and lots between  
it and Mulligan tract; frame house of four rooms,  
hall and bath, price \$3,350.

Dean Cooper says he is not interested.

Very truly

(Signed) D. H. Peak  
Business Agent

On motion, duly seconded, the matter was referred to Presi-  
dent McVey with power to act.

(4) Campaign for Funds. The following communication from  
Tamblin and Brown with regard to the campaign for funds was read  
and incorporated in the minutes:



New York City  
October 16, 1922

President Frank L. McVey  
University of Kentucky  
Lexington, Kentucky

My dear President McVey:

I have read with interest your letter of the 12th and your report of the Committee. I think it covers the subject in very good shape.

On account of the very large number of campaigns that we have and upon which we must place our men almost at once, it will be understood that much as we would desire to do so we cannot hold ourselves responsible for conducting the campaign unless you can have a meeting of your committee in time to have the contract signed and the initial check received by November 20. If the committee adopts the recommendations the contract may be signed and the initial check sent and we will sign one copy and return it to you at once. Of course, if the contract is signed and the initial check received before this date we may begin ten days afterward.

This is necessary because during the week of November 20 we must make all of our assignments as to campaign directors, as to the winter and spring terms, and we are very anxious to give you for the general direction of the campaign our Mr. Ehler who has raised money more in Kentucky than any other man and who has had a very wide campaign experience.

I hope that this will not work any hardship upon your committee as I understand from your letter that the meeting will be held early in November.

Very truly yours

(Signed) George O. Tamblyn

The matter was discussed and the members of the Executive Committee were unable to come to a decision as to what ought to be done. It was indicated that some of the members of the Board who are not members of the Executive Committee are very much interested in the proposal and for this reason it was thought proper by the Executive Committee to have the matter considered by the entire Board. The Secretary of the Board was therefore directed to send notices to the members of the Board of Trustees

calling a meeting of the Board for Friday, November 24, 1922, for the purpose of discussing the proposal for a \$1,000,000 campaign and also to discuss other matters.

(5) Membership of Athletic Council. A motion was made and seconded to increase the membership of the Athletic Council by the addition of one citizen to the Committee. After discussion, the matter was approved, subject to confirmation by the University Senate.

(6) Changes in the Lighting System on the Campus. The following communications with reference to the changes in the lighting system were read and ordered incorporated in the minutes:

Lexington, Kentucky  
November 8, 1922

President F. L. McVey  
University of Kentucky  
Lexington, Kentucky

My dear President:

The past two weeks I have had a number of conferences with representatives of the Lexington Utilities Company with regard to the University lighting. We expected to have plans and the Utilities Company's proposition complete to present to the Executive Committee in November. This, however, has been delayed. A general outline of our present method of light distribution is that the Utilities Company has constructed all lighting service lines on the campus. These lines are now in bad condition and are of too small capacity to give service. Our voltage at the meters in the various buildings in no case exceeds 104. This means current paid for that we receive no light value for. Each meter and transformer has a "constant" that represents a loss. The average cost per kilowatt hour last year was 6.48 cents.

The system as contemplated calls for one primary meter where the Utilities Company line comes on to the campus on Winslow Street. This meters all current, both power and lighting, to Patterson Hall and all buildings on the campus except the Agricultural Building.

From the primary meter an overhead line would go to Patterson Hall and an overhead line to a point directly in the rear of the Gymnasium. From this point underground high tension lines run to a transformer well in the rear of Main Building. From the transformer well secondary lines run to the immediate buildings. The high tension line...

both power and light, continues from this transformer underground to Mechanical Hall. A bank of transformers with secondaries furnishes current for the group on that part of the campus including the Men's Dormitory.

With the new system our cost would be between three and four cents per kilowatt hour. On last year's bill the University would have saved \$2,990. Detailed plans and cost sheets are now being prepared. The present indications are that the completed cost will approximate \$8,900. This means that three years of use pays for a permanent installation properly planned and laid out with capacity allowed for future buildings and in shape for connection to a central lighting plant should the University erect one.

The same system erected on poles would cost \$4,000 and a considerable annual expenditure for upkeep would be necessary. It is the only way by which we can secure reduction of our lighting bills. Any drop in the Utilities rates would be applicable to our rates and a contract on this basis is perfectly safe.

Summarized it means we will save the difference between six and one-half cents per kilowatt hour and three and one-half cents per kilowatt hour on each kilowatt of current used. It is a permanent improvement and it pays its total cost in three years. After that time it means an annual saving of at least \$3,000. Please urge the Board of Trustees to find some way to finance the work.

Very truly yours

(Signed) A. O. Whipple  
Superintendent of  
Buildings and Grounds

Lexington, Kentucky  
November 9, 1922

Mr. A. O. Whipple  
University of Kentucky

My dear Mr. Whipple:

Resultant from our several conferences on the subject, I am outlining below a plan by means of which the University will be able to purchase its light and power requirements from the Lexington Utilities Company at a substantial saving over the present method of billing. This proposal does not cover all of the buildings of the University but

only the following: Patterson Hall, Gym Building, Educational Building, Mining Building, White Hall, Girls' Gymnasium, Library, Doctor Patterson's Residence, Chemical Building, Neville Hall, Science Building, Main Building, Mechanical Hall, Engineering Laboratory, Assaying Laboratory, Civil Building, Chemistry Building, Doctor McVay's Residence and the Men's Dormitory.

Under the plan being considered, it is proposed to group all of the above buildings for light and power under one primary meter to be located on Winslow Street, where our lines enter the University property. Under this plan it will be necessary to run a single phase, 2,300 volt line from the above junction pole back to the present lines running from Winslow Street to Patterson Hall in order that the transformer at this point can be placed on the primary meter.

During the past twelve months from October 1, 1921 to September 30, 1922, the University paid this Company for the entire light and power requirements of the above buildings the sum of \$7,206.20. Had these buildings, during the above period, been metered, as we now propose, your total bill for the full light and power requirements would have been \$4,210.32. This means that under the plan contemplated, your annual saving on the basis of the consumption for the past twelve months would be \$2,995.88.

For the coming twelve months your saving will be even greater due to the fact that your consumption will be higher. On the past twelve months referred to above, the Men's Dormitory at Rose and Washington only operated a few months. I think that it is conservative to estimate that if you install the primary meter as suggested and make the necessary changes in your local distribution system, you can anticipate a saving of \$3,200 per year for the light and power requirements of the buildings enumerated above.

If this primary meter is installed, it will be necessary for the University to own all poles, wires, transformers and other equipment in the University grounds and at Patterson Hall and it would be necessary for you to purchase from us, under the plan contemplated, the overhead wires, poles, transformers and other equipment on the University grounds from Winslow Street to a point in rear of the Gymnasium Building and in the Patterson Hall grounds as well as a single phase, 2,300 volt line from the metering equipment to the transformer at Patterson Hall.

We have estimated the necessary work to be done in order to place these lines in excellent operating condition, and the above cost, plus the cost of a 10 Kva. transformer at the Gym building and a 7 1/2 Kva. transformer at Patterson Hall, amounts to \$602.71, and if you proceed with this plan, we will place these lines in excellent operating condition and bill the University for this amount. We propose to remove the above two transformers and replace them with new type "E" General Electric Company high efficiency transformers, so that your losses will be a minimum.

At our first conference on this matter with Mr. Pope, it was your idea that the overhead lines, at present belonging to this Company, on the University grounds, would be taken over by the University at a fair value, and you are to pay us for same in any manner agreeable to you. It is suggested that these payments be spread over a twelve months period, in order to lessen the burden on the University. You are now planning on installing an underground system in the above section, which will mean the elimination of our overhead lines and the removal from your property. These lines, with some slight increase in the size of the feeders and your maintenance charges, are amply sufficient to take care of the requirements of the University. It will cost us approximately \$80.00 in labor to remove these lines, and there is a depreciated value on the poles and fixtures and the wires and appliances, which will be removed. This depreciated value, plus the \$80.00 for removal, amounts to \$600.00, and it will be necessary for us to bill the University for this amount. However, we would be perfectly willing to spread this \$600.00 sum over a period of twelve or twenty-four months. We could add to your regular bill the sum of \$25.00 or \$50.00 per month, until the full amount is absorbed. You can readily understand that in making you this rate, which saves you slightly more than \$3,200.00 per year, we are eliminating the Distribution System, which, while quite adequate for the University, will have a very highly depreciated value when used elsewhere. We have not charged, in the above figure, any depreciated value of transformers, which we will remove at no depreciated cost to you.

By installing the primary meter and making the changes outlined in my letter to you of October 19, we will be able to allow the University a discount of sixty per cent, and two and one-half per cent from the regular commercial rates, and it is on this account that your saving will be approximately \$3,200.00 per year. The rates at which you will be billed will include the regular thirty per cent surcharge in effect at this time, but we will allow you, under the contract, any reductions which may be made in our rates during the life of the contract.

I have made no mention here of the changes in your Distribution System, which you have contemplated, as same were outlined in my letter to you of October 19, which with certain revisions, is the plan which I believe you intend to follow and from which you realize that all poles, wires, transformers and other equipment necessary to transmit and distribute the current consumed by the University after same has passed through the primary meter on Winslow Street will be the property of the University, who will maintain and keep same in repair and be entirely liable therefor.

We would most earnestly recommend that the plans which have been worked out be placed in effect by the University as it is only in this manner that this Company can give you the increased discounts, which show a saving of around \$3,200 per year.

We shall be very pleased to give you any assistance possible in carrying out this work and hope that you will call upon us at any time.

Yours very truly

(Signed) W. Reed  
Supt. Light Dept.

On motion by Mr. Gordon, seconded by Mr. Colvin, President McVey was authorized to take such steps as he may deem necessary with regard to changing the lighting system on the campus, leaving to his discretion the matter of whether or not wires are to be placed overhead or underground.

(7) Appropriation for Public Service Laboratories. The following communication from Mr. Gordon, transmitting the opinion of the Attorney General respecting the conduct of the Public Service Laboratories, was read and incorporated in the minutes:

Louisville, Kentucky  
October 14, 1922

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

Dear Doctor McVey:

I enclose herewith copy of a letter which I received today from the Attorney General in reply to my letter to him of August 26, suggesting the difficulties under which we are laboring in conducting the laboratories upon the appropriation of \$18,000. The letter is self-explanatory.

15.

There is nothing to be done about this matter now except it may come up for discussion again at some meeting of the Executive Committee.

Yours very truly

(Signed) Robert G. Gordon

COMMONWEALTH OF KENTUCKY

Attorney General's Office

October 12, 1922

Mr. Robert G. Gordon  
Inter-Southern Building  
Louisville, Kentucky

Dear Sir:

I have not answered your letter of August 26, relative to the appropriation of \$18,000 made to the State University for the purpose of making all analyses requested to be made by any department of the State government, for the reason that I wanted to take the matter up with the Commonwealth and County Attorneys at their annual meeting, to see if some method could not be devised by which requests of these officials for analyses should come through my office.

It is extremely doubtful if county officials, charged with the enforcement of the criminal laws of the State, can be classed as departments of the State government, but I very much fear that a construction which would bar County Attorneys and Commonwealth Attorneys from making requests for analyses in criminal cases would seriously cripple the enforcement of the criminal laws of the State. I think, therefore, the University should treat County Attorneys and Commonwealth Attorneys as departments of the State government, and make analyses in all cases where same are requested for the purpose of aiding in the enforcement of the laws of the State.

I note that members of the staff of the University are frequently called upon, after having made an analysis, to attend court at some distant point as a witness, and that it rarely happens that they are able to make the allowance given them under the law, cover their actual expenses.

I know of no way by which this can be obviated. Of course, they are entitled to the regular witness fees, and to four cents per mile each way. It looks as if we will have to handle the matter the best way possible until the next Legislature, at which time proper provision should be made to meet the situation referred to in your letter.

With best wishes, I am

Very truly yours

(Signed) Chas. I. Dawson

(8) Crittenden County Controversy. The following report from Mr. Gordon with respect to the Crittenden County Controversy was read and incorporated in the minutes: (See Minutes of Board of Trustees for September 19, 1922).

Louisville, Kentucky  
October 16, 1922

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

Dear Doctor McVey:

Recently suit was filed in the Crittenden Circuit Court by the County Attorney of Crittenden County and two other citizens and tax payers of said County against the Fiscal Court of that County, the members thereof, the County Treasurer, and the County Farm Agent. In this suit, an injunction is sought to prevent the Fiscal Court and the Treasurer from paying the salary of the County Farm Agent.

In a letter from Mr. Bryant to Dean Cooper dated October 10, it seems that the Fiscal Court and the other defendants desire to make proper defense to this suit, and, in order to do that, necessarily they must have counsel. They say the expense on that account will approximate \$200, of which they ask the University to pay \$100.

The sole question submitted to me is as to whether the University should agree to appropriate \$100 for that purpose.

In Mr. Bryant's letter above referred to, it is indicated that the Fiscal Court seems to think that a decision in this particular case will establish a precedent of some kind. In that impression, I think the Fiscal Court is in error.



The grounds for the injunction, as they appear in the petition, are (1) that the Fiscal Court made no order appointing John R. Spencer, or anyone else, County Agent, although it is conceded that an order was made appropriating the sum of \$1,000 for the purpose of paying a salary to some one as County Agent; and (2) that the order appropriating the money to pay such salary was void because, by the creation of that indebtedness, the Fiscal Court exceeded the constitutional limit prescribed by Section 157 of the Constitution.

As to the first ground, my view is that the Fiscal Court can act only by formal order. If no formal order has been made employing Spencer, I think his appointment is void. Of course, subject to the question presented by the second ground above referred to, the Court could now make an order appointing Spencer, but I am doubtful if that appointment can be retroactive. It would probably be valid only from the date of the order.

Without further discussing the merits of that question, I think the sufficiency of that ground for the injunction is wholly dependent upon the question of fact as to whether or not a valid formal order has been made appointing Spencer, County Agent.

As to the second ground for the injunction, it is well settled that a county, through its fiscal court, cannot make a valid contract creating indebtedness in excess of the amount fixed by Section 157 of the Constitution. There is no question at all about that. There is, therefore, no legal point involved. The only question, with reference to this ground, is whether or not, in creating the indebtedness by the order appropriating money for the salary of the County Agent, the Fiscal Court exceeded the constitutional limit. That is a simple question of fact.

Since both of the grounds for injunction above referred to, turn upon questions of fact alone, it is impossible that any precedent could be established by the decision in this case.

I recognize that, in all likelihood, it is exceedingly desirable that a County Agent be maintained in Crittenden County, and that the Company should contribute to the salary of such agent to the extent of \$1,000, as authorized by the Fiscal Court. However, I think it is beyond the authority of the Board of Trustees of the University to contribute to the employment of counsel in a suit between two factions in that county, involving a controversy as to whether a county agent can be or shall be employed by the County.

The University is not a party to the suit. If it were, I think the Board would be required to rely upon the services of the Attorney General's office for legal representation, and it would not be justified in employing counsel for itself, except possibly in a case where the Attorney General was disqualified by adverse interest, or refused to act.

I realize the sum requested of the University is not large, and I realize also, as stated above, that the University is probably very much interested in seeing the injunction suit defeated.

Nevertheless, I am of the opinion that the Board should decline to contribute to the fees of counsel for the defendants.

I have set out my reasons for this conclusion at some length, so that the interested parties may understand that the refusal of the University to contribute does not result from arbitrary action of the Board, but from conclusions which the Board has reached after full consideration.

In your absence, I am sending copies of this letter to Judge Stoll and Mr. Cooper. I will be glad to have Mr. Cooper discuss the matter with Judge Stoll, especially if he feels that the University will be embarrassed by following my recommendation. If it is desired, I shall be glad to discuss the matter further with either or both of those gentlemen.

I am returning herewith enclosed, all papers which Mr. Patrick sent to me under date of October 13th.

Yours very truly,

(Signed) Robert G. Gordon.

(9) Audit of University Accounts. President McVey reported to the Committee that he had received from the auditors their final report on the accounts of the University for the present year. On motion, duly seconded, the Secretary of the Board was directed to have copies prepared and sent to the members of the Board for their information.

(10) Leave of Absence for Dr. Glanville Terrell. An application was received from Dr. Glanville Terrell asking for sabbatical leave of absence on full pay for the second half of this year. On motion, duly seconded, the leave of absence was granted.

(11) Appointments. On recommendation of President McVey, the following appointments were approved:

Appointment of Henry K. Werth, as assistant county agent, Crittenden County, Kentucky, at a salary of \$100 a month, for a period of six months, effective October 13, 1922.

Appointment of Miss Hazel Twigg, as student assistant in the Department of Physics, at a salary of \$20 a month, effective October 1, 1922.

Appointment of Miss Mabel Thacker, as stenographer in the Stenographic Bureau, at a salary of \$70 a month, effective October 16, 1922.

(12) Resignations. The following resignation was presented by President McVey and on motion, duly seconded, approved by the Committee:

Resignation of Mrs. Clara McDonald White, clerk in the Department of Farm Economics, effective October 18, 1922.

(13) Increases in Salary. On recommendation of President McVey, the following increases in salary were approved by the Committee:

Increase in salary of Miss Thelma Adams, clerk in the Extension Division, from \$70 to \$80 a month, effective November 1, 1922.

Increase in salary of Mr. E. J. Kilpatrick, assistant State agent, Extension Division, from \$3000 to \$3300 a year, effective November 1, 1922.

Respectfully submitted,

Wellington Patrick  
Secretary of the Board.