

IN HOUSE OF REPRESENTATIVES.

MONDAY, FEBRUARY 9, 1874.

SUBSTITUTE FOR HOUSE BILL No. 238.

MR. D. W. WRIGHT offered the following as a substitute for House bill No. 238, viz:

AN ACT to amend an act, entitled "An act to amend the charter of Bacon College," approved January 15th, 1858.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,

2 That the Treasurer of the Board of Curators of Kentucky University shall not be
3 a member of or Chairman of the Executive Committee of said Board, and the
4 Treasurer accepting or holding the position of member of or Chairman of said
5 Committee shall operate as a vacation of and removal from the office of Treasurer.

§ 2. Be it further enacted, That the second section of the act, entitled "An act
2 to amend the charter of Bacon College," approved January 15th, 1858, be, and
3 the same is hereby, repealed, the repeal to take effect on the first Wednesday in
4 April, 1874; and the individual living donors to the several funds of Kentucky
5 University, who have made donations prior to the 9th day of February, 1874, be,
6 and they are hereby, authorized and empowered to elect thirty persons as Curators
7 of Kentucky University, to serve for five years, and until their successors are
8 elected. The first election shall be held in the city of Lexington, Kentucky, on
9 the first Wednesday in April, 1874, and every five years thereafter an election
10 shall be held for the same purpose in said city; and each donor who may attend, in
11 person or by proxy, shall at such election or elections be entitled to one vote. At
12 least two thirds of the Curators so elected shall always be members of the Chris-
13 tian Church in Kentucky, as provided in the eighth section of the act of which

*their success
on the election of the Curators as herein after provided for*

14 this act is an amendment, and for the purposes therein expressed, and shall be
15 members in full fellowship in said Church.

§ 3. *Be it further enacted*, That the thirty persons who shall be elected as Curators on the first Wednesday of April, 1874, as hereinbefore provided, shall be, and they are hereby, as soon as they shall be elected as aforesaid, constituted a body-politic and corporate in as full, ample, and effectual manner as if they and each of them were herein individually mentioned by name, under the corporate name and style of the Curators of Kentucky University; and they and their successors in office shall have perpetual succession and existence, and a common seal; and by that name, and in their corporate capacity, may sue and be sued, plead and be impleaded, in all the courts of law and equity in this State; and the same, in their corporate capacity and name, are hereby invested, as soon as they shall be elected as aforesaid, with the legal right and title to all the property and estate, real, personal, and mixed, that at that date may be vested in or held by the present Board of Curators of Kentucky University, and shall in all things become their successors, and be substituted to all their rights, franchises, and privileges, and shall assume all their obligations, and shall be bound by and faithfully carry out all the trusts, conditions, and obligations imposed on the Curators of Kentucky University by the act consolidating Kentucky University and Transylvania University, approved February 28th, 1865, and by the act establishing an Agricultural College in Kentucky, approved February 22d, 1865.

§ 4. *Be it further enacted*, That the Trustees who shall be elected on the first Wednesday in April, 1874, shall meet in the city of Lexington, Kentucky, on the third Wednesday in April, 1874, or as soon thereafter as practicable, and organize by the election of the officers mentioned in the fifth section of the act to which this act is an amendment; and the officers of the present Board of Curators shall, on demand, immediately turn over to the Executive Committee that shall be elected as aforesaid, all the books, papers, stocks, bonds, notes, money, and all other property in their possession, or under their control as officers of the Board of Curators, and shall be responsible to the new Board of Curators for the same until the whole

10 of the same is delivered; and the bond of the Treasurer shall remain in full force
11 and effect, and may be enforced by the new Board of Curators the same as if it
12 had originally been made payable to them.

§ 5. *Be it further enacted*, That when donors shall be reduced by death, so that they in the aggregate represent only thirty thousand dollars of donations, then the alumni of the College of Arts of Kentucky University, in connection with such surviving donors, shall elect the thirty Curators, and each surviving donor and alumnus shall in such election be entitled to one vote; and when the donors now living shall all have died, then the said alumni shall elect the thirty Curators.

§ 6. *Be it further enacted*, That all the provisions of the act to which this act is an amendment that are inconsistent with or in conflict with this act, be, and the same are hereby, repealed, and this act shall take effect and be in force from and after its passage.

Mr. SCALES offered the following amendment to the substitute proposed by Mr. WRIGHT for House bill No. 238, viz:

Add to ^{third} ~~second~~ section:

Provided, That so much of the act establishing the Agricultural and Mechanical College of Kentucky as one of the Colleges of Kentucky University be, and the same is hereby, repealed, to take effect on the 11th day of June, 1874, and after that date no part of the interest of the fund arising from the sale of the lands donated by the United States to the State of Kentucky in 1862, shall be paid to Kentucky University.

The above amendment offered by Mr. Scales was adopted by yeas 43, nays 33.

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