

CHAPTER 424.

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

WHEREAS, The Joint Committee appointed by this General Assembly to investigate the condition and relations of the Agricultural and Mechanical College, has reported recommending the severance of the connection existing between said College and the Kentucky University; and whereas, it is desirable to continue the operations of said College until the same is permanently located and established, provided satisfactory arrangements can be effected as is hereinafter provided; and whereas, the future location, establishment, and success of said College is a matter of great and common interest to the people of the whole State, and which should be the pride and aim of every citizen having the future prosperity and welfare of the Commonwealth at heart; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the act approved February 23, 1865, entitled "An act establishing the Agricultural and Mechanical College of Kentucky as one of the Colleges of the Kentucky University," as established the Agricultural and Mechanical College of Kentucky one of the Colleges of the Kentucky University, and so much of said act as places said Agricultural and Mechanical College under the control of the curators of the Kentucky University, and as allows said curators to receive the interest on the fund arising from the sale of land scrip granted to the Commonwealth of Kentucky by act of Congress, approved July 2, 1862, be, and the same is hereby, repealed, said appeal to take effect the first day of July, 1878.

§ 2. There is hereby appointed and constituted a commission, to be styled "The Agricultural and Mechanical College Commission," composed of the Lieutenant Governor of the Commonwealth of Kentucky, who shall be *ex officio* a member and the chairman of said commission, and J. M. Bigger, of the First Congressional District; James Weir, of the Second Congressional District; C. U. McElroy, of the Third Congressional District; David R. Murray, of the Fourth Congressional District; J. Lawrence Smith, of the Fifth Congressional District; H. P. Whitaker, of the Sixth Congressional District; R. A. Spurr, of the Seventh Congressional District; M. C. Saufley, of the Eighth Congressional District; D. D. Sublett, of the Ninth Congressional District, and Richard Dawson, of the Tenth Congressional District. Said commission are hereby authorized and empowered, and it shall be their duty, to provide, if possible, for the continued operation of said Agricultural and Mechanical College, and to make such equitable and just arrangements with the authorities of Kentucky University as will secure such advantages of an interchange of students, the use of buildings, apparatus, land, &c., as will secure the continued existence and prosperity of said Agricultural and Mechanical College until the same is finally located and settled; and in case said commission should not be able to make such satisfactory arrangements with Kentucky University as is equitable and just, and such arrangements as will secure the best interest of the Agricultural and Mechanical College, they may suspend the operations of the Agricultural and Mechanical College until the same is finally and permanently located, as hereafter provided. Said commission are empowered, and it shall be their duty, to advertise for and receive proposals and offers from counties, towns, or cities, or non-sectarian institutions of learning, in lands, buildings, money, apparatus, &c., or either of them, for the permanent location of said Agricultural and Mechanical College; and after receiving said proposals and offers, they shall report the same to the next regular session of the General Assembly, and shall recommend that place which shall present the best and greatest inducements, all things considered; and any offer or proposal, when made to, and confirmed by, said General Assembly, shall be final and binding; and said commission, in making advertisements for the proposals, and in the reception thereof, shall make it a condition precedent that all proposals shall be binding if accepted by the General Assembly. Said commission, in effecting an arrangement for the continued operation of said Agricultural and Mechanical College until the same is permanently and finally located, or in receiving proposals for its final location, shall be empowered to adjust and settle all outstanding differences that may exist between the Agricultural and Mechanical College and Kentucky University; and if said differences are not thus adjusted, said commission may adjust and settle same in such other manner as may be just and equitable. Said commission are also empowered to take such steps as may best further the interest of said Agricultural and Mechanical College, and secure its successful management and operation, not inconsistent with the provisions of this act.

§ 3. Said commission shall ascertain the number of departments of study necessary for the effective operation of a first-class State University, such as the geographical condition of the Commonwealth, her agricultural and mineral resources, her influence and dignity require to be constituted for the education of her sons; the plan of organization, salaries of professors and instructors, the plan, cost, and equipment of college buildings, experimental farm, mechanical department, horticultural department, laboratories, museums, and cabinets, and to report the same to the next regular General Assembly.

§ 4. Said commission shall determine how many of its number shall constitute a quorum (which shall not be less than a majority) for the transaction of business, when and where their sittings shall be held, with all other matters competent to the discretion of committees; and it shall be the duty of the said chairman to call a meeting of said commission for the transaction of business, or a meeting

thereof may be called on the notice of any three of the members thereof. If any member of said commission herein appointed fails to notify the Governor of his acceptance of the position or commission by the 1st of April, 1878, the Governor shall appoint some resident of the Congressional district of the member so failing to supply the vacancy; and if a vacancy should occur from any cause, or any member should fail to act, the Governor shall fill the same as above provided, and notify the person so appointed.

§ 5. Should there be a continuance of said Agricultural and Mechanical College, as contemplated by the provisions of this act, the board of visitors, or their successors in office, are hereby empowered to manage the affairs of the Agricultural and Mechanical College, under such agreement as may be effected by the commission, until the next General Assembly shall determine location and a permanent form of government therefor, with full powers to employ and remove professors, officers, and instructors, for just cause; to fill vacancies; to fix salaries; decide the limits within which student labor may be employed; its character, extent, and compensation, within the limits of the income of said College; establish the rates of tuition, and perform all such other duties as in their judgment may be required for the successful operation of said College.

§ 6. Itemized accounts of the expenses of the said commission, and of the board of visitors, and of the members thereof, legitimately incurred in the discharge of the duties imposed by this act, shall be approved by the chairman of the said commission and board of visitors, respectively, and shall be filed in the office of the Auditor of Public Accounts, which shall be authority to, and it shall be the duty of, the Auditor to draw his warrant on the Treasurer in favor of the person or persons entitled thereto for the sums so approved in payment thereof.

§ 7. Provided the said commission shall make satisfactory arrangement for the continuance of the Agricultural and Mechanical College, as provided in section two, they shall notify the board of visitors, and said board shall appoint some one as treasurer of said Agricultural and Mechanical College, who, before he enters upon the discharge of the duties of his office, shall take an oath to faithfully discharge the duties of said position, and shall enter into bond, with good security, to be approved by said board of visitors, in the penal sum of \$10,000, payable to the Commonwealth, and conditioned that he will faithfully discharge his duties as such, and that he will faithfully keep and rightfully disburse all moneys that may come to his hands as such treasurer; said bond, when taken and approved by said board of visitors, shall be forwarded to the Governor for safe keeping. It shall be the duty of said treasurer, when appointed and qualified, to receive from the Auditor of Public Accounts his warrant on the Treasurer for the interest on the fund of the Agricultural and Mechanical College, as it falls due on January 1, 1879, and as it falls due thereafter until July 1, 1881, and to receive any other sums that may be due said Agricultural and Mechanical College, for tuition or otherwise; and it shall be his duty to pay out of said fund the salaries of professors, tutors, and such items of expense as are incurred on behalf of said College. All accounts shall be itemized and certified to by the persons claiming payment, and shall be indorsed approved by the chairman of the board of visitors; and said treasurer shall pay no account or charge against said Agricultural and Mechanical College, unless it is so itemized, certified, and approved. He shall keep an accurate and full account of all moneys that come to his hands, and of all moneys that are paid out, to whom paid, when and for what purposes, and shall also keep all accounts paid off by him; and the board of visitors shall, on the first day of July of each year, make a settlement with said treasurer, and examine his books and vouchers and test their correctness. He shall receive for his services a sum to be fixed by the board of visitors, not exceeding \$300 per annum.

§ 8. The said Agricultural and Mechanical College shall forever remain a State institution, free from all ecclesiastical entanglements or control; and in addition to its present endowment fund, realized under and by virtue of an act of Congress of the United States distributing public lands, or the proceeds of the sales thereof, said institution shall have for further endowment all other sums of money hereafter received by this Commonwealth under or by virtue of said act of Congress distributing public lands, or the proceeds of the sales thereof, or under any future act of Congress for the same purposes.

§ 9. It is expressly understood that the members of said commission and of said board of visitors are to perform the duties imposed by this act without compensation.

§ 10. This act shall take effect from and after its passage.

ED. W. TURNER,
Speaker of the House of Representatives.
JNO. C. UNDERWOOD,
Speaker of the Senate.

Approved March 13, 1878.

JAMES B. MCCREARY, *Governor.*

By the Governor:

J. STODDARD JOHNSTON, *Secretary of State.*

CHAPTER 901.

AN ACT TO AMEND AND SUPPLEMENT AN ACT, ENTITLED "AN ACT IN RELATION TO THE AGRICULTURAL AND MECHANICAL COLLEGE OF KENTUCKY, AND TO PROVIDE FOR THE FUTURE MANAGEMENT AND LOCATION THEREOF."

Be it enacted by the General Assembly of the Commonwealth of Kentucky, § 1. That in addition to the present endowment fund of the Agricultural and Mechanical College of Kentucky, realized under and by virtue of the act of Congress, approved July 2d, 1862, such portion of an allotment of proceeds of public lands made or to be made to the State of Kentucky, under the provisions of a bill now pending before the Congress of the United States, or any one similar thereto, as is not assigned by said act or acts to the common school fund, or is not dedicated to common school purposes, be, and the same is hereby, set apart and dedicated to the further support and endowment of the Agricultural and Mechanical College of Kentucky, or for the establishment and maintenance of a University of which said Agricultural and Mechanical College may be one of the Colleges: *Provided, however,* That not exceeding one fourth of said proceeds of public lands as aforesaid shall be devoted to the purposes herein mentioned in this section.

§ 2. That such portion of said proceeds of the sale of public lands as may be allotted to Kentucky by the provisions of said act of Congress, or any similar act for the aid and support of common schools, as is not dedicated as provided in section 1 to the Agricultural and Mechanical College, or for a university of which said Agricultural and Mechanical College shall be a College, shall be faithfully applied to the support of such common schools, so as to comply with the act of Congress making the donation: *Provided,* That if not in conflict with said act of Congress, the proportion of said fund or donation set apart for common school purposes shall be distributed pro rata for the education of all the children of this Commonwealth, without regard to race or color, so that the per capita of each child from this fund shall be the same.

§ 3. That the Agricultural and Mechanical College, under its present management, shall be allowed to loan the interest on the fund arising from the sale of the land scrip donated by Congress under the act of July, 1862, which accrues up to July 1st, 1878, to be applied as provided in the act establishing the Agricultural College in Kentucky, approved February 22d, 1865.

§ 4. That all the provisions of the act to which this is an amendment and supplement, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

§ 5. That the Agricultural and Mechanical College Commission shall have authority to employ a clerk for such time as is necessary, and at such compensation as they may deem proper, which shall be paid in the same manner as the expenses of the commission are paid as provided in the original act: *Provided,* Said compensation shall not exceed \$5 per day during the time actually engaged.

§ 6. This act shall take effect from and after its passage.

ED. W. TURNER,
Speaker of the House of Representatives.
JNO. C. UNDERWOOD,
Speaker of the Senate.

Approved April 9, 1878.

JAMES B. MCCREARY, *Governor.*

By the Governor:

J. STODDARD JOHNSTON, *Secretary of State.*