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ADDRESS
OF
BOARD OF CURATORS
OF
KENTUCKY UNIVERSITY,
TO
CERTAIN CHURCHES AND DONORS
MEMORIALIZING, ETC.

PUBLISHED BY ORDER OF THE BOARD.



ADDRESS
OF
THE BOARD OF CURATORS
OF
KENTUCKY UNIVERSITY,

TO
**Certain Congregations and Members of Congregations
belonging to the "Christian Church in Kentucky,"
and to certain Donors to the Endowment and
other Funds of Kentucky University;—in re-
ply to sundry Memorials, Petitions, &c.,
submitted to the Board at its Called
Session, September 16th, 1873.**

TOGETHER WITH
THE MINORITY ADDRESS TO THE SAME.

Published herewith, by permission of the Board, and prepared by W. T. Withers,
Andrew Steele, and R. J. White, a Minority of the Committee
that was appointed to reply to said Memorials, etc.

LEXINGTON:
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1873.

ADDRESS

THE BOARD OF CLERKS

KENTUCKY UNIVERSITY

to certain organizations and members of organizations
belonging to the Christian Church in Kentucky
and to certain members of the Commonwealth
other than the Kentucky University
by the Kentucky University
submitted to the Board at its
session September 10th, 1912

THE MINORITY ADDRESS TO THE SAME

LEXINGTON

W. E. B. DUBOIS

1912

MAJORITY ADDRESS.

To certain Members and Congregations of the Christian Church in Kentucky, and to certain Donors of KENTUCKY UNIVERSITY, petitioning, etc.:

The sundry memorials recently addressed by you to the Board of Curators of KENTUCKY UNIVERSITY were presented at a called session of the Board, held September 16th, and, after being respectfully received, were referred to a committee, with instructions to report at that meeting. The committee having failed thus to report, they were instructed to prepare and publish an *Address* in answer to your several memorials, embodying, if possible, the sentiments of the entire Board; or, if they should not agree among themselves, then to publish together a *majority* and a *minority* Address.*

Some delay in discharging this duty has necessarily arisen from the fact that the committee, immediately after the adjournment of the Board, were compelled to return to their homes, so that an early conference was impracticable—some of them living several hundred miles apart.

We now find it difficult to respond briefly, and yet, at the same time, satisfactorily, to a file of papers so diversified in their character as those which have been laid before us.

Some are respectful petitions, others are remonstrances or protests; others profess to set forth *facts* for the consideration of the Board; while others again are simply demands, or, if we may so describe them, denunciations.

All of these papers, the committee have very carefully and patiently considered; and they now desire to communicate to you, in reply, some facts for your information and dispassionate consideration.

We are satisfied from the reading of these papers, that *some* of the friends of the University wholly misunderstand the nature and design of our Institution; that they are ignorant alike of its history and its laws; and that they, consequently, very innocently misinterpret the action of its chief officers and the views and feelings of the Curators.

*See Appendix A.

That many of you, *on ex parte statements alone*, should have undertaken to decide grave questions of fact, as well as of law and order, which have arisen *within* the University, and then have proceeded, without a hearing, to condemn and censure officials of the Institution, is to us surprising. We propose, however, respectfully to examine somewhat the grounds on which some of you thus authoritatively criticise, condemn and censure.

I.

That donors have certain rights, and a proper remedy to enforce those rights, is evident, for the Charter, § 14, provides:

"All lands, money, or other property, which may, by donation devise, deed of gift, or otherwise, be contributed to said University, *shall be strictly applied according to the instructions given by the donors or testators.*"

And it is further provided, § 19:

"That in any county of this State, where the sum of fifteen thousand dollars may be subscribed to the endowment fund of the University, *there shall be a representation of at least one member in the Board.*"

Any donor to the University, therefore, has the right to see that the trust which he created has been faithfully executed, according to its original intent. The Board of Curators have accepted a great variety of trusts; and, if they have diverted any gift from its original purpose, or neglected to carry out the object for which it was bestowed, the donor, in such case, has a simple and effectual remedy at hand.

But the Board emphatically declare that every dollar which has been given by any of you to Kentucky University has been strictly applied to the object for which it was given; or, in the absence of specific instructions at the time, it has been faithfully used for the general purpose set forth in the Charter, to wit: "To promote the cause of education, in all its branches, and extend the sphere of science and Christian morality."

We add, that the recorded proceedings of the Board from the beginning have ever been open to your inspection, and the proper officers have been ready to give you any information touching the manner in which your contributions have been applied. So confident are we that you will find no instance in which any of your gifts have been misapplied, that we now challenge your most critical investigation of those records.

There is *another* right which, under the Charter, belongs especially to the donors of the Endowment Fund; and that is, *the right of representation*. This right is restricted within local limits and conditioned upon the contribution by any county of fifteen thousand dollars to that special fund.

Such right of representation on the part of this class of donors, however, is not to be understood in any other sense than that they may always have in the Board, Curators duly elected by the Board that shall guard their donations against any misapplications, and see that the original purpose of their benefactions is faithfully carried out.

Now, *this* right, also, has been always recognized by the Board, and the provision of the Charter has been faithfully complied with. From every county in the State that has contributed that amount to the Endowment Fund, the Board have elected at least one representative to sit in their body. But the Curators have always aimed to be guided by the spirit as well as the letter of the Charter; they have, therefore, as far as practicable, elected representatives for other funds of the Institution.

In all their acts of legislation, and in all their elections, they have uniformly recognized the fact, constructively declared in the Charter, and consistently set forth by the Regent, or general agent, in his argument with the public, that *the University is held by the Board in trust for those who gave their money to endow and maintain it.* Common law, common justice, and common sense, as well as the Charter, recognize the fact. The Board of Curators, who have accepted all the trusts thus created, duly realize their corporate and individual obligation to all the generous parties that have given their money to the Institution.

In a word, *they regard themselves as the trustees of the donors;* and they declare that they have faithfully applied, and will continue so to apply, all your donations strictly according to their original intent.

But these indisputable rights of donors by no means include that of legislative control over the internal affairs of the Institution, which some of you seem to claim. All such control belongs, by law and reason, to the Curators in their corporate capacity; and nothing could be more untenable, under the Charter, which you have already accepted, than that, because you are donors, therefore you may prescribe, dictate or administer at will within the University.

If such an assumption of prerogative is, on your part, thus unwarranted, how much more so is it on the part of others who are not in anywise benefactors to the Institution—of congregations, for instance, that have never bestowed a single charity, and among whose entire membership there cannot be found a single donor to any fund of the University! The Board will not be expected, therefore, we presume, to give up their own responsibility in the government of Kentucky University and consent to distribute it among the multitude of friends that may be scattered through the

land. Much less can they, without official contradiction and absurdity, submit questions of discipline, expediency or law to any one or more of the five hundred congregations scattered throughout the State.

Were we even to concede the supposed right of congregations to legislate or govern at will in such matters, the papers before us would present no sufficient grounds for such action on the part of the Board, as you suggest; for the memorials submitted *represent but a minority of either donors or churches!*

The Board would be compelled, therefore, even under the supposed rule, first to ascertain the will of *all* the donors and *all* the congregations in the State; and that, too, only after all the facts *pro et con.* had been definitely and fairly submitted to them.

The Board is fully advised that your recent action has been brought about mainly by certain documents issued from the city of Lexington, and signed by parties that have no official connection with the University.

The Board is aware, also, that during the interval between the suspension of Prof. McGarvey from his chair, by the Executive Committee, and the meeting of the Board of Curators on September 16, *requested by his friends to adjudge his case*, certain persons actively moved among the quiet congregations of the State, and labored to induce in them a belief that the churches of Kentucky, as such, are the legal owners of the University property; that they have consequently the right also to direct at will the Board of Curators, and to control their legislation; that the present Board are actually turning over the Institution to other parties, and violating their sacred trusts, their Charter and their pledges; and that the churches and donors together have a kind of joint right to control the Institution, and to execute their own will and pleasure directly upon the corporation, officers and professors!

The Curators are satisfied that among those who took part in creating this unnecessary and unwholesome alarm, there are good men who had no partisan purpose whatever to subserve, but who joined in this movement from an honest, though mistaken, view of the whole subject. To all such we offer the following statements, expressed in earnest, but respectful terms.

II.

You were told by certain parties, in a hand-bill or half-sheet of printed matter, distributed among you in August last:

1. That the Executive Committee of Kentucky University has no authority to suspend a professor, or to remove him from his place, *ad interim*, either with or without cause.

2. That there were no grounds for the suspension of Prof. J. W. McGarvey.

3. That Kentucky University belongs to the Christian Church in Kentucky.

4. That the majority of the Executive Committee are not members of the Christian Church.

5. That the *minority* of that committee are not sufficiently pronounced in their advocacy of the rights and interests of the "Church as connected with the University."

6. That the present blow—the suspension of Prof. McGarvey—strikes the Church and the Bible College through him.

Now, concerning these statements, as we find them in the circulars which you received last summer, we assure you that they contain many errors and betray great ignorance of both law and fact; all of which will be conclusively shown to you in the present *Address*.

III.

From the various petitions, demands, remonstrances or censures that are contained in the papers before us, we extract as follows, substantially, and we ask you to reflect on our answer:

1. "The Church is the proper owner of the University."

2. "We avow our right to, and control of, the University."

3. "The exclusive ownership of Kentucky University is vested in the *Christian Church of Kentucky*."

4. "We demand a distinct and unequivocal avowal by the Board that Kentucky University is the property of the Church of Christ in Kentucky."

5. "It is a fact not to be denied that Kentucky University exists in the interests of the *Christian Church of Kentucky*; and, for this purpose it was chartered and the money raised by the donors to endow it; so that it is *de facto* the property of the *Christian Church in Kentucky*."

6. "The Christian Church of Kentucky is the legal guardian of the University."

7. "The Kentucky Christian brotherhood own Kentucky University."

8. "Kentucky University is, according to the original charter, the property of the *Christian Church in Kentucky*."

9. "We hold the ownership of Kentucky University as being in the Christian Church, except the A. & M. College."

10. "We, the Church at —, are part owners of the University."

11. Kentucky University is ever to be owned and controlled by the *Christian Church of Kentucky*, according to the Charter."

To these declarations sent up to the Board by certain congregations and certain individual members of congregations, the Board, through its committee, would respectfully reply:

The Charter declares, § 2: "The *Board of Curators* in their corporate name are hereby invested with the legal right to all the property and estate, real and personal, as well as all the rights and claims heretofore vested in the Trustees of Bacon College."

§ 3. "They and their successors shall furthermore have full power in their corporate capacity, to hold by gift, grant, demise,

devise or otherwise any lands, tenements, hereditaments, moneys, rents, goods, chattels, or interests of any kind whatever, which may be given, granted, demised or devised to or purchased by them for the use and benefit of said University."

§ 8. "For the ownership and control of said University, at least two-thirds of the Board of Curators shall always be members of the Christian Church in Kentucky."

§ 2 and § 3 thus vest the property of the University in a *Board*; § 8 simply creates an *element* in the Board. It does not vest the property of the University in that special element, however, but in the whole Board *thus constituted*; much less does it by any possible construction of language legally vest the property of the University in that congregational community of which the "two-thirds" are required to be members.

We add, further, that the *Christian Church in Kentucky* neither holds nor can hold, legally, any property whatever, and that all the declarations that we might make on our part, and all that you might say or do on your part, could not possibly invest one cent of property in our unincorporated brotherhood. If our decision on this point is not in accordance with your own views of the matter, we beg you to submit the question, for your own peace and satisfaction, to the proper legal tribunals of the land.

IV.

In the next place, in reference to the *control* of the University, it appears from your several papers that you are in a similar confusion of mind. Some of you seem to claim only the simple *right of appeal* to the Board in matters pertaining to the management of the Institution.

Some of you request the resignation of every Curator and teacher that will not carry out the expressed and known will of the *Christian Church*.

Some of you request us to carry out the Charter by conducting the University in the interests and by the direction of the *Christian Church in Kentucky*.

Some of you declare that the Institution should be controlled by the legally constituted Board of Curators!

Others of you inform us that the University is ever to be owned and controlled by the *Christian Church in Kentucky*.

Some of you declare the Board to be the legally constituted guardians of the interests of the University.

Some of you again say that the *Christian Church* is the legal guardian of the Institution.

Some of you, recognizing the existence of a Board, demand that said Board shall control the University in the spirit and for the purpose for which it was originated, viz: to advance and build up the Church of Christ in Kentucky.

Some of you claim a right of the brotherhood in ordering Kentucky University.

Some of you demand that *the Board shall provide some guarantee that they will comply at all times with the wishes of the Church.*

Others declare that the Board has the authority to act for the Christian Church, *under its instruction.*

Here, then, we find a contrariety of demands and declarations which, we respectfully suggest, is evidence sufficient that, were the Board legally authorized to refer the management of their Institution to the congregations of the State, the Curators might be very much perplexed to ascertain their views on any given question of law or policy.

We also respectfully inquire, as a matter of practical importance, How is it proposed thus to order or direct the Board in their management of the University? In all of our congregations of men, women and children, white and black, shall a vote be taken on every question of importance that may come up? If so, how shall the Board be informed as to the sense of the majority of the several hundred congregations of the State? Shall a majority of *churches* or a majority of *Christians* be the directing and controlling power? When questions of law, fact or expediency arise and are submitted by the Board to the congregations, who shall be authorized to go and lay the facts and arguments before them, so that brethren and sisters may be able to vote intelligently and impartially? And, if questions of a delicate or exciting nature should arise, how shall needless publicity, scandal and popular excitement and partisan feeling be prevented?

Or, on the other hand, shall the *preachers* be allowed to act for the *people* and be authorized to assemble in councils or synods, to enlighten and direct the Board?

Many other difficulties suggest themselves to us in getting practically to work on the principles some of you propose to adopt for the control of the Institution, which we need not present here.

Some of you, perceiving the practical absurdity of such a popular, congregational control of a great and complex Institution, actually ask the Curators to have the Charter amended so as to pass the government of the University to a Board of gentlemen to be elected *by the State meeting of Kentucky!*

But we cannot, without some words of comment, pass by another feature in these proceedings, which indicates an alarming departure from the doctrine and the practice of the Church. That departure is in the fact that certain congregations have permitted themselves to be betrayed into an assumption of power and authority over institutions and interests outside of, and beyond, their congregational jurisdiction!

No two dogmas are more firmly established among us than—

First, That each congregation is a government independent of all others; *Second*, That the jurisdiction of each congregation is confined to its own bodily limits. In these two propositions lies the safeguard of congregational and individual Christian liberty. The one is the complement and necessity of the other. Let the first be violated, and congregational liberty is sacrificed to some usurping power which destroys its individuality. Let the second be ignored, and a congregation, or a class of congregations, assume jurisdiction and usurp authority over other churches or some outside institution or interest; and an inchoate ecclesiastical tyranny begins at once, and threatens the religious liberty both of the congregation and the individual.

Such is the nature of this assumption of jurisdiction and control over Kentucky University by certain congregations of the Christian Church. If the Curators should yield to their assumed authority, what will hinder a like control over the *Apostolic Times*, the Transylvania Printing Company, Eminence College, Christian Academy, Hopkinsville Institute, etc.? What will hinder such authority from dictating in the end who shall be pastor or bishop of Main-street Church in Lexington, or how local troubles in the several churches shall be settled?—or whether a single bishop or a plurality of bishops shall rule over the church at Covington?

Admit once the existence and authority of such a distinct ecclesiasticism as "*The Christian Church in Kentucky*," with jurisdiction over all our religious institutions within the State, the power and control of which ecclesiasticism may be asserted through a majority of congregations, or a majority of the members, and all liberty, congregational as well as individual, within such a body, is at an end. There would be nothing left to the lovers of religious liberty but to brush the dust from their feet, to repudiate such a tyranny and to separate from its embraces.

In the early ages of the church the first departure from the simple doctrine of congregational independency, held sacred by primitive Apostolic Christianity, was by usurpations of authority on the part of certain congregations over other congregations, institutions and interests of the church. These usurpations were yielded to until assumed authority gradually crystalized into imprescriptive right; and the first germ of the Great Apostacy was developed in—*Metropolitan Episcopacy*! The independence of the weaker was thus absorbed, and lost in the usurpations of the stronger, until, under the process of centralization, one powerful city church, with its learned and eloquent bishops, came to rule over the churches and bishops of an entire kingdom or state. In your recent attempt to assume the control of Kentucky University, in the name of a distinct ecclesiasticism, which you call "*The*

Christian Church in Kentucky," the majority is made the apparent instrument of usurpation, instead of some ambitious church or bishop. The form of usurpation, however, does not the less destroy the two doctrines with which we set out, of congregational independence, and a limited congregational jurisdiction, on which we base all true ideas of religious liberty.

But you assert also, inadvertently it may be, in your petitions and demands, *the supremacy of such an ecclesiasticism over the civil authorities of the State!* The Charter of Kentucky University is a law of the State. By common consent, the ownership and control of the Institution is vested in the Board of Curators, with proper directions and limitations for the donors, to be managed representatively for the Church of Christ. But you claim that the ownership and control belong to an undefined body called "The Christian Church in Kentucky;" and further, assuming that a majority of the congregations or members may control said body, you undertake to supersede the authority of the Board of Curators—the legally constituted guardians and owners of the Institution!

In view of the exercise of such ecclesiastic power, men of prudence and discretion will pause before they are committed too far to innovations upon the simple doctrines of the Church of Christ.

It is plain, however, that some of you have not properly considered this question of *control* in the light of the Charter. That instrument declares, § 4:

"That the Board shall have full power to make, ordain, establish and execute, or cause to be executed all such by-laws, rules and ordinances, not inconsistent with the constitution and laws of the United States or of this State, as they may think necessary for the welfare of the Institution, for their own government, the good government of the professors, instructors, tutors, agents, officers and students of the same; and generally to do all acts necessary and proper to promote the welfare and prosperity of the University."

Now, the *donors themselves*, by their acceptance of this Charter, have parted with all "visitorial control" of the University, and vested it in the corporation. How is it, then, possible that the multitudinous congregations of the State can legally claim such a right, even were it practicable and prudent for them to exercise it?

V.

But again—in some of your memorials, you request or demand, that *the office of Begent be abolished*. We have carefully examined your communications in order to learn your reasons for such a request. In the opinion of the Board, such an office is absolutely necessary to the unity and success of the University.

We extract as follows:

"We ask that a Presidency be established according to the provisions of the original Charter."

"We ask for the abolition of the Regency, for which no provision has been made in the Charter."

"We demand that the Regency be abolished, and a President elected, as the Charter directs."

The request is thus made apparently on the sole ground that the office of *General Superintendent*, or Regent, as an agent of the Board, is in violation of the Charter! It is sufficient to say in reply:

1. That at the time of the removal of the University from Harrodsburg, in 1865, no regular college was in operation save that of *the Arts and Sciences*.

On the establishment of the distinct and separate "College of the Bible"—about the expediency of which there was no little controversy among you at the time—and of the *College of Law*, and in view of the early opening of the *National Scientific College*, founded by Congress and accepted by the State, it was deemed expedient by the Board to unify these several colleges under one general representative officer. We extract from the records of the Board the following for your information:

"July 17th, 1865. On motion of John G. Allen, JOHN B. BOWMAN was appointed Regent of the University under the article of the revised By-laws and Statutes designating and defining the general office of the Regent."

In July, 1866, the Board, then engaged in further revising the by-laws, *unanimously* agreed to make the following a law of the University:

"The University embraces several colleges, each under the immediate government of its own faculty and presiding officer. The general supervision of the University, as a whole, is committed to a *Regent* who is elected from among the Curators and is *ex officio* chairman of the Executive Committee, and whose duty it is, in connection with the Executive Committee, to see that the general laws and statutes of the University are faithfully carried out."

2. The Charter, § 4, provides that "the Board shall have full power to select and employ *any officers and agents* they shall deem proper."

In § 15, it provides that certain described parties shall notify "the President or *other head* of the Institution."

This clearly recognizes the fact that the University must have a *head*, or chief officer of some kind; but whether he shall be styled "President," "Regent," "Chancellor" or "General Agent," the Charter wisely leaves to the taste or judgment of the Board.

The office of a general supervisor or agent is, therefore, not forbidden by the Charter; but, by whatever name it may be known, the office itself is both needful and lawful in such a University as ours—an assemblage of distinct colleges, each under the government of its own president and faculty.

VI.

But we must take the liberty, in all candor, to declare our conviction that the objective point of this movement against the Regency on the part of some, is not the abolition of the office itself, but the displacement of him who now fills that office!

Some of the memorials before us clearly betray the ulterior design of those who have alarmed you by this cry of *lawlessness* on the part of the Board. We cite you to such sentiments as those contained in some of the petitions before us:

"Let all the Curators who are disposed to uphold *one man* rather than the great interests of the Church of Christ, resign."

"We request you to fill the Regency with some one in sympathy with the Christian Church."

"We earnestly request that *Jno. B. Bowman* be removed."

We call your attention to the fact that, while some of these petitions pray us to abolish the Regency as an illegal office, others urge us in effect to continue it by filling it with some other person than the present faithful incumbent; while others again request us either to abolish the office or to degrade the officer—they seem indifferent which course we pursue!

This should be to you another demonstration of the indiscretion of those who have attempted to make a matter of discipline in the University an apple of discord among the peaceful churches of the State!

Your requests are contradictory, and the Board, were it to surrender its chartered prerogative of government to the congregational masses in the State, would be utterly unable to reconcile and obey such conflicting mandates.

But what sort of spirit, we inquire, is that which has thus moved *certain parties* to excite your prejudices against Mr. Bowman? What has he done in his responsible office, that he should not have done, or what has he neglected to do that he should have done?

During the last eighteen years, he has been devoting himself almost exclusively to the establishment, expansion and perfection of an Institution which he himself projected in dark and discouraging times, amid evil prophecies, derisive smiles, or cold and repulsive indifference.

The Board of Curators have watched with close and critical observation, his whole official career, and they have, from their very first session in 1856, time and again, been compelled, from a sense of justice and gratitude, and on behalf of the good citizens of our State and brotherhood of Christians around us, to approve, encourage, sustain, and bless him.

We extract the following from our records for your special consideration:

Nov. 7, 1856.—It was unanimously resolved,

WHEREAS, Our excellent agent, Mr. Jno. B. Bowman, has just reported most cheering progress in the great and good work of permanently endowing Bacon College, by obtaining for that purpose, the sum of one hundred thousand dollars in addition to the sum already on hand, therefore,

Resolved, That the gratitude of ourselves, our brethren generally and of our common country, is due to our beloved Brother Bowman, for the zeal, the ability, and the wonderfully disinterested benevolence displayed by him in prosecuting this glorious work, *without money and without price*, and that we bid him God speed in the completion of this enterprise."

Feb., 1858.—"It was unanimously resolved, That the thanks of this Board are due, and hereby tendered, to JNO. B. BOWMAN for his disinterested, self-sacrificing and philanthropic efforts *in the cause of education in general*, and in behalf of Kentucky University in particular.

Resolved, 2nd, That the integrity, fidelity, and efficiency of Mr. Jno. B. Bowman are worthy of the highest commendation, and that this Board most earnestly solicit him to continue his efforts until the work; so well begun, shall have been consummated."

July, 1866.—The following resolutions were unanimously adopted:

Resolved, That the Curators and Donors of Kentucky University cordially endorse the energy and *faithfulness* of Jno. B Bowman in his efforts to build up the Institution.

2d. That we deem it due to him at this time and in this public manner, to express our entire confidence in his integrity and singleness of purpose in all his efforts in order to build up and endow this Institution.

3d. That his past labors and success, and especially his self-sacrificing efforts, should commend him to *the full confidence of the brotherhood* and all friends of the University in future.

4th. That in view of the fact that the Regent, J. B. Bowman, has been laboring without fee or pecuniary reward, and in view of his liberal expenditures for the Institution, we tender to him for his use as a residence, the mansions and appurtenances at Ashland."

June, 1866.—It was unanimously resolved:

WHEREAS, The Regent of Kentucky University has generously relinquished the sum of \$7,500, now due him on the salary voted him as Regent and Treasurer, therefore, be it

Resolved, By the Board of Curators, that they accept this relinquishment as a donation to Kentucky University, and that the most grateful thanks of the Board are hereby tendered the Regent for his generous bestowal."

June, 1869.—"It was unanimously resolved, that the Curators of Kentucky University express their heart felt thanks and admiration to Regent Bowman for the manner in which he has conducted the arduous and intricate interests of the University, and also their deep sympathy with him in his labor of love."

June, 1871.—It was unanimously resolved:

WHEREAS, Regent Bowman has, through the liberality and promptness of the Donors of Kentucky University, made the last payment on *Ashland* and the *Woodlands*, and thus secured that magnificent estate in fee simple to the Institution.

"Be it resolved, That we hereby congratulate the friends of the University on the successful accomplishment of this important service in the cause of liberal education.

"Be it resolved, That we hereby extend to Regent Bowman the expression of our confidence in the ability, zeal, and fidelity with which he has executed the responsible trust committed to his hands, with the assurance of our earnest hope that he may be spared in providence to complete the great work to which he has so long and successfully devoted his life."

At the meeting of the Board of Curators of Kentucky University, held at Lexington, Ky., June 6th, 1871, the following resolution was adopted:

Resolved, That a committee of three be appointed, in connection with the Treasurer, to make a report of the financial condition of Kentucky University, with a view of publishing a condensed report in the newspapers in this city, and at least one newspaper in the city of Louisville, and a specific report in pamphlet form to at least the number of donors, showing the amount given by each donor, and the fund to which it was given, also names of the donors.

R. M. BISHOP, Chairman Board Curators.

JOSEPH S. WOOLFOLK, Sec'y.

The undersigned, appointed a committee under the above resolution, having made a full and thorough examination of the original stock lists, account books, reports and other documents exhibiting the financial history and condition of Kentucky University, from its first organization to the present date, find that the same have been kept with accuracy and care, and furnish the data, fully and satisfactorily, for the report contemplated in the resolution, and which is submitted below. The committee beg leave to express their acknowledgements to Regent BOWMAN and Major LUXTON for the assistance rendered in the examination of these documents and data, and for their readiness in supplying all needed information.

The committee find the account books kept in excellent order, and exhibiting the financial condition of the University, in any given year, plainly and satisfactorily.

All of which is respectfully submitted.

Z. F. SMITH, Ch'n,	} Committee.
ANDREW STEELE,	
W. T. WITHERS,	

November, 1871.—A committee appointed to prepare for publication a series of resolutions expressive of the continued confidence of the Board in Regent Bowman, recommended the following resolutions, which were adopted:

"That the entire history of the University is proof of undeviating devotion on the part of Regent Bowman to the interests of

the Institution, marked by a self-sacrifice (being without salary or reward) as also a success, rarely, if ever equalled.

"2. Our records from the beginning, ever open to the inspection of all interested, are demonstrations beyond doubt, not merely of eminent financial skill, but of unflinching integrity in the management of all its finances.

"3. That, therefore, we express our fullest confidence in Regent Bowman, not merely as regards his fidelity in the past, but, also, his competency to carry it forward to still higher success; and we do most heartily and unqualifiedly commend the Regent to the confidence, as we bespeak for him the co-operation, *of the friends of education everywhere.*"

And, after the report of the *Committee on Grievances* was adopted, June, 1873, recommending *resignation* as the ultimate remedy for all strife, Regent Bowman immediately arose and expressed his acquiescence in the report so far as he was personally concerned. He approved cordially the recommendation of the committee looking to peace and harmony in the Institution, which could perhaps, be effected only by the resignation of such as could no co-operate together; and he expressed his readiness to make any sacrifice for the welfare and success of the Institution. In order to remove all obstacles in the way, so far as he was personally concerned, he tendered, in the same spirit, his resignation as *Regent* and *Treasurer*; the Board, however, refused to accept his resignation and they *unanimously* requested him to withdraw the same.

Now, what, we again ask, are your reasons for requesting us, to degrade the man, who, by his noble toils and self-sacrifice, *thus witnessed for eighteen years*, has built up our University, and made it the glory of the Church and the State?

VII.

But you say in some of your memorials:

1. "We insist that the Regency be abolished, and that a *Christian man of unquestioned integrity* and learning be elected President, as contemplated in the charter!"

This petition comes, as we understand, from members of the Main-street congregation, Lexington, Ky.

2. "The Regent is not in full sympathy with the religious views of the Christian Church."

Concerning all such statements as these, that Regent Bowman is not in sympathy with the Church of Christ, or with the views of the Christian Church, we refer you to his whole life-work, and to his life-long labors in every good and Christian enterprise in the State, as the proper refutation of such a groundless and ungenerous insinuation!

Concerning his difference with the Main-street church in Lexington, we would inform you that some years ago, Regent Bowman saw fit, in company with other brethren, to withdraw peaceably

from that congregation and to unite with other brethren in Lexington, in order to constitute "The Second Church of Christ" in that place. They withdrew peaceably; and asked fraternally for the Christian recognition and sympathy of those they left behind. They withdrew, not from *the fellowship* of their brethren, but from local congregational connection with the Main-street church, and for what they deemed Scriptural and sufficient reasons.

Six months after this, the Main street church saw proper to withdraw her fellowship from them.

We here append a letter from Regent Bowman and others, dated April 13th, 1871, to the Elders of the Main street congregation.

LEXINGTON, KY., April 13th, 1873.

To the Elders of the Church of Christ, meeting on Main street, Lexington, Ky.:

DEAR BRETHREN:—After much reflection and prayer, and with a fair and full consideration, we humbly trust, of the indications presented by Providence for enlarging the sphere of our usefulness and happiness in the kingdom of our common Lord, we, whose names are hereunto affixed, together with other members of the body of Christ, duly proceeded, at the time indicated, to take the first step in effecting the organization of a Second Church of Christ in this city.

In view of our action, we reproduce for your full consideration the following reasons and motives which we urged before your body at the conferences held on March 28th and April 1st.

I. We are entirely opposed to a longer continuance of two congregations under one Eldership, as each is fully competent to the Scriptural control of its own wants and to the Scriptural direction of its own interests. We are convinced that the tendency of such a system is to Metropolitan Centralization and consequently, to the destruction of congregational independence and responsibility. In our judgment, the system in question is contrary to reason and Revelation, and is, therefore, inadequate to a fair, faithful, and efficient administration of church government. We have found no Scriptural warrant for such order; it is, therefore, inconsistent with the principles and practice of those faithful men who inaugurated the Current Reformation, some of whom are still with us, pleading as they pleaded forty years ago. The common voice of church history, from the earliest corruption of Christianity to the present day, proclaims against the system. Our own experience of its workings in this city warns us against it; and, in proof, the following are *some* of the unavoidable results of the confederation of two (or more) congregations under one Eldership:

1. It is impossible for the church to know who are not faithful in keeping the ordinances of the Lord's house, for the simple reason that when members are absent from one congregation, it is not known that they are present at the other congregation; as, in our own case, when members are absent from the Main-street congregation, it is not known that they are in fellowship with the Broadway congregation; and *vice versa*. This ever tends to create uncertainty and confusion; and it is, therefore, absolutely necessary that

each member should have but one recognized home at one time in order to avoid such complication.

2. In cases of discipline brought before one congregation, the other congregation is a stranger to it, does not act on the case, and yet judgment is pronounced in the name of the church.

3. On the reception of a member by baptism or by letter, it is not known, as a matter of course, to both congregations; and thus the church does not become directly acquainted, if at all, with its new members.

4. In granting a letter of dismissal to any member of the church, it is only by congregational sanction, although in the name and by the authority of the church.

II. When a second congregation was formed out of the church in this city, in order to worship at Odd Fellows' Hall (January 1, 1870), under a common Eldership, we had reason to believe that the arrangement was only temporary, and that when the movement proved a success, an independent organization would take place in the second congregation. We see no prospect for such a consummation, and are, therefore, unwilling to be subjected any longer to such a state of things. We feel that it is our duty to seek what to us seems to be the most peaceful and Scriptural means of avoiding any further identification with what we cannot Scripturally approve.

III. We are satisfied that there is a large number of Disciples of Christ in and around our city, who, for certain reasons, have not sought a home in the church here, but who could be influenced to identify themselves with a Second Church; and thus, we may become instrumental in saving some who, otherwise, may wander hopelessly away from the fold of Christ.

IV. We feel assured that we have a work to do in Christ's kingdom which we could not do in your midst; and also believing that you have ample resources for accomplishing whatever may be necessary for the church now existing, we feel unwilling to "stand here all the day idle," whilst so much remains to be done for the cause of our Saviour.

With no factious purpose or spirit, but simply exercising our high prerogative as Christian freemen, inasmuch as we cannot accord with you in the matters specified, and in order to avoid dissensions and complications, we consider it our solemn and bounden duty to enter upon the field before us in the manner proposed, and thus, in no way compromise our devotion to the teachings of God's holy word, which we claim as our only rule of faith and practice.

In conclusion we do hereby promise you our cordial co-operation in every work that will advance the honor and extend the cause of our common Lord and Master, trusting that by our proposed arrangement we shall mutually cultivate the kindest Christian feelings as members of "one body in Christ, and members one of another," "bearing with one another in love, earnestly endeavoring to keep the unity of the Spirit in the bond of peace."

In Christian affection and co-operation,

G. W. ELLEY,	J. B. BOWMAN,	} Committee.
D. S. GOODLOE,	A. M. BARNES,	
J. D. PICKETT,	E. D. LUXTON,	

Whether Regent Bowman and others were mistaken in their judgment of what was the best, or the right, course to pursue under the circumstances, is a question the Board have not been called on to decide, and concerning which they claim no jurisdiction whatever. All that the Board could do consistently with their position, in the interests of peace, was done. They appointed a committee for the purpose of bringing about a reconciliation of all differences among the officers of the Institution; and that committee, after mature consideration, and with a full knowledge of all the facts in the case, submitted the following proposition to Regent Bowman and others, and also, to the Elders of the Main Street congregation:

"We hereby mutually agree to submit all matters of difficulty and grievance existing between us, to an arbitration committee of nine experienced and discreet brethren, four of whom shall be chosen by us respectively, and the eight thus chosen to select the ninth person as umpire; all of whom shall be mutually acceptable to us, and we hereby bind ourselves to abide by the decision of said committee."

This proposition only Mr. Bowman and others with him, *unconditionally* accepted and signed; and his written agreement to this proposition *still stands good to this day*, and is now on file among the papers of the *Peace Committee*.

But the Main street Elders, though earnestly entreated thus to refer all questions of difference, in a like spirit and on like terms, to a disinterested umpire, refused to do so, except on such conditions and with such stipulations as were unanimously regarded by the committee, *impracticable as a basis of peace*.

These facts should surely relieve Mr. Bowman and others of the responsibility for any continued misunderstanding or alienations.

VIII.

But you still further urge in your petitions:

1. "That the *Bible College* should be sustained!"
2. "That of the present funds of the Institution, there shall be a liberal allowance made to the *Bible College*"
3. "That the *College of the Bible* is a necessary part of the University, according to the original design."
4. "That the money that was so willingly given to establish a *College in which to educate the Ministry*, should not be turned with fearful power against the Church"
5. "That the *Bible College* is the vital connecting link between the Church of Christ and the University"
6. "That the *College of the Bible* was the controlling thought in raising the Endowment Fund"

The Board are one with you in sentiment in reference to the importance of Biblical Education; and we rejoice to find your zeal

for the *best of all books*, out-spoken and emphatic. But you have been induced, by some means, to believe that, on the part of the Board, or its officers, there is a disposition to *put the Bible out of the University*; to strike a blow at the education of young men that wish to devote themselves to Christ; and to divert funds that were sacredly given for their education, to other purposes! *This is wholly untrue!*

During the years 1855-58, Regent Bowman, zealously and without charge, went abroad and urged brethren and others, throughout the central portion of Kentucky, to contribute their means toward the endowment of an Institution of Learning, on the remains of *Bacon College*, that should, however, stand on a broader and more catholic basis—with the Bible, *as the chief corner-stone* liberally taught as the best text-book of morality and piety.

In 1863, the Board of Curators, having received from Jno. B. Bowman, as agent, means sufficient for the purpose, proceeded, according to promise, to endow a chair of Biblical Instruction in the *College of Arts*, then located at Harrodsburg, appropriating \$25,000 for its special support.

Ample provision was thus early made, according to pledges given, for Biblical and Ministerial instruction.

In 1865, after it was resolved to remove the University to Lexington, the Committee on Organization proposed to the Board that in addition to the "*Chair of the Bible*," already established and endowed in the *College of Arts*, a special Theological, or Ministerial College, be opened also.

There was quite a diversity of opinion, at the time, as to the expediency of such a measure. Some thought that to open such a College would only encourage young men, preparing for the ministry, to neglect such literary and scientific culture as was provided for them only in the *College of Arts*. They thought, too, that the *College of Arts* already furnished, or might furnish, a sufficiently liberal course of ministerial training to those who desired it, with the opportunity, beside, of general culture, right at hand.

In a word, some thought that the arrangements for ministerial education, already made in the *College of Arts*, were ample, and better, too, than any *Theological Seminary* could provide, inasmuch as young preachers would be almost constrained, in that department, to obtain a *liberal*, as well as a *Biblical*, education. They doubted the expediency, therefore, of establishing, in addition, a separate and distinct Theological Seminary; especially if boys without an education, were to be admitted; for they deprecated the idea of turning out, yearly, classes of *pious young men* as Ministers, to preach and to advocate the cause of Christ, who were ignorant

of all Science, Literature and Art. It was also urged, at that time, especially, that there was no endowment for such a college—that all the funds paid in had already been sacredly appropriated according to pledges made, and before the present Charter was obtained. Nevertheless, such Curators as embraced these views waived their opposition; and the present *distinct and separate* "College of the Bible" was opened in 1865; the Bible being retained as a text-book, however, in the College of Arts, and to this day faithfully taught to all classes.

President Milligan was, in due time, invited to take charge of this new College; and the annual income, arising from the endowment fund of the *Chair of Biblical Instruction in the College of Arts*, has been annually paid over since that time to the support of his present office.

The *Chair of the Bible* in the College of Arts, called now "*The Chair of Sacred History*," which, at Harrodsburg, was managed as successfully in connection with the regular curriculum of study, is, therefore, the *only Biblical department that has been properly endowed*.

The Board have thus endeavored, whether wisely or not *results must determine*, to do more than was promised, expected, or, with some of you, even desired. You subscribed your money to endow a College of the liberal Arts and Sciences, with the Bible among its text-books—a College in which young men *of every creed and latitude*, whether preparing for the Ministry or not, might secure both a scholarly and a gentlemanly culture in all branches of useful learning, and in Christian morals and manners as well; and the hope was expressed that such a College would provide, in the end, what the Church so much needed and desired—an *educated Ministry*.

That College still remains with all its original chairs endowed; with its resources undiminished, and with a capacity for expansion to any degree that may be necessary to meet the wants of students.

And yet, as we have seen, it was judged expedient to open, in 1865, a *separate* College for preachers; to collect that class of students to themselves; to provide a *special course* of Biblical instruction for them; and to call on the Regent to find an endowment for it, as early as possible.

In 1871, Curator Smith, Secretary of the Executive Committee, proposed for the consideration of the Board:

1. "That the Regent be urgently requested, at the earliest practical period, to obtain at least one hundred thousand dollars as a special endowment of the *Bible College*."
2. "That when this sum is obtained, each Professor in said College shall be paid a salary of twenty-five hundred dollars."

3 "That, after said endowment is obtained, and said salary increased to the amount named, no Professor of said College shall have any official connection with any Christian congregation, nor receive any compensation as a Minister of the Gospel, during the sessions of the College."

It was the intention of Regent Bowman to labor throughout the State for an endowment for this *special College* since the day in 1865, when the Board, at his suggestion, resolved to establish it. But the purchase of "*Ashland*" and "*Woodland*" compelled him to defer the work of endowing it, until those Estates were paid for.

Although such Theological College was a *new and peculiar institution, unknown in the history of our Colleges*, the Board thought that they could, in the meantime, so manage the general income as to maintain said College with a President and two Professors, as might be necessary, till the Regent could raise one hundred thousand dollars for its independent support.

No sooner, however, had he succeeded in paying off the debt which he had contracted for "*Ashland*" and "*Woodland*" and in passing over that magnificent Estate as a gift, through his own individual labors, from generous citizens of Kentucky, than a *slander* was started, and circulated, that he had bought those Estates in his own name and for his own use!

The Board promptly vindicated this Representative Officer from all such calumny, by the appointment of a committee, June, 1871, to examine the entire financial records of the Institution from the beginning; whose *report*, signed by Z. F. Smith, Andrew Steele and W. T. Withers, has already been laid before you.

In further vindication of the Regent, the recent *Committee on Grievances*, whose report was unanimously adopted by the Board, in June, 1873, and before whom this very question of embezzlement or misappropriation came for adjudication, decided according to the testimony adduced:

"That Curator Wilkes, much to the injury of Regent Bowman, did repeatedly and to different persons give erroneous impressions in reference to the title to the Realty as being held in his *own* name, instead of the name of the University—that, too, subsequent to the time said title had been recorded, is sustained by the testimony; and in so far as statements creating said impression were made by him when opportunity to know better was within his reach, *he is at fault*."

Allow us to inform you, then, in concluding this section, that *not one Christian in Kentucky ever gave a single dollar to the "Bible College" of Kentucky University!* We know you will appreciate another fact, also, that the only endowment it has ever received is a gift of *five thousand dollars* from a generous Christian gentleman of Ohio—the President of this Board, *R. M. Bishop*, of Cincinnati!

Of one thing, brethren, you may rest assured, in any event; ample provision will always be made in the University for the instruction of young men in the Scriptures, and for the liberal and thorough education of such as may desire to prepare themselves for the Christian Ministry. *To this measure, the majority of the Board are pledged, both by their promises and their principles.*

IX.

We notice, also, another emphasized petition in the memorials before us, to which, on behalf of the Board, we wish to give you a satisfactory answer:

"The suspension of Prof. McGarvey was without cause."

"We ask that those who sought Mr. McGarvey's removal, contrary to the Charter or wishes of the brotherhood, *be removed.*"

"We regard Mr. McGarvey's suspension as unjust, unchristian, illegal and tyrannically injudicious, *since no reason has been assigned why he should be dismissed.*"

"We feel that there are no men among us that would fill the places of Bro. Milligan and Bro. McGarvey, to the satisfaction of the brotherhood."

"We do fully endorse the action of Prof. J. W. McGarvey with the so-called *Regent* of said Kentucky University, and we think his action that of a Christian man in all respects."

"We think Bro. McGarvey has been dealt with in a foul manner, by designing men, without just cause or provocation."

But enough! We submit, dear brethren, to those of you who are wise and prudent, these extracts from the memorials before us.

It has never before been considered that the removal of any Professor from a University necessarily involved the total ruin of the Institution! When, therefore, some of you declare that no man can fill Prof. McGarvey's place satisfactorily to the brethren, we can give no other reply than that *we hope* that some man may eventually be found among the thousands in Israel that *can* do his work satisfactorily. We presume Prof. McGarvey himself would not encourage in you a sentiment so full of despair!

As to the *legality* of the action of the Executive Committee, in suspending Prof. McGarvey, which you call in question, we have already sufficiently spoken in our recent action as a Board. If our declaration of a full and ample right to authorize the Executive Committee to remove any Professor *ad interim*, should not satisfy you, we can only refer you to any intelligent legal gentleman in your midst; or, if this will not suffice, such Professor can always appeal to the courts.

But below we give you, also, the opinion of eminent jurists on this point:

OPINION OF GEO. B. KINKEAD AND RICHARD H. BUCKNER.

The following question has been submitted to us for our opinion:

"Has the Executive Committee, as agents of the Board of Curators (of Kentucky University), the power to remove, per interim, a professor who is a ministerial officer or appointee of the corporation—an act which would be simply tantamount to suspension from office until the corporation confirms or revokes the action of its agent, the Executive Committee?"

After examining, with some care, both the charter and by-laws of the University, we are of opinion that the Executive Committee has such power.

By the 11th section of the charter, "no less than a majority of the whole Board of Curators shall have power to appoint the president, professors, &c.; * * * to remove the same from office for sufficient cause, and to fill all vacancies in the same, whether by death, resignation, removal or otherwise; provided a vacancy may be filled by a quorum until a meeting of said majority shall be held."

By the 10th section, it is provided a majority of all the Curators shall have power to remove a Curator from office, for any cause they may deem sufficient, and shall have power also to define the qualifications of a Curator.

These are the only parts of the charter which require a concurrence of the majority of the Board.

By the 4th section it is provided: "They (the Curators) shall have full power to select and employ any officers and agents they shall deem proper; * * * also to make, ordain, establish and execute or cause to be executed all such by-laws, rules and ordinances not inconsistent with the Constitution and laws of the United States, or of this State, as they may think necessary for the welfare of said institution for their own government, the good government of the professors, instructors, tutors, agents, officers and students of the same, and generally to do all acts necessary and proper to promote the welfare and prosperity of said University."

Under this clause various by-laws were made by the corporation, among others the following:

"The permanent officers of the Board shall consist of the President, Secretary, Treasurer and Executive Committee."

They (the Executive Committee) shall have full power for, and in behalf of, the Board, to transact all business which the Board might rightfully do, and which ought to be done, in the *interim* between the meetings of the Board; *provided*, however, that the acts of said Executive Committee, so far as they relate to the legitimate business of the whole Board, shall have full force and effect only until the next meeting of the Board, unless at said meeting they shall be ratified by the Board.

The limitations of the *proviso* excludes all consideration of the power of the Board to authorize the Executive Committee by a by-law to act definitely and finally on the matters confided to them. The Board, by its by-law, has not attempted to confer such power upon the committee.

The powers conferred by the 4th section are very broad, and while it may be admitted that no by-law can be made under them inconsistent with the positive prohibition contained in the 11th.

section (about which, at present, we are not asked for an opinion), we do not doubt that a by-law may be made in perfect consistency with all other parts of the charter, under which the Executive Committee may temporarily remove or suspend from office one of its professors.

The power to make its own by-laws is an incident of every corporation, and this, because in the judgment of the law, it is necessary for the proper exercise of its functions. And hence courts have given validity to them, when at first sight it was not expected. For instance—In *Ret. & Spencer Burrow R.* 1829, a note of the case is in the following language: "The charter directs the nomination and election of common councilmen to be by the Mayor, jurats and commonality, and their successors, or the majority of them, out of the principal inhabitants of the said town and parish."

A by-law was made "to restrain the number of electors to such of the commonality as have executed the office of church warden and overseer."

It was objected to this, that "the by-law is *contradictory* to the charter, which requires the election to be by the body at large. So that it is repugnant to the charter, both in letter and spirit. Lord Mansfield, in giving his final opinion on the case says: * * * 'But when the power of making by-laws is in the body at large, they may delegate their rights to a select body, who becomes the representative of the whole body.'" And while the case was progressing the same learned judge said (page 1833:) "It is now settled that the number of the *electors* may be restrained by a by-law."

And this view was sustained by Lord Ellenborough in a subsequent case, "*The King vs. Ashwell*, reported in 12 East, p 22, when the Chief Justice said: "With respect to elective functions to be performed by the body at large, they may in this manner delegate them to a select part of themselves, and I cannot say that it is an unreasonable by-law because an inconvenience may, by bare possibility, result from it." We have cited these cases to show to what extent courts have gone in upholding by-laws made by corporations in furtherance of the general interest of the body. These, however, must not contradict the charter. To determine when they do, depends on the construction of the whole charter, and a proper construction of the by-law.

A charter is necessarily general. By laws are always particular. While the latter is subordinate to the former, both ought to be construed together in view of the general working of the corporation. Now, then, if there be no power in the Executive Committee to suspend until the next meeting of the Board to await the action of the majority, then this power does not exist anywhere; a quorum can fill a vacancy, but a quorum cannot suspend an officer, and the extraordinary state of case is presented that a professor may demean himself ever so unworthily, and no power can restrain him, until a majority of the Board can be convened.

If the courts uphold a by law which limited the number of electors when the charter conferred the right on all, how much more would they uphold a by-law which, without a contradiction, supplies a deficiency of its charter?

Can a power to suspend a professor until a majority of the Board can have an opportunity to act be considered inconsistent

with a power to remove? We think clearly not. A majority is required to remove; but where is the prohibition on a less number to suspend for a limited time? A power to suspend indefinitely might be considered a power to remove, but a power to suspend until the Board shall meet cannot be so considered. If a power to remove was claimed under the by-law, it might be replied that the power to remove is limited to a majority of the Board, but until a power to suspend for a limited and fixed period shall be construed to mean the same thing as a power to remove, it cannot be insisted that the by law and charter are in conflict. A power so necessary should be upheld by the courts, and, in our judgment, would be, unless there was an express prohibition of it, and we think there is none.

Another by-law provides that "The Board of Curators reserved to themselves the right to dismiss any professor or instructor whenever, in their judgment, the interests of the University requires it."

It is manifest this has no bearing on the question we have been considering, but concerns only the professors, and not the power of the Executive Committee, and the whole by-law is designed to put it out of the power of a professor to resign or surrender his place, except at certain times, while it reserves the right in the Board to dismiss him at any time.

Sept. 10, 1873.

GEO. B. KINKADE,

RICHARD A. BUCKNER.

OPINION OF W. C. P. BRECKINRIDGE AND B. F. BUCKNER.

John B. Bowman, Regent, &c.:

DEAR SIR—The Curators are the corporation, and, therefore, do not in any true sense exercise any delegated powers. By section 4 of the Charter they are given full power to select and employ any officers and agents they shall deem proper, and to make, ordain, establish and execute, or cause to be executed, all such by-laws, rules and ordinances not inconsistent with the Constitution and laws of the United States or this State, as they may think necessary for the welfare of the institution, for their own government, the good government of the professors, instructors, tutors, agents, officers and students generally; to do all acts necessary and proper to promote the welfare and prosperity of said University.

By section 5 it is made the imperative duty of the Curators to elect an Executive Committee. The duties and powers of that Executive Committee are of necessity prescribed by the Curators under the power given in section 4.

These duties and powers are thus prescribed, to-wit. "The delegated and representative powers of the corporation are vested in a Regent and Executive Committee," and the Executive Committee shall consist of the Regent, who is *ex officio* chairman, and four members of the Board, who shall be styled the Executive Committee of the University.

2. "They shall have full power for, and on behalf of, the Board to transact all business which the Board might rightfully do, and which ought to be done in the *interim* between the meetings of the Board. Provided, however, that the acts of said Executive Committee, so far as they relate to the legislative business of the whole Board, shall have full power and effect only until the next

meeting of the Board, unless at said meeting they shall be ratified by the Board." (Page 17)

Whatever the Board has the power to do finally, the committee has power to do temporarily. The Board is the corporation, and has power to delegate its powers to selected officers. This seems too clear to require argument, unless there be some restriction especially enacted. The power of the committee is the whole power of the Board. There is a very perceptible difference between the power conferred and the mode of exercising that power.

The Board has certain powers conferred; as to some, a certain mode is pointed out; as to others, another mode. It is always one Board, and, as such, upon it are conferred all powers granted.

Now, to this Executive Committee are granted all the powers of the whole Board during the recess of the Board.

When the committee acts, its action is binding only during such recess, when its action is reported to the Board for confirmation. The power conferred on the Board must be exercised in the mode pointed out in the Charter; that is, the ratification must, in certain matters, be by a majority of the whole Board.

For instance, the Board has the undoubted power to dismiss a professor. That power is to be exercised in the mode pointed out by section 11. It has power to delegate this power under section 4, and, most clearly, to an Executive Committee, and has so done. This delegated power must, of course, be subject to ratification. When that act of ratification is to be passed, the Board must act as pointed out by said section 11. We, therefore, are of the opinion that under the Charter and by-law submitted, the Executive Committee have power to dismiss a professor until the Board meets.

The power to remove a professor without any explicit reservation, is, we think, a clear common law right, and that without trial or formal charges.

Such an officer, appointed *durante bene placeto*, may be removed without any other cause than that the pleasure of those who appointed him is determined. It would indeed be unfortunate if there did not reside the power in some body, always in session, always capable of acting. Such is the apparent reason for creating an Executive Committee; one who can at once be gathered together and immediately act.

Respectfully,

BRACKENRIDGE & BUCKNER.

X.

Some of you preface your condemnation of the Executive Committee, with the remark: "*We have learned the facts in the case.*" Now we respectfully submit the question: When and from whom did you learn these facts?

The committee saw proper, in July last, to suspend Professor McGarvey. Immediately it was rumored that the committee had dismissed him on charges from which he had been exonerated by the Board in June! Was *this* a fact?

Nothing could be more untrue. The committee did not communicate to the public the grounds of their procedure; and how could you be persuaded then, that you knew "*the facts in the case?*"

You put confidence, brethren, in hand-bills, newspaper communications, for which editors are not responsible, and in circulars sent to you trustingly to sign, and in the statements of persons either as ignorant of the facts as yourselves, or evidently unfair as partisans!

During the whole summer, from July to September, you heard no word and saw no line from the Executive Committee, or the Regent, or any authorized statement from the Board; and yet they were criticised, misrepresented and abused most industriously all over the land. They held their peace, and looked on in sorrow at the unwholesome and groundless excitement into which you were thrown by those who for sometime have been trying to disorganize the government of the University.

Allow us to say, now, that the Executive Committee suspended Prof. McGarvey *not* because he would not resign, and *not* on charges from which he had been exonerated, but because he again, in July last, broke the peace of the University, and incited strife anew on some of the very questions that the Board, as they hoped, had quietly settled in June.

The formal charge, embodying the complaint and action of the Executive Committee against Prof. McGarvey, on which he was arraigned before the Board in September, is as follows:

WHEREAS, The Board of Curators, having used all reasonable measures to adjust differences among, and to harmonize in cordial relations and co-operation, the officers and members of the Faculties of Kentucky University, and having declared at its meeting, in June last, that "If there is any one who cannot work in peace and harmony with his fellows in the Board, resignation would do honor to the head and heart of such a one," thus emphatically expressing a wish that any official disturbing the future harmony and peace of the institution should resign or be separated from further official relationship with the University; and,

Whereas, Tutor E. Smith and Prof. J. W. McGarvey did, in disregard of the expressed wish of the Board, publish articles improper and intemperate in their character, and calculated to reopen questions of strife and discord; and,

Whereas, Tutor Smith, on suggestion of several members of the Executive Committee and the Board, did tender his resignation, which was accepted by the Executive Committee, whose action is hereby approved; and,

Whereas, The Executive Committee did courteously and kindly request Prof. McGarvey, for the sake of the peace and harmony of the institution, to resign his professorship in Kentucky University, which he declined to do: therefore,

Resolved, That J. W. McGarvey may be, and is hereby, removed from his professorship in Kentucky University, and that the chair formerly filled by him be declared vacant.

We ask you to peruse also the following paper, read to the Board at their called session, on the 16th of September, in support of this

charge and in justification of the action of the committee. You will thus, for the first time, come into possession of some of the reasons that influenced the Executive Committee to vacate the chair to which they had once appointed J. W. McGarvey.

We ask you, on reading this paper, to bear in mind, that the Board for some years had been using every means in their power to adjust the unhallowed strife that distressed and disgraced the University.

Our *Peace Committee* had early obtained from Regent Bowman *his* written pledge to refer unconditionally all matters of difference and grievance with brethren to a disinterested tribunal; he had, at their instance, and, for peace' sake, even withdrawn charges, which he had formerly brought against his enemies; he had, in June, 1873, given up his office, also, both as Regent and Treasurer, as a *peace measure*, in the very face, too, of those who were seeking to bring about his degradation; the Board had condemned public controversy in newspapers; and had left to all parties at variance the solemn admonition *to keep the peace or withdraw from the Institution*.

It was under these circumstances that Mr. McGarvey, *after the adjournment of the Board*, wrote the articles referred to in the following paper:

To the Honorable Board of Curators of Kentucky University:

GENTLEMEN:—The Executive Committee to whom is delegated the authority to do, *ad interim*, any and everything which the Board itself might rightfully do, when in session—*provided* their proceedings so far as may relate to the legitimate business of the whole Board, shall not be considered final unless they be ratified at the next meeting of the Board—ask leave to submit the following as the ground, in part, of their recent action in reference to the suspension or removal of Prof. J. W. McGarvey:

The committee felt that, after the adjournment of the Board in June last, the work of restoring peace and official harmony in the University, as far as this was practicable, was, by force of circumstances, by the very nature of their office, and by the action of the Board, thrown on their hands. They felt, moreover, in view of all the facts in the case, and the complications of a strife of several years' duration, and especially in view of the utter failure of every effort on the part of various committees to establish peace, that the work of properly preparing for the opening of another session was unusually delicate and difficult. Nevertheless, they resolved, with a full purpose to do their whole duty to the institution, to be guided by the clearly indicated policy of the Board, and by their own dispassionate judgment as to what was necessary and proper to be done.

After due deliberation they were forced to the conclusion that the resignation of Prof. J. W. McGarvey would greatly promote the desired harmony, and they accordingly resolved to request him, in kind and respectful terms, voluntarily to tender his resignation.

They were influenced in this decision by the following considerations:

1. His well known want of sympathy with the Regent, the chief officer of the University, in his educational work, and in his administrative policy, which work and policy the Board have always approved.

2. His strong opposition to that officer, reported by the *Committee on Grievances*, long known to the Executive Committee, and since fully avowed by himself.

3. The want of proper co operative harmony between himself and other instructors in the University, produced, we have reason to believe, by the course of Mr. McGarvey himself.

4. His conduct as editor of the *Times*, immediately after the adjournment of the Board in June last, in publishing articles concerning the report of the *Committee on Grievances*, before that report appeared; in which articles he does Mr. Bowman great injustice, by presenting him to the public as a false accuser of his brethren, when Mr. McGarvey himself had been Mr. Bowman's accuser before the Board.

The imperative necessity that one or the other party to an irreconcilable difficulty in any institution of learning should withdraw from the same, and the fact that the Board had refused to allow the Regent to resign, when he proffered to do so, left the Executive Committee no alternative, save to invite the resignation of Prof. McGarvey.

Encouraged by their own view of what was right in the premises, and by the very earnest and unanimous exhortation of the Board at its last meeting, addressed to all the parties in this controversy, and to all others as well, the Executive Committee resolved to address Professor McGarvey a respectful note, asking him, for the sake of peace and harmony in the institution, to tender his resignation.

But after the committee had thus resolved, they concluded to delay the sending of their communication, in the hope that when the report of the "*Committee on Grievances*" had been given to the press, Prof. McGarvey's course would render the request unnecessary. They hoped that his editorial procedure at least would be so fair and generous and pacific, especially toward his colleagues, that all disturbances might be at last composed; or, if he chose to proceed otherwise, that he would feel it to be his duty to resign without a suggestion from them, as we hoped he would do after the action of the Board.

In all these expectations we were disappointed. The article in the *Times*, of July 3d, of which he is the acknowledged author, destroyed all hope that we may have had, that harmony could be restored, and the interests of the University promoted, without some action on the part of the Executive Committee. We accordingly sent him a letter urging him to resign, and this we begged him to do voluntarily, for peace sake, and without prejudice to himself or censure from us. Mr. McGarvey declined, in terms not the most respectful, to comply with the request of the committee and to conform his action to the line of peaceful policy so heartily recommended by the Board.

His course, under the circumstances, so unexpected to the Com-

mittee, left them no alternative save either to arrest the exercise of the functions of his office as professor, or permit him to remain the occasion or cause of renewed strife and alienations in the Institution.

They invite the close and unbiased attention of the Curators to the following considerations especially, as furnishing ample grounds for their final proceeding:

1. It is a fact well known to the Board that slanderous reports had gone out to the public to the effect that the Treasurer had fraudulently appropriated or misused the funds of the Institution. A publication of the fact that Mr. Bowman had been unanimously re-elected Treasurer at our last meeting, and that his financial dealings had been, time and again, inquired into by the Board, and uniformly declared to be correct and faithful in every particular, was necessary to his vindication, as well as that of the Board who continued him in office.

The Executive Committee accordingly prepared a very brief statement of these matters of record, and did, as soon as possible after the adjournment of the Board in June last, give them to the press, in connection with the report of the "Committee on Grievances."

Prof. McGarvey, knowing that the Regent of the Institution had been injuriously misrepresented among the readers of his own paper, nevertheless deliberately refused or neglected to publish these facts as thus officially set forth.

2. The law of the University, p. 18, directs that the Executive Committee shall cause to be published *such documents* as will make a fair exhibit of the general condition of the University.

In the discharge of this duty the Committee prepared a paper for early publication, embracing the report of the "Committee on Grievances," and such a statement of facts from the records of the Board as, in their judgment, was necessary.

Mr. McGarvey, although a Professor in the University, suppresses the publication of these statements in his paper, and thus refuses to give to the public such facts as the Executive Committee deemed necessary to the interests of the Institution.

The judgment of the committee as to what ought to be published should, on every principle of official honor, have prevailed over his prejudices and personal feelings against the Regent, so far as to have caused him to give to the public the entire paper of the committee. We can construe such action in no other way than as wholly incompatible with his subordinate position as professor, discourteous to the authorities of the Institution, and as evidence of an unwillingness on his part to give a misrepresented colleague the benefit of the truth.

3. During the summer and fall of 1871 or 1872, when certain parties thought proper to discuss the exciting questions of the hour in the newspapers, Dr. Peter judged it expedient to address certain communications to the press in reply to attacks on Mr. Bowman, and, as he believed, on the vital interests of the University. We would not here discuss the propriety of any of these publications. But the Board of Curators, after mature reflection, decided:

"The articles written by Dr. Peter, in common with other publica-

tions of the time, were, under the circumstances, ill-timed, injudicious, and, in their effect, detrimental to the interests of the Institution."

In his recent article in the Times, Mr. McGarvey states simply that *Dr. Peter had been censured by this Board for articles which he had written for the newspapers*, "which articles," he adds, were in the interest of Mr. Bowman, and antagonistic to the editors of the Times, and to the action of the Main-street Church."

The conclusions which his readers were thus forced to draw was that Dr. Peter *alone* was censured by the Board, and that, too, for writing articles that were favorable to Mr. Bowman and unfavorable to Mr. McGarvey.

Now, the strife producing character of Mr. McGarvey's article appears in this: That he suppresses the fact that others also were equally censured by the Board. He seems to labor to create the impression that Dr. Peter's articles alone, *because* unfavorable to him and to certain elders of the Main-street Church, and favorable to the Regent, were condemned by the Curators.

In this procedure he did all that an editor could have done, to fix in the mind of the public all the censure of the Board in this regard on his colleague, Dr. Peter, and that, too, on false grounds, knowing at the time that the condemnation was meant to be distributed among all the newspaper writers of the time, himself included.

4. An article written by Tutor Smith, on *University Troubles*, for the Cincinnati Gazette, Mr. McGarvey, after the adjournment of the Board, denounces in the Times as containing falsehood and base slander. Mr. Smith thereupon addressed him a note, asking space to reply to this grave charge, asserting his ability to prove that he wrote truth. Mr. McGarvey refused to give him the opportunity to reply to so serious an accusation. We do not, in anywise, endorse the propriety of Mr. Smith's writing any article on the University difficulty, being himself a teacher in the institution, but we submit whether Prof. McGarvey wrote in the interests of peace and harmony, when he thus denounces the statements of his colleagues as *false* and *basely slanderous*, and then refuses the opportunity to reply.

Tutor Smith, finding all harmony between himself and Prof. McGarvey thus permanently disturbed, and learning that his article to the Gazette was, in the judgment of members of the Executive Committee, and other Curators, calculated to increase rather than to allay strife, had the proper self respect and regard for the opinion of Curators to tender his resignation, which the Executive Committee promptly accepted.

We think that the course of Mr. McGarvey in his controversy with his colleague, was objectionable, and, as he was the senior of the latter, who is a young man, and as he is an editor of a *religious* newspaper, his severe denunciations of Mr. Smith were, under the circumstances, the more inexcusable.

Moreover, we would impress it upon the minds of the Curators that it was under the professed apology of a reply to Tutor Smith that Mr. McGarvey finds the opportunity to injure the reputation and usefulness of the Regent.

5. Mr. McGarvey, in the article which we are reviewing, complains that the report of the Committee on Grievances had been antici-

pated by certain writers, and the nature of the case misrepresented in the papers before the report was prepared.

It is evident that he here seeks to make the impression that only the friends of Regent Bowman sought, by premature publications, to forestall opinion in regard to the report.

But the facts in the case furnish positive proof of Mr. McGarvey's determination to allow no peace in the University save on his own terms; for he, himself, while thus publicly criminating a colleague, was guilty of the same offense.

In an article of June 26th, written before that report was given to the public, he states that the editors of the Times, Mr. Wilkes among the number, had been vindicated and were anxious for their *vindication to appear*. Whatever impropriety there was, therefore, in any attempt to forestall public opinion, Mr. McGarvey was equally guilty of it.

Moreover, in order to keep alive an unjust prejudice against Mr. Bowman, he claimed for his co-editor, Wilkes, that he had been vindicated by the yet unpublished report. Now, was this statement even *true*?

The Board decided that the charge which Mr. Bowman had once brought against Mr. Wilkes was sustained by the testimony; and that so far as his statements had made impressions injurious to the Regent, when opportunity to know better was within his reach, he was at fault.

With this verdict of guilt well known to him, Editor McGarvey, a week or more before the "report" was published, announces the vindication of the whole editorial corps!

In this connection the committee would call special attention to the fact that Curator Wilkes had repeatedly made the most serious charges against Regent Bowman, which charges had been before the committee for investigation. In view of these facts, the declaration of Prof. McGarvey to the effect that Mr. Wilkes had been vindicated by the Board, could have had but one meaning, viz: That the Regent had been found guilty of the unfaithfulness with which Mr. Wilkes had charged him! We submit, then, that Prof. McGarvey was not only guilty of making the erroneous statement that the report of the committee contained the vindication of the honor of all the original editors of the Times, but that he thereby implies the very dishonesty and criminality that had been charged against the Regent.

This deliberate perversion of the character of the report, of itself is, in our opinion, sufficient ground to demand his removal from the Institution..

6. Mr. McGarvey has inexcusably done Mr. Bowman still further injury and injustice by his suppression of a few very important words of the report, when endeavoring to persuade his readers of his own complete exoneration from what he calls the charges of the Regent. It will be remembered that in his memorial of January 11th, 1872, he calls on the Board to vindicate him from the charge of being a liar, which charge, he alleges, had been brought against him by Mr. Bowman.

In commenting on the decision of the committee in the premises, Mr. McGarvey says that he had been completely exonerated from the charge preferred against him. He thus leads his readers

to suppose that he had been tried and fully acquitted on some charge of lying that Mr. Bowman had publicly and falsely brought against him, when he himself had been Mr. Bowman's accuser, and had preferred charges against him. Now, the suppression of any essential part of the solemn decision of a tribunal like that, is morally improper. But, when such suppression does injury and injustice to an opponent, it is unpardonable. In the case of Professor McGarvey, his mutilation and misrepresentation of the report, to the injury of Mr. Bowman, is, under the circumstances, deserving of extreme censure.

The decision of the committee on the point alluded to, is that, while they exonerate Mr. McGarvey under an *alleged* charge of falsehood, they declare that no such charge had been made by the Regent at all, directly nor by implication, unless from inference, which even, if logically drawn, should be accepted by the Regent as his own, before they are made a subject of criminal charge against him, the Regent. Thus it appears that while the Board were willing to exonerate Mr. McGarvey under a charge of falsehood, which *he* alleges had been made by the Regent, they were also emphatic in denying in the same sentence that the Regent had brought any such charge, and yet Mr. McGarvey deliberately suppresses this fact. He thus leaves Mr. Bowman before the public in the attitude of a false accuser, convicted and exposed as such by the Board. This piece of injustice to a superior officer furnishes additional sufficient grounds for the action of the Executive Committee.

8. Another apparent effort on the part of Mr. McGarvey to do Mr. Bowman all the injury he could, and which served to render the breach between him and the Regent irreparable, is in Mr. McGarvey's editorial notice of the slanders of Mr. Bowman's private character.

Mr. McGarvey sees fit to refer to these refuted slanders again, and gives his readers the full benefit of the scandal by saying merely that the committee say of certain testimony touching the private character of the Regent: "*That it should not have been introduced*" Now, the report of the committee emphatically declares not merely that that testimony should not have been introduced, as Mr. McGarvey has stated the matter, but that it should not have been introduced for the reason, that it was *confessedly based on rumor alone, utterly unsubstantiated by any evidence whatever, and irrelevant*, thus giving the amplest vindication of Mr. Bowman, and leaving the censure for its introduction to fall on whomsoever deserved it.

But, worse than all this, Mr. McGarvey, after endeavoring to exonerate himself from all blame for the introduction of this scandal, pens this unfortunate sentence: "More on this matter" (the scandal) "we do not choose to write, unless future developments shall compel us to do so."

In such a connection these words can have no other significance than to insinuate vice and to *threaten* its exposure—words that were sufficient of themselves to prevent all future co-operation with him on the part of the Regent, though nothing else had ever been written.

9. In explaining to his readers the very plain verdict of the

Board in the case of Mr. Wilkes, Mr. McGarvey endeavors to persuade them that the Board did not find any fault with Mr. Wilkes for any *statement* which he may have made concerning the title to Ashland or Woodland, but only for the *impression* which his statements may have produced on the minds of some persons. Now, the verdict of the committee is in these words:

"That Curator Wilkes, much to the injury of Mr. Bowman, did repeatedly and to different persons, give erroneous impressions in reference to the title to the Realty as being held in his own name instead of the University—that, too, subsequent to the time said title had been recorded—is sustained by the testimony; and, in so far as statements creating said impressions were made by him, when opportunity to know better was within his reach, he is at fault."

The charge of Mr. Bowman against Curator Wilkes is thus emphatically declared to be sustained. But, desiring that full justice should be done to all parties, the committee proceed to censure Curator Wilkes for his *statements*, on the ground, 1st, that those *statements* gave erroneous and injurious impressions; and, 2d, that Mr. Wilkes had the opportunity to know better.

And yet, after Mr. McGarvey had heard the report of the committee read, he does not hesitate, as we have seen, to publish it as a fact that *Mr. Wilkes had been vindicated!* And more than this, he even spread the injurious statement again before the public that Mr. Bowman had held the title to Woodland in his own name for nearly a year after it had been paid for by the money of the University—a statement which is not true, and the facts connected with which Mr. McGarvey could easily have known had he desired and which is virtually but a repetition of the story which the Board unanimously condemned as truthless and injurious.

In conclusion, we beg leave to say, that no documents touching the unfortunate difficulties in the University, for the removal of which the Board had wisely prepared the way, in their whole scope, tenor and spirit, could have been more injurious to others, and more fatal to the peace and harmony of the institution than those published by Prof. McGarvey in the Times, so soon after the adjournment of the Board, so palpably misrepresenting its action, and so manifestly calculated to open up afresh the wounds which they had endeavored to heal.

These articles are herewith appended, and we leave it to the judgment of the Board, after carefully reading them, and weighing all we have said, to determine whether they do not furnish ample evidence of a persistent disposition on the part of Mr. McGarvey to use his office as Professor, and his position as editor of a religious newspaper, to do some of his colleagues all the injury he can, and to defeat any effort for peace unless it be accomplished by the disgrace of the founder and faithful, self-sacrificing chief Executive Officer of the University.

With the exception of Mr. McGarvey, there has been, and is, entire harmony and co-operation among all the officials of Kentucky University, as far as known to us.

From the foregoing statements, and from the fact that Mr. McGarvey is, and has been for years, more or less, not on terms of cordial relationship with a number of his colleagues of the Faculty

and the officials of the institution, nor in proper sympathy to co-operate with its management, we are compelled to regard him as an irreconcilable element of discord in the government of Kentucky University, and his removal as necessary to the peace and prosperity of the same.

As the authority of the Executive Committee to suspend or remove Mr. McGarvey has been questioned, we beg leave to say that the power of appointment and the creating of vacancies in the Faculties has been repeatedly exercised by the Committee for fifteen years, without a previous voice of dissent or doubt as to the legality of these precedents, Mr. McGarvey himself holding his professorship under the exercise of this authority.

BENJ. GRATZ, <i>Ch'm pro tem.</i>	} Executive Committee.
JOSEPH SMITH,	
JOS. WASSON,	
JOS. WOOLFOLK,	

To this paper of the committee, we add a calm review of Mr. McGarvey's conduct, which was read before the Board by Curator Sloan, the Chairman of the *Committee on Grievances*, whose report had been so much misrepresented :

Reasons for the vote I cast to remove Prof. McGarvey from his position as Professor in the Kentucky University:*

PREFATORY REMARKS.

The frequent allusions of Prof. McGarvey, in his defense to which we have just now listened, to the report of the *Grievance Committee*, demand some notice from me, especially as I penned that report. In this notice I shall also take occasion to give my reasons for the vote I shall soon be called upon to cast.

I have from the first regarded it highly improper for any one connected with the University to join in a newspaper controversy over its affairs. Hence, I voted censure upon Dr. Peter, which censure was intended, so far at least as a majority of the committee were concerned, to reflect equally upon *all* others officially connected with the institution, who participated in the controversy. From the enthusiasm with which the report was received, I left Lexington buoyant in the expectation that the newspaper war at least, should cease. Soon, to my extreme mortification, I saw the article of E. E. Smith in the *Cincinnati Gazette*. Meeting with Mr. Bishop, I asked him, as Chairman of the Board, to write to the *Executive Committee*, urging them to demand the resignation or removal of Tutor Smith. He did so, writing at the same time to Prof. McGarvey, asking and urging him to make no reply.

*These reasons were penned, with the exception of a few extemporaneous remarks, now interlined, before I left my home, for the meeting of the Board. I was frank and independent enough to say so in the Board; and hence I am charged with partisan prejudgment of the case. Had those who make the charge given to the public the facts within their own knowledge, they would have saved me the necessity of any reply to so insidious a charge. The evidence was *all* before me before I reached or penned a conclusion. It was furnished complete on *both sides*. Not a single item additional to what was already in my possession was ever offered at the meeting of the Board. The speech of Prof. McGarvey was no evidence—it did not purport to be. It was an attorney like defense commenting on the evidence already before me. As such, I heard it patiently; then as sensible and honest jurors always do, I gave my conclusions, according to the testimony and not according to the speech of the Professor.

October 15, 1873.

R. E. SLOAN.

Then comes the news of his suspension or removal by the Executive Committee, followed immediately by a summons to a meeting of the Board. I realized that I should be called upon as a Curator to decide a question vital to both private and public interests, and I at once sought the facts requisite to an intelligent judgment in the case. With these before me, at my own home and in the privacy of my own study, I wrote a review of the case. I have now listened to every word of Prof. McGarvey's defense. There is nothing in it to change my mind, save, that as a demonstration of persistent fight—the very thing to my mind most objectionable—it confirms me in the view I had already taken. I propose to read what I had written as my reasons *then and now* for the vote I shall cast.

The report made by the *Committee on Grievances*, to the Board of Curators at its recent session in June, so unanimously endorsed and so hopefully regarded as a *finale* to all the then existing troubles in the University, was intended to exempt from penalty all parties, and to bury from memory all the past, in the hope of a peaceful future. In that report, Prof. McGarvey stands exonerated; hence the announcement so soon thereafter, *that he is suspended* starts the enquiry, naturally enough all over the land: "What has he done to provoke this action of the Executive Committee? What has he done *since that meeting*?" for they cannot rightfully go back of that meeting to lodge any complaint against him. There lies before me, in evidence, an article published July 3d, in the *Apostolic Times*, of which Prof. McGarvey acknowledges himself the author. The Executive Committee, deeming it a violation of the spirit and recommendations of said report, ask him to resign, which refusing to do, they remove him. That article then necessarily comes under review; and from its careful consideration I am forced to the conclusions: 1st, That it is incorrect in its statements; 2d, It is offensive and damaging to Mr. Bowman; 3d, It does injustice to Dr. Peter and the committee in their censure of him; 4th, It purposely evades the force of the recommendation of the report looking to peace and harmony; 5th, Its very publication is a re-opening of the war we had hoped was ended.

1. The first sentence of this article is incorrect. It speaks of the "*Report of the committee in reference to charges preferred against two of the editors of this paper*"—(*The Apostolic Times*). The contrary of this is true, as shown by the report itself. The charges were made *by* these editors, not *against* them. Mr. Bowman *had* made charges against them, but had withdrawn and never renewed them. So far as any charges against Prof. McGarvey were submitted to the committee, they were construction-framed from certain newspaper articles by himself, and against himself, as if by Mr. Bowman; hence *not made*, but in the language of the report, "*alleged*" to have been made.

2. The innuendo style of Prof. McGarvey's allusion to the "charges of immorality against the Regent," and the renewal of the charges that he held "in his own name the title to Woodland," leaving all the concomitant facts entirely out of view, constitute an attack upon the Regent, unprovoked upon his part, and gives circulation anew to baseless rumors, detrimental to his private, as

well as his public character; that, too, in regions where it was not in his power to correct them.

3. The injustice done to Dr. Peter and the committee in the case, is scarcely less palpable than the above. Prof. McGarvey does not say that Dr. Peter *alone* is guilty under the charge, but the fact that *others* were condemned, as well as he, for the same offense, is *withheld from the entire article*; and from its perusal the reader can scarcely avoid the conclusion that he *alone* was blamed. Nor is this all; another paragraph very ingenuously represents the committee as inculcating Mr. Bowman and exculpating the editors of the Times, because it censures Dr. Peter for articles written in the interest of the one and antagonistic to the other! The committee censured Dr. Peter, not because he wrote on one side or the other of the controversy, but because, *being a professor*, he wrote at all. They found fault with others as well as with him, and so expressed it.

4. The recommendation of the report that "any one, who could not work in peace and harmony, resign," Prof. McGarvey limits, in its application, to "members of the Board." The same position is taken in his correspondence with the Executive Committee. Such an interpretation is based only on the most special pleading viz: that because the recommendation, in its immediate context *includes* a specific class, therefore it *excludes* others, because not named in immediate proximity of phrase, though formerly named in the same paragraph. Strange, that the committee should commend peace and harmony to Board members and leave the professors to strife and discord! The leading sentence in this paragraph of the report reads thus: "Passing from the parties whose names are before us in this report, we have a word of counsel to *all*—to *them* as well as to *others*, and to *others* as well as to *them*." Prof. McGarvey is one of the "parties named in the report, and as such, the recommendation does apply to him, so directly that no ingenuity can evade its force.

5. These several specific objections are all embraced in the general and more serious one—the *publication of any article on the subject*. The committee *did intend*, in their censure of Dr. Peter, to put a stop to these newspaper articles, so far as University officials were concerned, as tending to engender strife. Prof. McGarvey knew this and takes credit to himself and coadjutors for seeking the action of the committee and Board, "in part for this very purpose." The Board adjourned in hope that they would cease. In the meantime, the Gazette articles, exceedingly injudicious and incorrect in statement, appeared. Soon as it was known that they were written by a *tutor* in the University, the chairman of the Board, at my own and others' instance, promptly as possible, advised his resignation or removal. He resigned. What is blameable in the tutor is not excusable in the professor. Hence, Professor McGarvey's article, *continuing* the war, held out no promise of peace, and, therefore, not without reason, the Executive Committee asked him to resign, with a view to "promote harmony in the University." His refusal compelled the sterner word "dismissal." It is wished that Prof. McGarvey could have accepted the invitation, courteously extended, *to resign*. The Executive Committee inform him "that there is nothing on their records affecting his

character." The records of the Board would bear similar testimony. He could have resigned honorably. We wish even yet he could accept the invitation. But he will not. The speech to which we have listened, is demonstration to the contrary. If separation must occur, it were greatly preferable that it be by mutual agreement and in peace. That it must occur, and be accomplished in carrying out the decision of the Executive Committee, seems now inevitable. We must choose between this and an alternative still more revolutionary.

The Institution cannot live in the midst of internal broils. So many meetings of the Board, called to settle grievances, are irksome, expensive and suicidal. Self-protection is our first duty, and to maintain even the existence of the University it becomes necessary to say, these troubles within ourselves *must* cease. Warring elements *may* rage *without*, but peace *must* reign *within*. Such is the status of the controversy now; so irreconcilable are the incompatibilities existing, and so furious are the elements of strife, that to reinstate Prof. McGarvey would be but to prolong the war.

With high respect for him, with the best wishes for his future usefulness and happiness, I am compelled, in the conscientious discharge of a sacred duty, as the shortest way to the end and the most hopeful means to harmony in the Institution, to vote to confirm the action of the committee removing him.

LEXINGTON, KY., Sept. 17th, 1873.

R. R. SLOAN.

XI.

One more petition, and we are done. In some of your memorials you request, or *demand*, as follows:

"We beg you to show to the Legislature that we are losing money by running the *Agricultural and Mechanical College*; and to pray them either to assist us by appropriations, or else relieve us of the college."

"We," certain churches, "hold the ownership and control of the University as being in the Christian Church, except the *Agricultural College*, from which we would be glad to be separated."

"The *Agricultural College is the source of our University troubles*, and its surrender would have much to do in removing them."

Now, we have before us, as you see, a petition asking us to call for aid from the Legislature, to *sustain the Agricultural College*, and other petitions to destroy it by the severance of it from the University, or by a repudiation of our covenant with the State. You are evidently divided in opinion; you instruct us differently, as you do on other questions. You direct us on the one hand to save, on the other to destroy!

Can you not at last be persuaded of the folly of seeking, by an irregular popular excitement, to control the University, and be persuaded to leave it, with faith, in the hands of its *legal guardians*? We have before us petitions on *this* point, as on others also, only from a minority of churches and donors;* and you petition us still in contrary terms.

*See Appendix B.

How would we be able, with all the concession that you ask, to manage our University, under your directions, when you thus widely disagree among yourselves?

But in respectful answer to the request, *to sever from the University the Agricultural College*, we submit:

The Agricultural and Mechanical College constitutes an important and necessary part of the University. The State gives nearly ten thousand dollars a year to the support of this college, and, by the economy of consolidation and co-operation, the Board of Curators are enabled to make this annuity subserve at once the interests of the State and of the University. Both are great gainers by this arrangement. By availing ourselves of it, we are entitled to supply collegiate education to three hundred young men gratuitously, who might otherwise be left without education. To give up this college would embarrass our State, cause the Congressional grant to be sacrificed or diverted, and hundreds of the young men of the State to be denied the privilege of an education, which they now enjoy. The Institution gains ten thousand dollars a year for a great and philanthropic work, and you are in no wise injured or embarrassed thereby.

Besides, the Regent has raised over one hundred thousand dollars for the purchase of *Ashland*, on the plea of locating this, as one of the colleges of Kentucky University, on that estate. As with the subscribers in Mercer county, when the University was removed, honor and good faith, and, perhaps, legal constraint, would compel us to tender the return of the subscriptions of the citizens of Fayette county, in case the plea on which they were solicited, was destroyed.

Again, we have, after mature reflection, entered into *covenant* with the State to expend her means in the laudable and humane work of educating the youth of the Commonwealth. We cannot approve the policy that would wantonly overturn and destroy so great and good a work, which years of toil has at last made successful. Nor do we appreciate *the spirit* which seeks to accomplish such destruction—a spirit excited in you *by others*, and on the most unworthy and frivolous of pretexts. Such a policy would not alter the organization or authority of the Board of Curators, or the general management of the University, or its aims and purposes. It could do nothing else than crush the hopes of poor young men, emulous of education, who are looking to this Institution as the only source of gratifying their ambition.

The Curators are not likely to perpetrate such a heartless folly, unless, indeed, mad caprice shall supplant the rule of reason, and utterly disregard the plea of Christian philanthropy.

We extract from our records the following minutes of the proceedings of the Board in reference to this important department of our University:

"On motion of Curator J. W. McGarvey—

"*Resolved*, That a committee be appointed to report suitable resolutions accepting, on the part of the Board, the two Acts of the Legislature of Kentucky, removing Kentucky University to Lexington, consolidating Kentucky and Transylvania Universities and making the *Agricultural and Mechanical College* a college of *Kentucky University*.

"This resolution having been adopted, *nem. con.*, the Chair appointed Curators McGarvey, Moore and Shackelford, Jr., the committee contemplated in the resolution.

"The committee reported as follows:

"*Resolved* by the Curators of Kentucky University, that we hereby assent to the provision of an act of the General Assembly of the Commonwealth of Kentucky, entitled '*An Act to Consolidate Kentucky University and Transylvania University*,' approved February 28th, 1865."

"*Resolved*, That the general agent of the Board is hereby instructed to transmit to the Trustees of Transylvania University a certified copy of the above resolution."

"*Resolved* by the Curators of Kentucky University, That we do hereby assent to all provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled '*An Act to establish an Agricultural and Mechanical College in Kentucky*,' approved February 22, 1865, and that they accept said act as a part of the Charter of Kentucky University."

"*Resolved*, That the general agent of the Board is hereby instructed to transmit to the Governor of the State of Kentucky a certified copy of the above resolution, and also, a copy of the action of the Trustees of Transylvania University, assenting to the consolidation of that Institution with Kentucky University."

XII.

We add a few more words for your consideration:

If the right of donors to control the University in all the details of its management, be universally recognized and strictly observed, we ought, of course, first to ascertain who are donors to the University. Who, then, are the benefactors that have created this great trust, called *Kentucky University*?

STATEMENT OF ENDOWMENT FUND.

1. <i>Grassy Spring Church</i> —the only congregation of Christians in the State that ever subscribed a cent—made their gift forty years ago to old Bacon College, amounting to	\$500 00
2. The old Bacon College Trustees	9,000 00
3. Surplus Bank dividend	2,000 00
4. Transylvania Trustees	65,500 00
5. Agricultural fund	165,000 00
6. R. M. Bishop, to Bible College	5,000 00

7. Individual members of the <i>Christian Church in Kentucky</i>	121,570 00
8. Individuals in Kentucky, not members of the Christian Church.....	65,030 00
Total endowment subscribed.....	\$433,700 00

STATEMENT OF REAL ESTATE AND BUILDING FUND.

1. Subscriptions by individual members of Christian Church in Kentucky.....	\$70,575 00
2. Subscriptions by individuals, not members.....	114,437 16
3. United States, for Medical College.....	22,000 00
4. Value of Transylvania Real Estate.....	100,000 00
Total Real Estate and Building Fund.....	\$307,012 16
Total Endowment fund from Christians actually paid in	\$101,842 69
Total endowment from other sources.....	279,410 84
	\$381,253 53

Now, from these figures it seems that, while our Kentucky brethren have subscribed:

To Real Estate Fund.....	\$70,575 00
To Endowment Fund, paid in.....	101,842 69
Making in all.....	\$172,417 69

Other parties have been donors:

To the Real Estate Fund.....	\$236,437 16
To the Endowment Fund.....	279,410 84
Making in all.....	\$515,848 00

Now, if *we must be governed at all times by the instructions of donors* in all matters of legislation connected with the internal management of the University, shall we obtain the voice of those donors who have given this large amount of \$515,848, or confine the right of instruction and control *exclusively* to those Christians only who gave the smaller amount of \$172,417? This may be to your minds a *new question*.

If the Curators are but the *servants*, not only of all the donors, but at the same time of all the Five Hundred Congregations of Kentucky too, as you insist, how shall we manage to obey so many and so different masters? And what shall we do when there come to us, as in the present instance, *the contradictory instructions of only a minority of either class of masters?*

Shall we be invited to resign, be denounced as faithless to our trusts, be charged with want of respect and courtesy to our brethren and to the donors, and coarsely stigmatized as "rings" by partisans, because we move on to the faithful and conscientious dis-

charge of our duty to you, to all the trusts confided to us, and to the great interests of the University over which we preside?

Rest assured, brethren and friends, we shall do our duty to you, and to the University, also.

Another interesting fact that we beg you to remember just here is this:

Regent Bowman, himself, is, on every principle of law, equity and moral fairness, a donor to the Institution, of no inconsiderable benefaction. The records show several thousands of dollars in cash, or its equivalent, donated by him and gratefully accepted by the Board; and were we to value his services for the past eighteen years as worth per annum only those of a first class clerk in our cities, and allow him due credit on our books for the same, he would stand among you to-day, a munificent donor of an amount nearly equal to the whole endowment fund contributed by the Christians of Kentucky!

XIII.

While the responsibilities of the Curators are thus clear and imperative, as indicated by the Charter, and while they feel that the power of operating the University belongs to them alone, to be exercised according to their best judgment and for the highest interest of the cause of Christ, they are not unmindful of the opinions and desires of the donors and Christian churches of Kentucky; but, on the contrary, cherish for them unalterable deference and respect. The fact that *two-thirds* of the Board, must always be members of the Christian Church in Kentucky, points to them as a body to which, above all others, we must look for sympathy and encouragement. We have *hitherto* had that sympathy and encouragement, and we have labored with them faithfully to the same end; and the unprecedented success of the University attests that such labor has not been in vain.

It is a sad misfortune both to the churches and to the University that differences should arise among brethren, which, if persisted in, may vitally affect the usefulness of the University and the efficiency of the churches. The Curators have given much thought to the questions at issue, and have acted according to their best wisdom. They do not claim to be infallible, but as the party which is alone responsible, they feel that they are bound to act according to their convictions of justice and right, and claim that although their recent action may be unpleasant to many, as it was sad to them, they still have a right to, and expect the sympathy and support of, the donors and Christian Churches of Kentucky.

The Board are not insensible to the fact that against *them* directly lies the charge that "the rights of the church in the University

are in jeopardy," and that under their management the "Institution is likely to be turned into an engine of evil." Self-consciousness of the untruthfulness of such charges would prompt us to treat them with silence. But respect for the many who may be deceived by such utterances, compels us to pronounce them *without the shadow of proof*. The Charter, in letter and spirit, compels us to make the Institution in its purposes and aims, subservient to the Church of Christ and the diffusion of general knowledge. We have tried to do so. We challenge specifications of any departure from duty in this regard. Our records are written, and we are willing to be judged by them. The Board have declared, and do now declare, their purpose to hold and administer their several trusts in strict accordance with the Charter. They do refuse, however, to assert *a fee simple ownership* as vested in the "*Christian Church in Kentucky*;" because the Charter, only, is competent to give and define that ownership.

But the Board did, also, refuse, *and do again refuse*, even in the face of criticism, never so severe, to declare, in terms dictated to us, that they will *run the Institution in the interests of the "Christian Church in Kentucky*;" because such phraseology is liable to be misunderstood, and is exceedingly objectionable. It is the cant phrase of party! Its import is *intensely* partisan and selfish; and, therefore, totally unfit to define and characterize *Christian* action or enterprise.

Some may accept the phraseology, and think it less exceptionable than we; but they must not, on that account, charge upon us forgetfulness of the sacredness of our trust, or want of fidelity to the obligations thereby imposed. The Board in the future, as in the past, purpose, so far as in them lies, despite frowns and smiles alike, so to manage the affairs of the Institution as to promote, for the sake of our common humanity, the highest interests of the Church of Christ—not in any narrow or sectarian sense—but in the largeness of that liberality which is consistent with, and bounded by, our *liberty in Christ*.

Two-thirds of the Board do already constitutionally represent the Christian Church; and, in fact, *more* than two-thirds, individually and independently, represent the great interests of an undenominational Christianity. But we are *not*, we repeat, your appointed agents, your ministerial servants, as you suppose, subject, in our official conduct, to the popular caprice of hundreds of congregations; but we claim to be free and uninstructed exponents of the religious thought and policy of our unsectarian Christianity.

Any attempt, therefore, to subsidize the University, as a piece of machinery for the upbuilding of any sect or party, religious,

political, sectional or social, *will be resisted in the Board by all the manhood and Christian honor that we may be able to arouse.*

It would be a hideous solecism to identify, especially, any narrow, religious party, *in Kentucky or out of it*, with that Christianity which the Board recognizes as the unsectarian religion of Jesus Christ.

And hence, it may be, too, that the charge has arisen that the Curators are false, or indifferent, to the Church of Christ—when they are only truly and firmly antagonistic to all that is *narrow, proscriptive and intolerant*. We stand firmly and most uncompromisingly on our pledges set forth in our published Addresses to the world—to maintain, at all hazards, the Christian character of our Institution, and be resolutely true to the great, original principles of the Reformation.

As members of the Church of Christ, we will resist, with heart and voice and substance, any encroachment on these principles that may be attempted through Kentucky University—whether attempted through the College of Arts, or through the *Bible College itself!*

JNO. AUG. WILLIAMS, Chairman,	} Committee of the Board.
J. P. TORBITT, Secretary,	
R. R. SLOAN,	
Z. F. SMITH,	
ENOS CAMPBELL,	

APPENDIX.

A.

The committee appointed by the Board of Curators of KENTUCKY UNIVERSITY, to answer the petitions of donors of said University and of Christian Churches of Kentucky, met at the *Burnet House*, Cincinnati, on Thursday, October 16th, 1873. *Present*, Jno. Aug. Williams, W. T. Withers, Z. F. Smith, R. R. Sloan and J. P. Torbitt.

Curator Jno. Aug. Williams, chairman, read letters from Curators Campbell, Steele and White, excusing their non-attendance; also, a letter from Curator Withers, embodying the points which he wished to be put into the Address, and expressing the determination of not joining in making a *unanimous Address*, unless said points were agreed to, advising us, in the same letter, that Curators Steele and White, absent, coincided with him.

Curator Withers, being present, said, *that the ideas embodied in his letter would be adhered to.*

Curator Sloan moved:

"As we cannot accept Curator Withers' letter as a basis for an Address; and, consequently, as we cannot prepare a *joint Address*, therefore, we adjourn, and immediately prepare a majority and a minority Address, as directed by the Board; and that said Addresses be published simultaneously, and with as little delay as possible."

Curator Withers moved as a *substitute*:

"That the majority prepare their Address, and then submit it to the minority, who shall promptly prepare *theirs*, and hand it to the Chairman for publication, together with that of the majority;" which substitute was voted on and lost.

Curator Sloan's motion was then adopted.

Curator Withers then moved:

"That the Chairman of the committee be required to present to the minority *the points* which they intend to embrace in the Address—the minority having already presented their *chief points*, and agreeing to furnish the Chairman every other point that may be embraced in their Address."

Curator Smith moved:

"That, as all the *points* in the petitions of churches and donors are before the minority as well as the majority of the committee, for their consideration, and as the opportunity for the embodiment of the views of each party in their respective Addresses is equal, therefore that the above resolution *be laid on the table*;" which was adopted.

Moved and adopted:

"That the Addresses be placed in the hands of Curator Woolfolk, secretary of the Board, for publication, and that ten thousand copies of the same be published."

Adjourned, *sine die*.

JNO. AUG. WILLIAMS, Chairman.

J. P. TORBITT, Secretary.

Curator W. T. Withers, in the communication referred to above, containing certain proposals as conditions of any harmonious co-operation with the committee, required us to say in our Address to you:

1. That the Board, at its meeting in September, proved themselves to be unfaithful to the trusts committed to their charge; and that every Curator who did so should resign!

2. That the reference of the petitions of certain churches and donors to a committee, with instructions to prepare an answer, was an act of gross disrespect to you, and evidenced a fixed purpose to utterly disregard your petitions.

3. That such action *was intended* to take the petitions from before the Board, and to commit to a committee the task of covering up, by honeyed phrases, the fixed determination of the majority to disregard the requests and demands of the petitioners!

Proposals such as these, coming from a Curator, who was, by mere courtesy of the Board, added to the committee, and which, with all apparent seriousness, are submitted to us, with other conditions, *as the only terms of any harmonious action*, we regard as wholly inadmissible, and, not, for a single moment, to be entertained by a committee representing, and acting for a Board of conscientious men.

Such a proposal, to say the least, evinced so much partisan feeling, or prejudice, that the Committee, with extreme mortification and no little indignation, felt compelled, as the representatives of the Board, to decline all conference or discussion in reference to it; and they at once adjourned.

We respectfully submit the propriety of our action, in this matter, to the Board, whenever it may choose to convene; and, in the meantime, we abide the judgment of a just and high-minded public—conscious, at least, that we have, by this course, preserved our

own self-respect, and the dignity alike of the Board and the Institution.

We here insert the letter and proposals of Curator W. T. Withers :

LEXINGTON, KY., September 27th, 1873.

"Jno. Aug. Williams, Chairman Committee:

"DEAR SIR:—Curator Steel is now here, and we have agreed on the following points to be embodied in the report of the committee. If the report assumes the complexion which is suggested by these points and is agreed to by all the committee, we will insist on no other points being presented, and will not make a minority report; but if otherwise, we will be compelled to prepare a minority report, and submit these, together with additional matters, to the petitioners. We trust that you will agree with us, and in the interest of peace and harmony and the future welfare of the University will adopt our views, for we feel assured that in no other way can the University command the full confidence and active sympathy, co-operation and support of the Christian Church of Kentucky. We submit the following points without elaborations:

"1. A distinct avowal of the fact that Kentucky University is the property of the Christian Church of Kentucky, and the donors in this State, by Section 19, are entitled to be represented in the Board.

"2. That the Curators are merely trustees and servants of the Christian Church of Kentucky, and of the donors, to own and control the University in their interest and subject to their will. That they are, therefore, bound to respect the expressed will of the churches of Kentucky, and of the donors, or to resign the trust committed to their hands.

"3. That the Board, at its late meeting, not only neglected and refused to respect the will of the churches and donors, but on the contrary, acted in direct violation of their expressed will and desire, and hence have proved unfaithful to the trust committed to their charge, and every Curator who did so should resign.

"4. That the petitions demanded at the hands of the Board, *action* and not argument; and the reference of the petitions to a committee to prepare an answer, was an act of gross disrespect to petitioners. Had the reference been, to report to the Board what action was demanded, it would have been different; but the reference to prepare *an answer*, evidenced a fixed purpose to utterly disregard the petitions, and was intended to take them from before the Board, and commit to a committee the task of covering up, by honeyed phrases, the fixed determination of the majority to disregard the requests and demands of petitioners.

"5. That the demands and requests of petitioners were eminently proper and should have been acceded to by the Board, and that the University cannot prosper until their demands are acceded to by the Board, and especially, until the Regency is abolished, the Executive Committee reorganized, and a Treasurer elected who is not a member of the committee that audits his accounts, and was intended by law to watch over and guard the Treasury.

"Please examine these points carefully. We do most sincerely hope we can all agree on them. If not, advise me at once and fix an early day for the committee to meet.

"Yours very respectfully,

W. T. WITHERS."

APPENDIX B.

Notwithstanding all the agencies and appliances, and all the *ex-parte* statements made in order to prejudice and mislead you *far less than one-half* of the congregations in Kentucky have been represented in the petitions before us! Of these, some represent congregations which, as such, refused to act, but of which certain members circulated and signed memorials on their individual responsibility!

Even congregational action was exceedingly partial in many cases. In one church of *six hundred members*, but fifty voted for, and fourteen against, a petition sent to us.

In another, not over thirty voted for the petition out of nearly *three hundred members*! In others, only the elders of the church met and voted. We have evidence from the petitions, themselves, and from other facts before us, that, perhaps, not forty members, on an average, have signed, or voted for, these petitions in each of the *one hundred and eighty churches* named in certain publications!—certainly, less than an average of fifty members to each!

This will show an aggregate of less than one-sixth of the membership of the church in Kentucky! Some of these petitioners have since expressed themselves as misled by misrepresentations of facts and undue and inconsiderate excitement.

Even should we admit, therefore, the right of the "Christian Church in Kentucky" to instruct, or dictate to, the Curators through a majority, such a majority has not been heard from. We are satisfied that the lovers of peace, good order, and justice, represent yet five-sixths of the brotherhood of Kentucky, and that they must condemn the proceedings by which some of the churches have been involved in, and made parties to, an unfortunate strife which the Board endeavored to allay, or, at least, to confine to the locality of Lexington, where it originated, and where it was forced upon us so unwelcomely.

We add, also, for your information, that there are only *sixty-two* congregations of the five or six hundred in the State, in which there was any donor whatever to the University! And of these sixty-two only about forty have sent up petitions or memorials! Some congregations, in which there was the largest number of donors, sent up no memorials at all!

Of the entire assets of the University, including the Endowment Fund, the Real Estate Fund, and other property, valued at \$800,000—less than *one-fourth* has been given by members of the Christian Church in, or out of, Kentucky!

To all of the funds of the Institution, only about *eight hundred individuals* have contributed anything at all. Of this number,

about *one-third* have signed the memorials before us—*some for one thing and some for another.*

All the petitions from donors, that are before us, represent in the aggregate, about *one-sixth* of the entire property and funds of the University!

To some of these memorials thus representing a fraction of the great benefaction to Kentucky University, there are the signatures of widows, of children, of administrators, of executors, etc., who signed these memorials for parties long ago dead, expressing, as they may have thought, the intention and purpose of those generous, but forever silent, benefactors!

Some signed these petitions *as donors*, against whom legal judgment had to be obtained, and, on return of officer, *no property was found!* Other petitioners are *debtors* to the Institution!

Many of these donors, too, it must be remembered, have withdrawn all that they have subscribed, *in tuition*, and many have already thrown their coupons on the market, sold them for cash, or had them refunded in tuition!

MINORITY ADDRESS.

To the Christian Churches of Kentucky and the Donors of KENTUCKY UNIVERSITY.

The undersigned members of the committee appointed at the recent called meeting of the Board of Curators to prepare an address, by way of answer to the petitions of the Christian Churches of Kentucky and of the donors of the University, not being able to agree with the majority of the committee, respectfully submit the following minority address:

We deeply regret the necessity that has forced this obligation upon us. It is with the greatest reluctance that we make the utterances which follow, but a solemn and overwhelming sense of duty to the Church, the donors and the University compels us to speak. We feel that we would be recreant to the important and responsible trust committed to us as Curators, and as members of the committee, were we to maintain silence. It is your privilege and right to be informed of the true status of the University; of the manner in which it is managed and controlled; and especially of the manner in which your requests and demands for reforms were disposed of by the Board at its recent meeting. Our position is such that we feel it is our *imperative duty* to inform you. We shall therefore, calmly and dispassionately, speak *the truth, in the fear of God, and without the fear of men.*

Before we proceed, it is necessary that you should be informed of the precise circumstances under which we issue this address. When your petitions were presented to the Board of Curators, it was at once moved to refer them to a committee to prepare an address *in answer* to them. This motion prevailed, against the urgent remonstrance of the minority in the Board, who insisted that your petitions demanded immediate *action* on the part of the Board. The committee, as first appointed by Z. F. Smith, who was President, *pro tem.*, consisted entirely of devoted friends of Mr. Bowman. On the remonstrance of Curator Elley against this partisan action of the President, *pro tem.*, the undersigned were added to the committee, and, on motion, the President, *pro tem.*, was also, himself, added to the committee. The committee, not being able to consult fully during the session of the Board, the Chairman asked further

time; which was granted, with the understanding that if the committee could not agree, a majority and minority address should be simultaneously published. After the Board adjourned, the Chairman of the committee applied by letter to the undersigned, to furnish him the points we proposed to make in the address, stating that the other members of the committee had furnished, or would furnish him with their points, and he would try to prepare an address covering all the points presented. In response to this demand of the chairman, we, in good faith, sent him in writing all the points we insisted on, in order to a unanimous report. Subsequently the chairman called a meeting of the committee to be held in Cincinnati, on the 16th of October. When the committee met, the chairman read the letter stating *our* points, but did not read any of the letters from other committeemen on the subject, and it was immediately moved by one of the majority that, as we could not agree, the committee adjourn, and the majority and minority immediately prepare addresses and publish them simultaneously. This was opposed by one of us, who insisted that it was our duty to fully exchange and compare our views and try to agree, and even if we could not agree in whole, we might in part; and requested to be furnished with the views of the majority, as they had obtained our views by an official call from the chairman. It was also insisted that according to parliamentary usage, as well as on principles of common justice, we were entitled to hear the majority address read, that we might understandingly prepare our minority address. The majority declined to accede to these requests.

It was then insisted that as they would not let us see their address, or even discuss the points of difference; and as they had obtained the chief points we proposed to present by an official call from the chairman, and we were willing to furnish every other point that would be embraced in our address, it was but simple justice that we should, at least, be furnished with *the points* they proposed to make in their address. This reasonable request was peremptorily refused, and the motion presented to secure us this information was laid on the table.

It was then proposed by the chairman that when the minority address was prepared it should be forwarded *to him* for publication. This proposition was opposed for obvious reasons; and it was finally agreed that both addresses should be placed in the hands of the Secretary of the Board of Curators for simultaneous publication.

We submit this statement of facts that you may see the great disadvantages under which we labor. The duty is imposed on us of preparing a *minority address*, without having seen or heard the

majority address. Besides this, the majority have obtained from us our leading points by an official call of the chairman, and yet refused to furnish us with even a single point embraced in their address. Was this fair? Was this proper? Was it just?

This action, we trust, you will accept as a sufficient excuse for the length of this address, for it forces us to cover ground that, had the facts been otherwise, we might have considered unnecessary.

With this explanation, we proceed now to discuss the questions presented by, and that naturally arise out of, the requests and demands contained in your petitions.

YOUR RIGHT TO PETITION.

As your right to petition the Board of Curators, or to exercise any influence and control over them in the management of the University has been denied, we propose at the outset to establish, beyond question, that you are *the real owners* of Kentucky University, and have *the right to control it* through the Board of Curators, who are merely your trustees to administer a sacred trust committed to their hands, and that you not only have the right to demand to be heard, but also the right to require that your demands and wishes be respected.

HISTORY AND LEGAL STATUS OF THE UNIVERSITY.

There has been, and still is, in the minds of the public, and, as we think, in the minds of certain Curators also, a grave misunderstanding as to the true history and legal status of Kentucky University. You will, therefore, pardon us for discussing this subject at some length, to satisfy and inform you and the public, and, if need be, to strengthen and confirm you in your determination to control your own property.

As early as 1836 the Christian Church of Kentucky established a College at Georgetown, Kentucky, which was chartered by the Legislature under the name of Bacon College, and was subsequently removed to Harrodsburg. Bacon College passed through many trials, and, with varying fortune, was kept alive by the Brotherhood, but was never fully endowed.

In 1854, Hon. A. G. Talbott, of Boyle county, Ky., under the authority of the Trustees of Bacon College, prosecuted a plan for its endowment, and, in a short time, secured about \$50,000 of subscription on the condition of \$100,000 being raised. He states that he "had no doubt that in three months more he would have obtained the full amount of \$100,000," but he suspended his efforts on account of a severe drouth, and the financial distress which resulted.

Jno. B. Bowman was fully advised of the action, plan and oper-

ations of Mr. Talbott, and was himself a subscriber on his list. In 1855, Mr. Bowman conceived the plan of fully endowing the College by appeals to the brotherhood of Kentucky, and those who sympathised with them, in their long cherished plan and desire to found an Institution of learning. He succeeded in securing subscriptions to the amount of about \$150,000, and then application was made to the Legislature of Kentucky to *amend and extend* the charter of Bacon College. In January, 1858, the present charter was adopted as *an amendment* to the Charter of Bacon College, and the name was changed to Kentucky University. That this may be made manifest to all, we quote a portion of the preamble to the charter of Kentucky University, which is entitled: "An Act to amend the Charter of Bacon College. (See Session Acts of 1857-8, page 182.)

WHAT THE CHARTER SAYS.

"WHEREAS, an institution of learning, known and called by the name of Bacon College, was founded by certain members of the body of the 'Disciples of Christ,' denominated Christians, and was chartered by the Legislature of Kentucky in 1836, and whereas, in view of the educational wants of said body of Christians in Kentucky, and of their wishes for the permanent success of said Institution, known and expressed at various times, a plan for its permanent endowment and organization has been presented and prosecuted by J. B. Bowman, which has resulted thus far in raising \$150,000 of endowment fund; and whereas it is desired to establish a first-class university upon a more modern, American and Christian basis; and to carry out such design it is necessary to amend and extend the provisions of the charter of said Institution; therefore—

"SECTION 1—*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said Institution, known and called by the name of Bacon College, and located at Harrodsburg, in the county of Mercer and State of Kentucky, shall be, from and after the passage of this act, known and called by the name of Kentucky University."

By the 2d section, thirty persons were named as corporators, under the style of "the Curators of Kentucky University," and were, in their corporate name, invested with the legal title to "all the property and estate, real and personal, as well as all the rights and claims hitherto vested in the trustees of Bacon College."

It will thus be seen that Kentucky University is but Bacon College under a *new name*, with enlarged powers for doing good, and established, as recited in the preamble, "in view of the educational wants of said body of Christians in Kentucky, and of their wishes for the permanent success of said institution (Bacon College) known and expressed at various times." These, it is distinctly stated, were the reasons that influenced J. B. Bowman to solicit and the donors to contribute the \$150,000 that had, at that

time, been subscribed to the Endowment Fund. "The wants and wishes of the Christian Church of Kentucky for the permanent success of their college, known and expressed at various times," stimulated Mr. Bowman to make the appeal to them, and induced them to give so liberally to the enterprise. Mr. Bowman admits that he wrote this preamble himself, and it will not be questioned that he stated the *true reasons* that influenced him to *solicit* and the donors to *contribute*.

The church was strong in numbers, wealthy, zealous and determined to have a college of their own; and, while great credit is due Mr. Bowman for his efforts "to concentrate the means and energies of the Brotherhood in Kentucky," yet, had he never been born, they would have had a college, and, perhaps, a better and more prosperous, and certainly a more *harmonious one*, than they now have.

The success of Hon. A. G. Talbott during the short period he was canvassing, in 1854, clearly demonstrated that all that was needed, was some one in whom the brotherhood had confidence, to present the matter properly before them.

It is apparent, from the preamble and the first and second sections of the charter, that the Kentucky University was, and is, of right the property of the Christian Church in Kentucky; but, most fortunately for the Church and the University, in this her hour of peril, the matter is not left to mere inference from the recitals in the preamble, but is made *fixed, definite and certain*, by positive enactment, in the body of the charter itself. The 8th section is as follows:

"For the ownership and control of said University, at least two-thirds of the Board of Curators shall always be members of the *Christian Church in Kentucky*."

And in order to give the donors a representation in the Board, it is provided, in the 19th section, that "in any county in this State where the sum of \$15,000 may be subscribed to the Endowment Fund of the University, there shall be a representation of at least one member in the Board."

These plain provisions fix, beyond all cavil, not only the *ownership*, but also the right to *control* the University, in the Christian Church of Kentucky, through their trustees and servants, the Curators; and the right of the donors to the Endowment Fund to representation in the Board is also provided for.

WHAT THE BOARD AND ITS OFFICERS HAVE SAID.

On the question of ownership, and the right to control the University, we not only have the plain and unambiguous provisions of the charter, but we have repeated official utterances from the

Board of Curators, the Executive Committee and J. B. Bowman himself, up to the time the office of Regent was created, and Mr. Bowman elected to fill it.

The following extract is made from the first address issued by the Board of Curators, in 1858, and signed by J. B. Bowman and other Curators:

"We desire to call your attention to the history, aims and objects of this Institution. The brethren of the Christian Church of Kentucky, now numbering some 50,000, and embracing, we may say without boasting, a large share of the wealth, intelligence and piety of the State, in view of their position and responsibilities, and the broad field of culture lying before them in the Mississippi Valley, have been endeavoring for some years to establish in their midst a first-class Institution of learning."

In an address issued by Jno. B. Bowman, in 1862, he says:

"This, by your noble liberality, is *your* Institution, and you can, with becoming pride, turn to it in these dark days, as one of the few enterprises among a *great brotherhood* resting on a sure basis."

The following extracts are selected from the Annual Report of the Executive Committee (Jno. Aug. Williams being chairman) made in 1863:

"It is time the whole brotherhood and State were aroused to the gratifying truth that *their University is a success.*"

"Let the whole Church, therefore, rally to its support, not only to enlarge its sphere of usefulness, but to avail themselves of its capacity already to bless them, by sending their sons to be educated in a thorough Christian manner."

The address closes as follows:

"And I will, therefore, only suggest, for the present, that something should be done to bring our entire brotherhood, and especially our Kentucky brotherhood, into closer and fuller sympathy with the University; to make them think more about it; to talk more about it; pray more earnestly and constantly for its success and its prosperity; and, in a word, to make them feel and realize that *the Institution is THEIR OWN, and that we are but THEIR SERVANTS.*"

In a resolution adopted the same year by the Board of Curators they speak of "this Board representing the sentiments of the brotherhood," &c.

J. B. Bowman, in his report as general agent to the Board, in 1864, says:

So long as I can stand as the proper medium of communication between this Board and a *great brotherhood, whose Institution this is,* &c.

And again, in speaking of the University, in the same report, he uses this language:

"*Its interests and doctrines* were to be fostered and controlled by the *Christian Church*, through a Board of Curators, who were to be, as

far as possible, representatives of the *donors* in the various sections of the country."

From the plain provisions of the charter and the deliberate official utterances of the Board and its officials, above quoted, it is as clear as a sunbeam that the ownership of Kentucky University and the right to control it, is vested in the Christian Church of Kentucky, and that the Board of Curators are but their trustees and servants for this purpose; and, also, that the donors to the Endowment Fund are entitled to representation in the Board. In view of the law and the uniform action of the Board and its officials up to 1867, who dare deny this? This being so, it follows, with the force of absolute demonstration, that you have the right to make known your demands or requests to the Board, by petition or otherwise, and the Curators are bound either *to carry out your expressed wishes or resign*. We do not say that any Curator should vote against his convictions of right at your request, but we do affirm that if he cannot carry out *your wishes* in regard to the management of *your own property*, his plain duty is to resign the trust committed to his hands, and let his place be filled by some one who is willing to respect *the will of the owners*.

TRANSYLVANIA CONSOLIDATED WITH KENTUCKY UNIVERSITY.

Before we leave this branch of the subject we desire to briefly refer to all the subsequent legislation in reference to Kentucky University, and note some prominent facts in the history of the Institution.

In the latter part of 1859 or early in 1860, it was suggested to the Christian Church in Lexington, that the Trustees of Transylvania University would turn over to the Christian Church of Kentucky all the buildings, grounds, funds and other property of Transylvania, if they as a people, would have Kentucky University with its endowment, &c. removed from Harrodsburg and located in Lexington. The church at Lexington unanimously favored the proposition, and Z. F. Smith and W. H. Hopson were appointed to publish an address to the donors and visit them in person to obtain their consent to the removal. The consent of a majority of the donors was obtained and the subject was brought before the Board of Curators at their next meeting. A majority of the Curators were in favor of the removal and consolidation, but the scheme was violently opposed by Mr. Bowman's friends, and it was stated in the Board, that should the measure be adopted by the Board and be ratified by the Legislature, they would resort to law to prevent the wishes of the donors and Board being carried out, and if they failed at law, then Mr. Bowman would canvass for donations and build up a rival institution south of the Kentucky

river. To avoid strife and division the scheme was abandoned. It will thus be seen that the plan for the removal of Kentucky University to Lexington, and its consolidation with Transylvania was originated by the officers and friends of that Institution and the members of the Christian Church in Fayette county, and not by Mr. Bowman. On the contrary he opposed it, and took an active part in thwarting their will and the will of a majority of the donors and Curators. And yet the impression is prevalent that to him is due the credit of originating and perfecting the entire scheme of consolidation.

In 1864 the Board of Curators determined to remove Kentucky University from Harrodsburg. Louisville, Covington and Lexington were competitors for the location. The claims of Lexington prevailed, and finally the long cherished plan of the members of the Christian Church in Fayette County was adopted, and Transylvania and Kentucky University were consolidated. An act of the Legislature was passed in February, 1865, consolidating the Universities, "into one University and one corporate body, by the name of Kentucky University," and the Curators of Kentucky University were invested with "all the rights and powers of the Trustees of Transylvania University, in regard to all the funds and property of Transylvania," which by the act passed to Kentucky University and were bound in reference thereto only "by the trusts and conditions to which said trustees were subject;" and the charter of Kentucky University was made by the act the charter of the consolidated University. But one condition was attached to the consolidation, and that was expressed in the act as follows: "If hereafter, for any cause, the location of Kentucky University shall be changed from Fayette county, then, and in that event, the consolidation shall cease, and the Trustees of Transylvania University resume their corporate existence, and shall be entitled to receive and take into their possession all the funds and property which belonged to Transylvania University at the time of consolidation."

It will thus be seen that the act of consolidation in no way affected the previous legal status of Kentucky University, or changed the ownership or right to control it. Its legal status remains precisely the same as under the original charter, which was by express enactment made the charter of the consolidated University.

At the date of consolidation Kentucky University had an endowment of \$200,000 and Transylvania \$59,000 of endowment fund, which has since been increased to \$65,500, all of which was vested in the Curators of Kentucky University.

We have been thus particular in stating the facts and quoting

from the law, because Mr. Bowman's friends have persistently stated that by the consolidation, the original character and status of Kentucky University had been changed; and that it was a great wrong to take the funds of old Transylvania and devote them to sustaining a sectarian University. In answer to this assumption, for we cannot dignify it with the name of argument, it is only necessary to refer to the law which definitely fixed the legal status and character of the Institution; and the facts conclusively meet the objection as to our use of the funds. These objectors seem entirely to forget the fact that Transylvania has been, almost from its foundation, placed under the patronage and control of first one and then another of the leading Protestant denominations of Kentucky. The Presbyterians, Episcopalians, Baptists and Methodists have each in turn had control of it. Under each of these denominations it prospered for a season, but one by one they gave it up, and finally, with the full consent of its trustees, it was merged in our young, vigorous and well endowed University. Is the Christian Church of Kentucky *less worthy* of confidence and *more sectarian* than the other denominations who have in turn had control of Transylvania heretofore? The standing agreement made by the friends of Mr. Bowman evidently implies that *they* think it is. The very motives that influenced the trustees and friends of Transylvania to consent to the consolidation, were to merge it in, and make it part of, a prosperous and well endowed Institution of learning; and secure the active sympathy and support of a numerous, wealthy, influential and rapidly increasing denomination.

Just here we take occasion to state in the most emphatic terms to the general public, and especially to the citizens of Fayette county, that we do not propose, and never proposed, to have our peculiar theology taught in any college of the University except in the College of the Bible. This college was established as a theological school to educate young men for the Christian ministry, and we propose to have the chairs *in it* filled by members of our own church *exclusively*. No one can object to this, as it is done in every theological school of every denomination. The College of the Bible is entirely distinct from all the other colleges of the University, and no student is expected to attend it, unless he does so voluntarily, to prepare himself for the ministry.

But we distinctly disclaim any intention to have our theology taught in any other college of the University. All the other colleges are open to students of every creed and every calling. You can, therefore, send your sons to the University, in the full confidence that, in teaching them the languages, the sciences, literature and the arts, no effort will be made by any professor to connect

our theology with their literary and scientific studies. The effort has been industriously made to create the impression that we desire a fierce sectarianism to pervade and control every department of the University. Nothing is further from the truth. We only propose to manage and control our University just as every other denomination in Christendom manages and controls its educational institutions. We claim this privilege; no more, no less. This, all just men will concede, is our right. We concede it to all other denominations, and expect all other denominations to concede it to us.

To the friends, and all those interested in the Transylvania, we say that we will faithfully and fully carry out, in their letter and spirit, every trust and condition to which the old trustees were subject; and will, in every respect, strictly conform to the act of consolidation. In all the above utterances we feel that we but express the views of the Christian Church of Kentucky, and of the minority of the Curators. We do not undertake to speak for the majority—they can speak for themselves.

In February, 1865, the Agricultural and Mechanical College of Kentucky was established by act of the Legislature and attached *at the pleasure of the State*, to Kentucky University as one of its colleges. An examination of this act will show that it makes no change whatever in the original charter of Kentucky University, but leaves the ownership and the right to control it, exactly as it was before the Agricultural College was established. The Agricultural College is no part of Kentucky University proper, but it is only attached to it at the will and pleasure of the Legislature, who reserve the right at any time to withdraw the grant and sever the connection.

It will thus be seen that there is nothing in the subsequent legislation which in any way interferes with the rights vested in you by the charter of 1858, to own and control Kentucky University.

HOW YOUR PETITIONS WERE TREATED.

Having thus clearly established that you had the right, not only to petition, but the right to expect that your wishes would be respected, we come now to the important question: How were your petitions treated?

In answering this question, we intend to speak respectfully, but, at the same time, we intend to speak plainly. That it was the deliberate determination of the friends of J. B. Bowman, in the Board, to utterly disregard your recommendations and requests, we have no doubt whatever. The facts abundantly establish this assertion. Your petitions, as soon as they were introduced before

the Board, were politely and artistically strangled. And, strange to tell, the Curator who, with oily speech and gentlest manner, did the deed, was the very individual who, in 1863, as chairman of the Executive Committee, when the University needed your money, your sympathy and your support, united in the explicit announcement that the Institution was *yours* and the Curators *your servants*, and who so beseechingly called on "the whole church to rally to its support."

The leading request made in your petitions was that the action of the Executive Committee in assuming to remove Prof. McGarvey should be disapproved, and Prof. McGarvey retained in his position. Your petitions were presented to the Board while the resolution offered by Curator Jno. Aug. Williams, for the removal of Prof. McGarvey, was under consideration. But, in order to at once take the petitions from before the Board, thus depriving Prof. McGarvey of the benefit of your urgent remonstrance against his removal, Curator Williams moved their reference to a committee to prepare *an answer* to them. Your petitions demanded *action* at the hands of the Board, and not *argument*. The reference to a committee to prepare an answer to them, evidenced a fixed determination to utterly disregard your requests. The very case they were chiefly intended to meet was then before the Board, and common courtesy at least demanded that they should have been considered by the Board in connection with the resolution for Prof. McGarvey's removal. Even had the reference been to a committee to report what *action* the Board itself should take in reference to the grave and important requests made by you, it would at least have evidenced some show of respect. But to refer to a committee, with instructions simply to prepare *an answer*, was, as we think, an act of the grossest disrespect. It was equivalent to the majority of the Board, saying: We intend to do just as we please, without any regard whatever to your wishes or demands, and leave to a committee, by honeyed phrases, to smooth over the outrage.

Be not deceived. While we do not call in question the integrity and honor of the majority, nor impugn their motives, yet, for reasons we will hereafter present, we are satisfied they are fully determined to disregard every request contained in your petitions. Though they are your trustees and servants to manage and control the University, and are bound in honor, as we think, either to carry out your wishes or resign, they did neither. They are in the Board to conduct the Institution in your interest, and not in the interest of any individual or party. They are there to carry out your wishes, and manage and control the University in accordance with the original purpose for which it was established.

Certainly they are *not there* to aid Mr. Bowman in his warfare against faithful and competent professors, who enjoy your full confidence, and against the organization of the Bible College. Yet his will has prevailed over your will. *He* demanded the removal of Prof. McGarvey, in order to carry out his fixed designs. *You* requested the retention of Prof. McGarvey, and the abolition of the Regency, an office unknown to the charter and created by a by-law, or Mr. Bowman's removal from the office. You also demanded other important reforms in the government of the Institution. Yet *your* petitions were disregarded, and *his will* prevailed.

We deem it unnecessary to say more on this point. Enough has been said to satisfy you, and every unprejudiced mind, that the majority never for a moment intended to accede to a single one of your requests or demands for reforms.

WHY YOUR WISHES WERE DISREGARDED.

As the charter and the official utterances of the Board and its officers, so plainly and fully recognize the relations of the Curators to the Christian Church of Kentucky and the donors, the question naturally arises, "Why were your petitions treated so discourteously by the Board, and your requests utterly disregarded?"

This is a most important inquiry, and we propose to answer it candidly. In doing so, we fully realize the responsibility of our position, and the delicate nature of the subject. Yet a solemn sense of duty compels us to give utterance to our honest and deliberate convictions. Before doing so, however, we distinctly and emphatically disclaim any intention to impeach the honor or impugn the motives of any member of the Board; and, in all that we may say, we desire you to bear this disclaimer in mind. The motives that ordinarily influence human action, and to which Curators are alike subject with other men, are sufficient to account for all we propose to say on this subject.

With this preface, we affirm, as our deliberate conviction, that a majority of the Board, as to test questions on the management and control of the University, are influenced by Jno. B. Bowman; and that on such questions his will is more potent, with some of them, than the united voices of every Christian Church and donor in Kentucky outside the Board. To account for this remarkable fact we propose to briefly refer to the manner in which the Board perpetuates itself, and the elements of which it is at present composed.

In the first place, the Board is not only a self-perpetuating body, filling all vacancies which may occur, but it has *unlimited power to elect new Curators*. The original number of Curators named in the charter was thirty. They have been increased to forty-one, and can, at the pleasure of the Board, be increased to one hundred, or

one thousand. In filling vacancies and electing new Curators, it is well known that the wishes of J. B. Bowman have generally been consulted and respected. But few Curators have ever been elected, either to fill vacancies or as new members, who were not *entirely acceptable to him*. In fact, we know of but one instance to the contrary, and that was the case of Gen. R. M. Gano, who was elected at the regular meeting last June, *on the petition of the donors of Bourbon county*. But let it be remembered that *two other new Curators* were elected *at the same time*, who were strong friends of Mr. Bowman, not to fill vacancies, for there were no vacancies to be filled; and we submit to your dispassionate judgment, whether the object in electing these two new Curators was not to override and set at naught the wishes of the donors of Bourbon county, and overcome the influence and vote of R. M. Gano, who was recommended by them. Let it also be remembered that by the votes of these same two Curators Prof. McGarvey's removal was secured, as twenty-one votes were required to remove him, and only twenty-two votes were obtained. But for the votes of these two Curators, the resolution removing Prof. McGarvey could not have been adopted.

It will thus be seen that the Board, so far as known to us, is with the single exception of R. M. Gano, composed of men who, at the time they were elected or selected as Curators, were not only the personal friends of Mr. Bowman, but favored his general policy at the date of their election. It is true that a respectable minority of the Board, who were once strong and steadfast friends of Mr. Bowman, have been compelled by his conduct to change their views; but other members have been added to the Board, and have, in some degree, made up for the loss of these; and maintained his ascendancy by a majority of friends devoted to his interest.

There are, in our opinion, three distinct influences in the Board, as at present constituted, that enable J. B. Bowman to control it:

1. He has a number of blood relations and connections in the Board, including a brother and a brother-in-law. And, while we make no imputation whatever on the honesty and integrity of purpose of his relatives and connections in the Board, but, on the contrary, expressly disclaim such intention, yet they would be more than mortal if ordinarily they did not sustain him, and especially in any personal matter in which his feelings were deeply enlisted. The laws of the county recognize the influence of relationship; and on trials in our courts of justice it is regarded as a valid ground of objection to both judge and juror.

2. A number of Curators are largely interested with him in the Southern or Texas Pacific railroad scheme, and are expecting large

profits to result from the enterprise, of which Mr. Bowman is one of the leading men. Some of them have also been jointly interested with him in another stock operation. Now while we distinctly disclaim any imputation on their integrity, yet from the motives that ordinarily influence the actions of men, their being engaged together in a common enterprise of great magnitude naturally and necessarily will have its influence. And especially is this so, when the enterprise is such that large profits are anticipated, and one of the parties is chiefly relied on to bring the enterprise to a successful issue.

Intimate business connection, like blood relationship, is recognized by our courts of law and by the public generally as good ground to challenge a juror. We care not how honest men are, such influences insensibly warp their judgment. As evidence of this fact every Curator who is known to be interested with Mr. Bowman in this enterprise, voted with him in disregarding the requests and demands contained in your petitions, and in every important question that came before the Board at its late meeting.

3. Political influence. About one-third of the entire Board of Curators belong to the same political party with Mr. Bowman. And it is a most significant fact that every one of these are fast friends of his, and generally vote with him *in a body* on all test questions. The only exception known to us is that on the vote to adopt the resolution removing Prof. McGarvey, one of them, while stating that he was in sympathy with and approved Mr. Bowman's general policy, "yet in justice to a fellow man" said he was compelled to vote "no."

These three *potent influences*, united with the *strong personal friendship* of many of the Curators for Mr. Bowman, combine to render his will supreme on all test questions in which his feelings are interested and his interests involved.

YOUR REQUESTS AND DEMANDS.

We propose now to take up in order the requests and demands contained in your petitions to the Board of Curators, and to show that they were reasonable and proper, and that the highest interests of the University, the church and the donors demanded that they should have been promptly acceded to by the Board.

PROFESSOR M'GARVEY.

The interests of the University imperatively demanded that Prof. McGarvey should have been retained in his position. He was a tower of strength in the Bible College, and did as much to give character to the University, as any other person connected with it. He had the full confidence and esteem of the church, and was beloved and revered by the students. The *manner* of his removal

has gone forth to the world, and shocked the public sense of justice; but the real ground of the action taken against him is not generally understood by the public. The true reason was not that he was incompetent or unfaithful in the discharge of his duties as a Professor—his bitterest foe never dared even to intimate this—but he was distasteful to the Regent, and *he* demanded that he should be removed. For years the Regent has labored to bring about his removal. Not only was Prof. McGarvey the object of his persistent attacks, but his hostility to the organization of the Bible College itself has long been known to the friends of the church. Let it never be forgotten that the Board of Curators was convened in extra session about two years since at his instance, through the Executive Committee, on a most frivolous pretext. His design, we believe, was to put an indignity on President Milligan, in the expectation that his self-respect would impel him to tender his resignation. At the same session he also preferred puerile charges against Prof. McGarvey. His designs against the beloved and venerated Milligan failed, in spite of his efforts. After the failure against President Milligan, the charges against Prof. McGarvey were withdrawn by the Regent. He then began his attacks on Prof. McGarvey through the public press. In June, 1872, Prof. McGarvey demanded of the Board an investigation of these charges. The matter was referred to a committee, who, after patient and most laborious investigation, reported last June, fully exculpating Prof. McGarvey from all the charges.

Very soon after the Board adjourned Regent Bowman influenced the Executive Committee, of which he was chairman, to pass a resolution requesting Prof. McGarvey to resign. This action was taken on the 26th of June, in face of the fact that the Board, which adjourned only a few days before, had fully vindicated Prof. McGarvey. The pretexts put forth for this most remarkable procedure have been various. It was first urged that there were no funds to sustain the chair he filled; then that the "spirit and ends" of the report of the committee, whose recent action had vindicated him, demanded his resignation; then that it would promote "peace and harmony" in the University; and, finally, that he had published an improper and intemperate newspaper article or articles. The true reason for the action was that *the Regent demanded* of the Executive Committee, of which he was chairman, that the sacrifice should be made. He presented the alternative that either Prof. McGarvey should be removed or he would himself resign. This was openly charged in the Board of Curators, and a denial challenged, but no denial was made by the Regent or any member of the Committee, and is known to be the fact.

Curator Campbell, one of the Regent's staunchest adherents, openly stated in the Board that the true and only ground of complaint against Prof. McGarvey was incompatibility of temper with the Regent, and that there were no charges against him affecting his character or capacity.

But it was not deemed prudent to base either the action of the Executive Committee or the Board, on this ground. Hence the article published on the 3d of July by Prof. McGarvey, in vindication of his character, which had been grossly assailed in the public press, was eagerly seized on as a pretext to justify the action which had previously been taken by the Executive Committee on the 26th of June. The statement of this fact is enough of itself to convince the public of the spirit that controlled and animated the parties to this extraordinary proceeding. A faithful and true man, with unblemished character, and possessing in an eminent degree every qualification to fill the position he held in the Bible College, is condemned by the Executive Committee *without a hearing*, and his resignation demanded (if their printed and oral defence before the Board states the real ground) on account of an act that was not committed *until seven days after his trial and sentence*. What opinion will disinterested men have of such administration of justice as this? And yet this was precisely the kind of justice meted out to Prof. McGarvey.

This afterthought was embodied by Curator Jno. Aug. Williams in the preamble to his resolution for Bro. McGarvey's removal, and was adopted by the majority of the Board.

It is proper just here to inform you, as part of the history of this war of the Regent on the organization of the Bible College, that when he failed in his designs, in the fall of 1871, to have both President Milligan and Prof. McGarvey censured, he set to work to increase his strength in the Board, by having vacancies filled, and additional Curators elected, whom he felt he could rely on to sustain him. The Board of Curators, as before stated, is not only a self-perpetuating body, but there is no limit on its power to increase the number of Curators. The original number named as incorporators in the charter was thirty, but the number has increased to forty one. By this simple and effectual process, the Regent prepared himself for a further assault on the organization of the Bible College. Being thus strengthened, he demanded the removal of Prof. McGarvey.

The charter provides that a professor can only be removed by a majority of the whole Board, and for "*sufficient cause*;" and there is a by-law which expressly requires that no charges shall be entertained against any officer of the Institution except written charges

and specifications, which are specially limited to incompetency or unfaithfulness in the discharge of his duty, be regularly preferred in writing, signed by the accuser. No such charges and specifications were preferred against Prot. McGarvey, but, in defiance of the law, he was removed by the adoption of a simple preamble and resolution, introduced by Curator Jno. Aug. Williams, the brother-in-law of the Regent.

The trial, if the action taken deserves to be dignified by the name of a trial, was merely a proceeding to carry out the demand of the Regent. This demand of the Regent was the real ground of his removal. Not that he was incompetent or unfaithful in the discharge of his duties as a professor (which were the only grounds on which the Board itself had, by law, the power to remove him)—not that he had written a newspaper article or articles—but simply because J. B. Bowman, for personal reasons, and as part of his programme to break down the organization of the Bible College, demanded the sacrifice. The wishes of one hundred and eighty churches, embracing an estimated membership of about thirty-five to forty thousand, and of over three hundred and thirty donors to the Institution, representing about \$150,000 of subscriptions; the interests of the University and of the Church, availed nothing against the imperious and imperative demands of the Regent.

OWNERSHIP OF KENTUCKY UNIVERSITY.

Your petitions requested a distinct expression from the Board as to your ownership and right to control Kentucky University.

Resolutions were introduced before the Board at its late meeting distinctly announcing the views entertained by the undersigned on this subject; but, with all our efforts, we could not get a vote on the resolutions. The majority seemed to be unwilling to vote them down, and still not willing to adopt them. So they were, on motion of Regent Bowman, referred to this committee, without any instructions whatever, and cannot come before the Board again until the next annual meeting. You may rest assured that the Board, as now organized, will never adopt them.

We feel the utmost confidence that in the previous part of this address, in which your right to petition was discussed, we have established, both by the plain provisions of the charter and the official utterances of the Board of Curators and its officers, that the Curators of Kentucky University are merely Trustees for the Christian Church of Kentucky to own and control the University.

While it is admitted by Regent Bowman and his adherents that, by the charter, the ownership and control of Kentucky University is in the Christian Church of Kentucky, through the Board of

Curators, yet they have persistently refused to give official utterance to the fact. On the contrary, when pressed to do so, two years since, at the urgent instance of Regent Bowman, they declined even to resolve that the Institution should be conducted in the interest of the church. The reason given was, not that it was not strictly true, but that the adoption of this resolution was impolitic and would interfere with his plans outside the Board.

Not having been permitted to see the Majority Address, we are at a loss to know the exact position they will take on this subject. But we assume from the usual course of argument adopted by the adherents of Regent Bowman, that, while admitting the fact that by the terms of the charter, the Christian Church of Kentucky owns and has the right, through the Board, to control the University, yet they will endeavor to break the force of the admission by urging that it ought not to be so. That since the consolidation with Transylvania, and the appropriation by the State for the support of the Agricultural and Mechanical College, it would be inequitable for the Church to claim its legal rights, and, in fact, that those rights have been materially modified, if not entirely changed. So far as Transylvania is concerned, this argument has been answered in a previous part of this Address. As to the Agricultural College, we have only to say that it is no part of Kentucky University proper—that it is only attached to the University at the pleasure of the State, and the appropriation can be withdrawn *at any time*, the State never having issued any bonds to the University, and only paying the income from year to year, and requiring that *every dollar* so paid over shall be appropriated to pay the expenses of the *Agricultural College only*. Not one dollar of the money derived from the income or interest of this fund has ever been applied to the use of Kentucky University, but, on the contrary, the funds of the University have been largely applied to the use of the Agricultural College. And, finally, in answer to this objection, we say that the act establishing the Agricultural and Mechanical College of Kentucky does not, in any of its provisions, attempt to change the charter of Kentucky University, or interfere, in any particular, with the charter rights of the Christian Church of Kentucky in the University.

There is another fallacious, and, we must say, most unfair argument used by the friends of Mr. Bowman, and, we have no doubt, will be resorted to by the majority in their Address. It is that the members of the Christian Church have not given one-third of the money that has been given to endow the University and purchase the real estate. We do not admit this to be the fact, but even if it were strictly so, it does not change either the legal or moral aspect

of the question. Every individual who gave to the University did so with the full knowledge that the University was a chartered institution, and that his bounty would be controlled by the charter. It comes with the very worse grace from Mr. Bowman's friends to make this objection; for if the donors were deceived, Mr. Bowman alone deceived them, as he obtained most, if not the whole, of the subscriptions. We know that many liberal donations were made by persons who were not members of the Christian Church, but they gave either because they were in sympathy with them in their efforts to build up a University, or to control and secure its location, so as to benefit them in their business, or secure educational or other advantages to themselves and their families and friends, and the community. Covington and Louisville were competitors with Lexington to have the Institution located with them, but Lexington outbid them, and secured the University.

Richmond has recently outbid Paris and other points for the location of the new University about to be established by the Presbyterians. Who would think of claiming that the liberal subscriptions made by Richmond to secure the location of Central University in their town has interfered with the rights of the Presbyterians to control it? So, even if Mr. Bowman's adherents are right in their figures, they do not change either the law or the morals of the case, and the whole argument is founded in fallacy. Passion and not reason evidently sits at the helm.

But what are the real facts of the case? Kentucky University, when it was removed to Lexington, had, and still has, an endowment fund of \$200,000. Transylvania had an endowment fund of \$59,000, since increased to \$65,500. There was no question as to who owned and had a right to control the University up to the time of the removal to Lexington. The simple question, divested of all sophistry, is, whether the Curators of Kentucky University by accepting of \$65,500 endowment fund from Transylvania as a *bonus or inducement, voluntarily offered* them, to remove the University to Lexington, and adding this to their endowment of \$200,000, *changed the character of the whole fund and the ownership of the University?* The Act of Consolidation expressly and emphatically says *no*; common sense, reason and justice say *no*; but Mr. Bowman's friends say *yes*. We confidently submit the question to the candid judgment of the churches, the donors and an enlightened public.

THE AGRICULTURAL AND MECHANICAL COLLEGE.

Some of your petitions refer to this subject, and we, therefore, feel it incumbent on us to discuss it. We have referred to this subject incidentally in previous portions of this Address.

The Act of the Legislature establishing this college and connecting it with Kentucky University was passed by the Legislature at the instance of Mr. Bowman. In his Annual Report as Regent, made to the Board in 1867, Mr. Bowman, speaking of this college, says:

"It is due to say that I entered into this arrangement in behalf of Kentucky University upon my individual responsibility, and without the knowledge or action of the Curators (subject of course, however, to their subsequent ratification) and against the almost unanimous judgment of the special friends of the Institution. Let me and not them, therefore, be held responsible for the results of this combination."

By the act establishing this college the State agreed to pay to the Curators of Kentucky University the income or interest on the proceeds of the sales of the land donated to the State by the United States in 1862. The land sold for \$165,000, which the State retains control of, and annually pays the Curators of Kentucky University, the interest amounting to \$9,900, and, in consideration thereof, free tuition is agreed to be furnished three hundred students for the State; and in addition to this Kentucky University was to furnish an experimental farm, suitable buildings, apparatus, etc., for the Agricultural College. The lands cost the Curators about \$140,000, and the buildings and other improvements, etc., have increased this sum to about \$175,000. The three hundred students also were to have free access to all the colleges of the University, except those of law and medicine. As Mr. Bowman truthfully remarks in his report: "Surely the *State* was largely the *obliged party*." This arrangement of Mr. Bowman, entered into, as he says, "on his own individual responsibility, and against the almost unanimous judgment of the special friends of the Institution," has been an element of strife and discord from first to last. It gave offence to most of the other denominations, and was distasteful to our own church and to many donors, but it pleased Regent Bowman. It has been a costly experiment to the University, the church, and the liberal citizens of Lexington, who freely contributed their means to purchase the experimental farm.

As an Agricultural College, the whole scheme has been a *failure*, and the number of students has decreased from year to year, and now only about one hundred and ten are in attendance.

Under existing circumstances, we feel, that to allay prejudice against the University, and remove a standing cause of discord and ill-feeling, it is the duty of the friends of the Institution to make application to the State to sever the connection. We desire that the general public, and all the other churches in Kentucky, should be informed that we are willing to surrender this trust. We

have, however, entered into obligations with the State which we are not at liberty to disregard, and are resolved, faithfully and fully, to carry out these obligations, unless the State voluntarily releases us. Good faith demands this at our hands. So far as the minority of the Board of Curators is concerned, and from all we know or can learn of the sentiment of the Christian Churches of Kentucky, we unhesitatingly state that the general desire is to offer in good faith to surrender this trust, and ask to be released from the onerous contract, which Mr. Bowman took the grave responsibility of entering into, *without the consent or knowledge of the Curators* and against the "*almost unanimous judgment of the special friends of the Institution.*"

We, therefore, recommend the Christian Churches of Kentucky and the donors to respectfully petition the next Legislature to sever the connection of this college with Kentucky University at the close of the current session. If this request is granted by the Legislature, the State will then be at full liberty to connect the Agricultural College with any other college or university in the State, or to conduct it as an independent State Institution.

If, however, it be the will of the Legislature that the connection should continue, we distinctly announce that we will faithfully and conscientiously discharge every obligation imposed on us. If the amendments to the charter, which will be suggested hereafter, are made, then all the money required to erect the buildings necessary to accommodate the three hundred State students, and all others that may attend, can readily be raised. But under its present management, we feel confident that further voluntary contributions, to any considerable extent, cannot be obtained. The Agricultural College can be made a success and rapidly grow into an institution which will diffuse knowledge over the entire Commonwealth, and reflect great credit upon the State in its present connection with Kentucky University; but not, in our opinion, while it remains under the personal and partisan Regency of Jno. B. Bowman.

THE EXECUTIVE COMMITTEE.

You demand a reorganization of the Executive Committee, so that it shall be composed of members of the Christian Church of Kentucky, in good standing and full fellowship. No demand you have made is more reasonable, and we venture to assert that, after examining this question, there is not an unprejudiced mind in Kentucky that will not concur with us in the opinion that this demand should have been promptly acceded to by the Board.

The by-laws, as construed by the majority, vest all the powers of the *full Board* in the Executive Committee in the interim

between the meetings of the Board. The majority of the Board, at its late meeting, expressly affirmed that the Executive Committee had the power to appoint and remove professors *ad interim*—a power that is denied even to an ordinary quorum of the Board by the charter. The Executive Committee, as contended for by the majority of the Board, has full power to do every act that *the entire Board* itself can do, during the absence of the Board. They can remove every professor in the University, and fill his chair with a new man. In fact, they can establish new chairs and fill them, and even they have gone so far as to put in operation a new college, and filled all professorships in it.

The charter requires that at least "two-thirds of the Board of Curators shall always be members of the Christian Church in Kentucky." Unless the Board is *thus constituted, it is not a legal Board*, and none of its acts would be legal or valid. This being so, we submit if the Executive Committee, which exercises *all the powers of the full Board*, for eleven months and twenty-five days, out of the twelve months, should not have the same composition the charter requires the Board itself to have. Surely it should. Who is bold enough to deny this? Unless the Board is organized as the law directs, it is without power to perform a single valid act. This being so, it necessarily follows that a committee which has *all the powers of the full Board*, and actually exercises these powers, for the greater part of the year, should conform, in its essential elements to the legal organization of the Board itself.

What is the composition of the Executive Committee? It consists of five members—two of them are excluded members of the Christian Church—one excluded by the Main-street Christian Church, the other by the South Elkhorn Christian Church. Another member of the Executive Committee is an unbeliever in the Christian religion. The other two members of the committee are members of the Christian Church, but one of them, for whom, personally, we have high regard, is a first cousin of Regent Bowman, and the other is his firm and devoted personal friend.

Besides this, there is another reason, and an overwhelming one, why the Executive Committee should be re-organized. Regent Bowman is Chairman of the committee. He is also Treasurer of the University, and has control of all of its funds. The Executive Committee is made by the charter the guardian of the treasury. The charter, in defining the duties of the Treasurer and the Executive Committee, provides that the Treasurer "shall render a true account current of the state of his office to the Board of Curators at its annual meeting, which account must be accompanied by the certificate of the Executive Committee, signed by *each member*

thereof, and stating that it has been examined and that it is correct; and no person shall be eligible to re-election as Treasurer until such report is made, examined, and approved by the Board of Curators. He shall furthermore, when his term of service expires, or he shall resign his office, or be removed therefrom, deliver up to the Executive 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 into his hands as Treasurer. He shall also permit his books to be examined, at any and all times, by the Executive Committee."

The Executive Committee are, by the by-laws, also charged with the duty of approving all drafts upon the Treasury, and examining and adjusting all accounts against the University. They also approve the sureties on the bond for \$100,000 which the Treasurer is required by law to execute.

It will thus be seen that Regent Bowman is *Treasurer*, and at the same time Chairman of the committee that *audits his own accounts*, every member of the committee, including himself, being required by law to examine and pass on *his own accounts*, and to *certify to their correctness*, before he is eligible to re-election. In case he resigns or is removed from office, he is required to deliver up to the committee of which *he himself is Chairman*, all the books, papers, money, and bonds and stocks that are in his hands as Treasurer. This same committee, of which the Treasurer is Chairman, also approves all drafts on him as Treasurer, and also approves all accounts against the University which are to be paid by him as Treasurer. Efforts have been made for some time to correct this glaring outrage on business propriety, but without success. Mr. Bowman, with singular tenacity, holds on to the *three* important offices of Regent, Treasurer, and Chairman of the Executive Committee. A resolution was introduced at the late meeting of the Board to remedy this great wrong, but a motion was at once made to lay it on the table, which cut off all debate, and the resolution was laid on the table, Mr. Bowman and his friends voting in a solid body in favor of the motion.

An illustration of the practical operation of this unnatural and revolting condition of affairs occurred at the regular annual meeting of the Board in June last. There is about \$48,000 of money belonging to the University that is not invested in stocks, but is authorized to be loaned to individuals. The Treasurer, in his annual account, failed to state to whom this money had been loaned by him, or on what security, though the charter expressly requires him to render "a true account current of the state of his office to

the Board of Curators at its annual meeting." He was called on by one of the Curators to state to the persons to whom this large amount of money was loaned and on what security. He wholly neglected to give the information desired, and the next morning the excuse was given that the Executive Committee (of which the Treasurer was himself Chairman) had examined the matter and were satisfied. And so the Board adjourned without this information being given, and is up to this hour in entire ignorance of the individual or individuals to whom, and the security on which, the money was loaned.

In conclusion, we most emphatically urge you to continue to insist on a reorganization of the Executive Committee until it is accomplished, and until it is composed of members at least two-thirds of whom are members of the Christian Church in good standing and full fellowship. This is indispensable to make its organization correspond with the legal organization of the Board, whose full powers it exercises for much the greater part of the year. Not only this, but you should insist that the Treasurer shall not be a member of, much less Chairman of, the committee that audits his own accounts. The Treasurer, of all men in the world, should be the *very last one* to be a member, and the Chairman, of the committee which is made by the charter the *peculiar guardian of the treasury*.

All business men, all thinking men, all men who have a proper respect for the proprieties of life, must agree with you that this committee needs to be thoroughly reorganized.

THE COLLEGE OF THE BIBLE.

In your petitions you state that you regard the College of the Bible as the most important one in the University, and "request and insist that a sufficient amount of the endowment fund be appropriated to maintain the same in an efficient and prosperous condition."

This request, like all your other requests or demands, was referred to this committee to *answer*. The answer the minority make is that the request should have been granted *at once*, and a sufficient amount of the endowment fund set apart specially for the support of the Bible College. The best evidence of the necessity for this, is the fact that one of the first reasons given for desiring Prof. McGarvey to resign, was the want of an endowment to support the chair he filled. The Bible College should be placed on *high ground* and amply provided for out of the means so liberally contributed by the members of the Christian Church and those in sympathy with them, and not be made subordinate to all

the other colleges, and the first to suffer when there is any deficiency of funds in the treasury.

In discussing Prof. McGarvey's removal, we think we have shown that Regent Bowman has been for some time engaged in a relentless warfare against the organization of the Bible College, which you in your petitions so earnestly favor and so fully endorse. Our views on this subject are so fully expressed in that part of this address, that it is deemed unnecessary to repeat them.

We feel, however, that it is our duty, in this connection, to call your attention to the significant fact, that since the adjournment of the Board, Prof. John Shackelford, of the Agricultural College, has publicly and openly taken ground in favor of the

ADMISSION OF NEGRO STUDENTS INTO OUR BIBLE COLLEGES.

During the recent session of the General Christian Missionary Convention at Indianapolis, Ind., Prof. Shackelford opposed the establishment of a separate school, or college, at Louisville, Ky. for the education of colored persons for the ministry, and boldly advocated their admission into our Bible Colleges that are already established. So important a step as this was not likely to have been taken hastily and without due consideration. His being a Professor in Kentucky University, and his well known relations with Regent Bowman, the head of the University, which are of the most intimate and confidential character, have given importance to these utterances, which they would not have possessed under ordinary circumstances. We do not charge, or even desire to intimate, that Regent Bowman is in sympathy with Prof. Shreckleford in the position taken by him before the convention—for our intention in this address is to confine ourselves to facts—but we do say that it was a grave responsibility for a Professor to take, to propose openly to admit negroes into our Bible Colleges, unless he thought, or had reason to believe, that it would not be offensive to the chief officer of the University. As inferences may be drawn prejudicial to the University, nothing short of a plain, direct, and unequivocal statement from Regent Bowman, that he did not, directly or indirectly, encourage Prof. Shackelford to take this ground, and did not know that he intended to do so; or if he did know it, discouraged it; united with a distinct and emphatic *repudiation of the whole scheme*, will or should satisfy you and the friends of the Institution.

Considered in any aspect, this action is a serious matter, and fraught with danger to the University. Was this merely a buncombe bid for the sympathy of a certain class, or was it a deliberate and determined effort to attempt to introduce negro students into our Bible Colleges, including the Bible College of Kentucky

University? If the former, it is discreditable; if the latter, it must have been known, that with the prevailing sentiments of the students and the public generally, its effect would be to *absolutely destroy the Bible College*, or turn it over entirely to colored students. If the object simply was to obtain Northern sympathy, it was a miserable failure, for the members of the convention from the North voted in a body, with a single exception, against Prof. Shackleford's resolution. If the actual intention was to introduce negroes into the Bible College of Kentucky University, it is time the donors, the churches, and the friends of the University should know it. This is no trivial matter, striking as it does at the *very existence* of the Bible College, and demands at the hands of the donors and the Christian Churches of Kentucky a *full investigation*.

Whilst we are as earnestly in favor of educating and Christianizing the colored race, as any person North or South, yet we fully agree with the recent expression of the General Missionary Convention, that the true way to accomplish this result, is by the establishment of separate schools and colleges for their education.

THE REGENCY.

You petition for the abolition of the Regency, and some of you for the election of a President of the University, as the charter requires. No valid reason can be given why these demands were not complied with by the Board. The office of Regent is not only unknown to the charter, but is directly repugnant to its whole tenor and spirit. It had its origin in the ambition and desire for position on the part of one man. It was created at the instance of and as part of the plan presented by Mr. Bowman himself to the Board, in 1866. This feature in Mr. Bowman's plan met with decided opposition in the Board, which so incensed him, that he withdrew in a passion from the room where the Board was in session. The Board finally yielded, and the office of Regent was thus created at his instance, if not at his demand. Every member of the Board present well knew that the office was created for Mr. Bowman, and that had it been understood that any other person was to have filled it, he himself would have been as much opposed to the creation of the office as its most decided opponent in the Board.

The officers of the Board are expressly designated by the charter, and their duties clearly defined; and, though the charter empowers the Board "*to select and employ any officers and agents they shall deem proper*," this provision, as shown by the language itself, as well as by the context, was only designed to embrace *subordinate* employes of the Board, and was not intended to authorise the Board to *create* an office that should overshadow all the regular

officers of the Board and the Faculties of the University. Had such an officer been contemplated, surely the law would not have been silent on so important a subject.

The reason, and the only reason, given by Mr. Bowman in his plan for the creation of the office of Regent was: "In order to give to the various colleges of the University, with their several Faculties and Presiding Officers, *a more formal unity*." The charter expressly provides that "at no time shall any member of the Faculty be a member of the Board." And yet the office of Regent was created, and is filled by a member of the *Board*, who presides over all the Faculties in the University Senate, in order to give them "*a more formal unity*." The charter provides for a *President of the University* in express terms. *He* was designed to be *the head* of the Faculties, and it is properly his privilege and duty to preside over the various Faculties, and to give to them *a real*, not a mere *formal unity*. But there is no President of the University. The plain provisions of the charter, which refers no less than five times to this officer, and defines in part his duties and his privileges, have been persistently disregarded; and all the duties he was designed to perform, except only teaching, have been vested in the Regent, in direct violation of law. The Regency is really and truly the disturbing element in the University. Instead of cementing the Faculties together, and uniting the different colleges of the University, it has exactly the opposite effect. The Regent is not a teacher, but still he presides over all the teachers of the different colleges.

This delicate and responsible duty should, and was intended by the charter, to be performed by the President of the University, who, being himself a member of the Faculty, and *a teacher*, would be in full sympathy with them, and give unity to the whole. The Regent, as a Curator, is part of the governing power, and as Presiding Officer of all the Faculties, is, in a limited sense, one of them, and yet not truly one of them, for he is *no teacher*.

The governing power is, by the express terms of the charter, separated and made distinct from the Faculties, whose business it is to teach, and yet the Regent is partly a member of and presides over the Faculties which teach; and is also a member of the Board of Curators, which governs. In the Annual Catalogues and announcements of the University, published under his direction, he is prominently exalted, not only over all the Faculties, but also over the Board itself. Most of the troubles in the University have grown out of the creation of this illegal office. It overshadows and encroaches on the duties and privileges of other offices created by law. The name Regent, derived from the Latin word, "*Rex*,"

which signifies a King, is itself repugnant to the genius of our republican government, and offensive to a free people. The name, however, aptly and truly describes the office. As now administered, it is an incubus that broods over and is crushing out the life of the University. The path of duty leads back to the violated charter: Let us follow it, and return to the charter, which is the ark of safety. Let this illegal and overshadowing office be abolished, and a President of the University be elected, as the charter requires.

REMOVAL OF THE REGENT.

You petition for the removal of Jno. B. Bowman from the Regency, in case the office is not abolished, and that the place be filled by some one who is in full fellowship and sympathy with the Christian Church. We fully agree with you that the true remedy is to abolish the office of Regent, but as this has not been done, the interests of the University, in our opinion, imperatively demand the *immediate removal* of the present incumbent. We will briefly present our reasons for this opinion.

1. He is not a member of the Christian Church of Kentucky, and your petitions show that he has not its confidence or sympathy. He was expelled from the Church, after long forbearance, on charges of the gravest character. It is certainly inconsistent, and in the highest degree improper, that an expelled member of the Church, should be at the head of the University, which is the property of the Church. His own sense of propriety should impel him voluntarily to resign; but his recent conduct convinces us that he has no idea of voluntarily retiring; and no alternative is left but to remove him, and thus relieve the University of an incubus that is in a great measure destroying its usefulness.

- 2 Independent of the first ground, his temperament is such as to incapacitate him for the position. He is passionate and cannot brook opposition to his plans and purposes. This is describing his frailty, in this respect, in the mildest language we can truthfully employ. Such a man is, in our opinion, wholly unfitted for the exalted and responsible position he now occupies.

Should any member of the Faculty venture to differ with him, and dare to oppose him in his general plans and purposes, he becomes the subject of attack and persecution. In proof of this, it is only necessary to refer to the cases of President Milligan and Prof. McGarvey.

Even if members of the Board of Curators, who are his peers venture to criticise his official acts, they are either openly insulted or some indignity is, sooner or later, placed upon them. Witness his open insult of Curator Worthington, during the session of the

Board last June, for venturing to assert, before the Board, that the Regent had stated to members of the Legislature that the University had an endowment of \$200,000; when the preamble to the Act Establishing the Agricultural and Mechanical College, distinctly recites the fact that it had a "cash endowment of \$200,000, yielding an annual income of about \$12,000." Witness also the assault upon the character of Curator Wilkes in the public press, and the preferment of charges against him before the Board in 1871, for stating that he had held the title to the Woodland estate in his own name after he had reported as Treasurer that it had been paid for; when the records of the Fayette Circuit Court establish that he had so held the title to this property in his own individual name for more than a year, after his own official reports as Treasurer of the University showed that it had been "paid for in full, principal and interest."

Other instances could be referred to, establishing his unfortunate temperament, but the cases mentioned are deemed sufficient.

3. He has proved unfaithful to the trust committed to him. In the general plan of the University it is specially made the duty of the Regent, in connection with the Executive Committee, of which he is Chairman, "to see that the general laws and statutes of the University are faithfully executed." Yet, when the authority of the Executive Committee to appoint Professors temporarily during the recess of the Board, which involved the construction of the Charter and By Laws of the University, was under discussion before the Board, and a resolution was pending affirming as the sense of the Board that the Executive Committee had this power; Regent Bowman, in order to secure the adoption of this resolution, read before the Board the opinions of several attorneys favoring this power; but failed to read the written opinions of the Law Professors of the University, taking a different view of the question, all of whom had, at the instance of the Regent or some member of the committee, given written opinions. He even went so far, when Prof. Harrison's opinion was first alluded to, as to say that it had been given without having the Charter and By-Laws before him, thus casting a reflection on Prof. Harrison and detracting from the force of his opinion, when subsequently he admitted, *when interrogated*, that he had sent Prof. Harrison extracts containing every provision of the Charter and By-Laws on the subject on which he requested his opinion, and that he had had before him in writing precisely the same provisions of the Charter and By-Laws on the subject that the attorneys had, whose opinions he had just read to the Board. The opinion of Prof.

Harrison, though prepared on the application of the Regent through his private secretary, was not called for by the Regent, it being adverse to his views; but attorneys, not members of the Law Faculty, were applied to for the opinions read by the Regent before the Board. The opinion of Prof. Harrison was subsequently called for by the secretary of the Board, and was handed to the Regent before the Board convened. The written opinion of Prof. Huston was not read before the Board. The Regent also stated that the presiding officer of the Law College, Hon. Madison C. Johnson, had been asked for an opinion, but had so far given none; when in fact President Johnson had prepared a written opinion at the request of the secretary of the Executive Committee, and had sent it to him. We do not say that the Regent had seen the opinion of President Johnson, or knew of its existence, but it was in existence, and was given at the instance of the secretary of the committee of which the Regent was Chairman; and many members of the Board, when it adopted the resolution, were under the impression, from the Regent's statement, that President Johnson had not prepared a separate written opinion. We do say that it was the duty of the Regent, occupying the position he did, to have read the opinions of the Law Professors of the University, who are among the most eminent in the profession in Kentucky, and are the source to which the Board should naturally look for the proper construction of the Charter and By-Laws of the Institution. The reading of opinions of attorneys who favored the views of the Regent, and the failure to read the opinions of the Law Faculty who did not agree with him, was, we respectfully submit, a high breach of official duty, and shows his unfitness for the high and responsible position he now occupies.

Another instance of his disposition to only administer laws that are favorable to his own views, occurred at the recent meeting of the Board. There is a by-law which requires that no charges shall be entertained against any officer of the Institution, unless written charges and specifications, which are expressly limited to incompetency or unfaithfulness in duty, are duly preferred, signed by the accuser. When this law was invoked against the effort then being made to remove Prof. McGarvey by a simple preamble and resolution, without the preferment of regular charges and specifications as the law required, Mr. Bowman promptly moved to suspend this law of the University, which seemed to be an obstacle to the accomplishment of his design, and voted himself for its suspension.

4. He has falsified the history of the University, or permitted and sanctioned its falsification.

The Historical Sketch of the University published in 1873 is radically different from the Historical Sketch published in 1866. In the Historical Sketch published in 1873, and for several years previous, in the Annual Catalogues issued by him, the fact is entirely suppressed that the Christian Church of Kentucky had anything whatever to do with founding or endowing Bacon College or the University. In fact, the Christian Church or the Brotherhood are not so much as named or mentioned *a single time* in the whole of this last Historical Sketch. A stranger to the real facts, from the reading of this last so called history, would never even learn that there is, or even was, such a church in existence as the Christian Church. The word Church or Brotherhood is not once used from its beginning to its end; nor is the Church even alluded to, much less directly mentioned. This pretended "Historical Sketch of the University," from first to last, is a fulsome laudation of John B. Bowman. This we do not complain of, but we do complain, and have a just right to complain, of a deliberate suppression of material facts. We have not space to elaborate this subject, but earnestly request all who desire full information, to read the two histories. However, to inform those who have not access to the documents, we select a few parallel passages from them.

In the original history, published in 1866, which commences by giving an account of the long continued efforts of the Christians of Kentucky to establish Bacon College, dating back to 1836, and its failure to procure an endowment, it is then said:

"John B. Bowman *conceived the idea* of concentrating the distracted *means* and energies of the *Brotherhood of Kentucky*, and the influence of all the liberal citizens of the Commonwealth upon the great work of erecting a University in the full sense of the term, upon the ruins of Bacon College."

The recent sketch opens as follows:

"In the year 1855, John B. Bowman, of Mercer county, Ky., while quietly pursuing his profession as a farmer, *conceived the plan* of founding, in his native State a University *for the people*."

In the first history it is said:

"His simple *appeal to them* was: *Brethren*, you have failed to build up a college; now then let *us* establish a great University."

In the recent sketch it is said:

"Without the usual heraldry of the pulpit and the press, and 'without the prestige of a name known to fame,' he made his *appeal to the people*."

In the first history it is said:

"Thus he went from house to house, through the central counties of Kentucky, disarming prejudice, rekindling the hopes of *his brethren*, and enlarging *their* ideas of education."

And again he says:

"We have, by this effort partially laid the pecuniary basis for an Institution which we hope is destined to become *the support of the Church*, and the ornament of the State," &c.

In the first history he *conceived* the idea of concentrating "the means and energies of the Brotherhood" to build up the University. In the second he *conceived the plan* of a University for the people. In the first history his appeal was to the brethren, in the other his appeal was to the people. In the first, the University was to become *the support of the Church*; and the Church and Brotherhood are given a prominent position. In the last, the Church and Brotherhood are not named a single time, or even alluded to, but the people entirely supersedes them.

That he has falsified the History of the University, or sanctioned its falsification, no man who reads the two sketches can for a moment doubt. What does this mean? No man deliberately falsifies history without some design. The suppression and change of material facts evidences to our minds a radical change of his views and purposes in reference to the University.

5. He has, as General Agent, resorted to such means to obtain subscriptions or donations to the University, that he has not only brought himself into disrepute with many of the friends of the Institution, but has damaged the University itself.

6. He has engaged in stock operations that, so far, have resulted in a total loss of their means to many of those who invested in them; and, while he may have suffered pecuniary loss himself, yet, being the Regent and head of the University, it has, as a consequence of these operations, been damaged.

7. He is one of the Trustees or Corporators of the Texas or Southern Pacific railroad, and is also interested in the Construction Company, organized to construct said railroad, which is regarded by many as another "Credit Mobilier;" and his notorious connection with these companies, united with his statement that he hoped or expected to realize a million of dollars from the enterprise, is damaging to the University and inconsistent with his being the Regent and head of a great Christian Institution of learning.

8. The head of a great Christian University should be a man of profound knowledge, eminent scholarship, the highest literary attainments, and possessed of a Christian standing and character that will impress itself, not only on all he does and says, but will also exert its influence in a marked manner on all with whom he is brought in contact.

These indispensable qualifications Regent Bowman certainly does not possess; and, lacking them, he is not the proper man to

stand forward as the representative of the University, the Board of Curators and the Church.

We have thus stated eight reasons why, in our opinion, Mr. Bowman should be removed from the Regency. We could add to the number, but we think we have said enough to satisfy all unprejudiced persons that you were right in demanding his removal. Should he have the temerity to take issue with us on the existence in fact of either one or all of these eight reasons, we stand prepared to establish them before any committee the Christian Churches of Kentucky may appoint to investigate them. We not only do not *shrink from*, but *challenge* investigation of them by the owners of the University.

YOUR PETITIONS.

Much has been said about the manner and circumstances under which your petitions were gotten up, and some of Mr. Bowman's friends have even charged that you were deceived and defrauded into adopting and presenting them. This is a direct insult to your intelligence. The facts simply are that the affairs of the University have been so managed and conducted, that longer forbearance on the part of the owners ceased to be a virtue. A circular was issued calling attention to facts that no one can successfully controvert, and there was a spontaneous and almost universal uprising of the Churches, and of many donors, to protest against the illegal action of the Executive Committee, and to demand a return to the charter, and for the adoption of reforms indispensable to the prosperity of the University. In a short space of time 181 Churches, representing a membership of about 35,000 to 40,000, sent up petitions, and others came in after the first petitions were presented to the Board. Had there been time to have brought the matter fully before all the Churches in Kentucky, most of them, we doubt not, would have sent up petitions. All of the petitions sent up by Churches, except about five or six, were adopted without a dissenting vote. An examination of the petitions will show that many of those that are in writing, use much stronger language than is used in the printed form of petitions. About 330 donors, representing about \$150,000 of subscriptions to the University, were presented. This is remarkable, when it is considered that many donors have died, many have removed from their former places of residence, and many have removed from the State; and others were members of the Board, and hence felt it would be inappropriate for them to petition the Board, as they would be there to speak for themselves. That the Christian Churches of Kentucky are almost a unit in demanding reforms, no one conversant with the facts can doubt.

The University cannot prosper without the confidence, sympathy and support of the donors and the Christian Churches of Kentucky and those in sympathy with it. The sooner this is fully understood and appreciated the better. If they are permitted to control their own property, then the University will emerge grandly from the clouds and mists that now surround it, and become, as it deserves to be, an ornament to the State and a blessing to the Church and the general public. Its halls will then be thronged with students, and the just expectations of the citizens of Lexington, who contributed so freely to secure the location of the University, will be fully realized. As it now stands, the University is rapidly declining. The whole number of matriculates for the session of 1868-9 was 768; up to this time, for the session of 1873-4, the whole number of matriculates in all the colleges is considerably less than 300, as we are informed, and there are only about 35 Bible students; while during the session of 1871-2, there were 122 matriculates in the Bible College. This rapid decline has occurred when the confidence of the owners of the University was *only shaken, not entirely lost*, and hopes remained of their wishes being respected by the Board of Curators. Should the fatal day ever come when all hope of reorganizing the Board of Curators, and thus securing reforms, is *entirely lost*, then the University will rapidly degenerate into a mere *local Institution*. It must have the confidence, sympathy, and support of the donors, Churches, and their friends, or it will soon cease to be a University *except in name*. These it can never have, so long as your respectful requests and demands are disregarded by the Board of Curators, and John B. Bowman is permitted to hold the three offices of Regent, Treasurer, and Chairman of the Executive Committee.

AN OUTSIDE ISSUE.

We have good reason to believe that the majority intend to bring before the public in their address (though we have not been permitted to see it) the result of an effort made by certain parties to bring about an adjustment of Mr. Bowman's relations with the Church. We regard this matter as entirely foreign to the objects and purposes for which this committee was appointed, and deeply regret the determination of the majority to introduce an outside issue into this discussion. While therefore we protest against the introduction of this irregular subject into the discussions of the requests and demands made by you in your petitions to the Board; yet as the majority of the committee choose to assume this grave responsibility, no alternative is left us but to give the facts in reference to this transaction.

It is not true that the Board of Curators ever appointed a com-

mittee to mediate between Mr. Bowman and the Church, or to settle the difficulties that led to his exclusion. A committee was appointed by the Board about two years since to bring about an adjustment of all differences between the members of the Board and the officers of the University. But this committee has no authority to intervene between Mr. Bowman and the Church, and never assumed to do so.

It is, however, true that three Curators did, on their individual responsibility, address a note to the Elders of the Main Street Christian Church, and to J. B. Bowman and others, proposing a reference of all matters of difficulty and grievance "between them" to an Arbitration Committee of nine brethren, four to be chosen by each party, and the eighth to select the ninth person as umpire; all of whom should be mutually acceptable to the parties. Although the officers of the Church regarded two of these Curators as partisans of Mr. Bowman, and therefore not the proper persons to move in this matter and suggest or dictate the precise terms of a reference; yet, in their great desire for a settlement of the difficulty, they waived this matter and the irregularity of the application for a reference, and gave it a courteous and favorable consideration. They could with great propriety have replied that the Church and its officers had, on several occasions, directly proposed a reference, which had been as often rejected by the parties; and that now if Mr. Bowman felt that he had been unjustly excluded, it was incumbent on him to propose a reference or request an appeal from the decision of the Church, which would have been promptly granted. However, all formalities were waived, and after a kind and somewhat lengthy correspondence, the officers of the Church cheerfully consented to a reference to a committee of nine, to be selected precisely as proposed by these three Curators, only insisting that the investigation should go to the root of the whole matter, and the committee should determine what wrong or wrongs had been committed by either or both parties, and requiring that both parties should unconditionally bind themselves to abide the decision of the committee, and right the wrong or wrongs the committee might find that either party had committed. That this may be manifest to all, we insert here an exact copy of the agreement to submit the matter, which was signed on or about the 7th of May, 1872, by the Elders of the Church, and transmitted to R. M. Bishop, that he might present it to Mr. Bowman and others for their signatures.

[Copy of Agreement to submit.]

"We mutually agree to submit all matters of difficulty and grievance existing between the Main Street Christian Church, at

Lexington, Ky., and the parties excluded from her fellowship, whose names are hereunto subscribed, to an Arbitration Committee of nine discreet brethren, four of whom shall be chosen by us respectively, and the eight thus chosen to select the ninth person as umpire; all of whom shall be mutually acceptable to us. The committee to determine which party or parties are in the wrong, and in what the wrong or wrongs consist; and we hereby unconditionally bind ourselves to retrace our steps, and right the wrong or wrongs the committee may find that we, or either of us, may have committed."

G. W. ELLEY,	} Overseers of Main Street Church.
M. E. LARD,	
J. L. STOCKDELL,	
WM. T. WITHERS,	

It must be apparent to all, that had there been a real desire for a *full, final and complete settlement* of the difficulty, this reasonable, just and fair proposition would have been accepted. Mr. Bowman failed to sign this agreement to submit, and R. M. Bishop, one of the Curators who intervened, insisted that the officers of the Church should agree to the reference in the *precise terms* they had dictated, though their proposition was ambiguous, and was construed one way by Mr. Bowman and another way by the parties who prepared it.

In concluding this subject, we deem it proper to state that the Church and its officers had, time and again, proposed a reference, which Mr. Bowman uniformly had declined. Besides, a large number of our leading preachers and other brethren in central Kentucky had, about the same time the three Curators intervened, addressed a communication to Mr. Bowman and others, urging them to ask an appeal from the decision of the Church, with a view to an adjustment of the matter. The officers of the Church were ready and willing to grant the appeal, but it was never asked. Had Mr. Bowman entertained the faintest hope that the judgment of the Church would have been reversed; who can doubt but that he would gladly and promptly have asked for the appeal?

With the foregoing statement of facts, we close this subject by remarking, that if Mr. Bowman's friends think they have anything that will profit him in this transaction, which has been, we think, *needlessly and most improperly* thrust into this discussion, why do they not publish the entire correspondence, thus giving to the public all the facts and circumstances connected with the transaction, instead of only giving a part of them?

THE REMEDY.

It only remains for us to express our deliberate conviction that the Christian Churches of Kentucky and the donors to the University have nothing whatever to expect from the majority of the

Board of Curators, in carrying out the reforms you demand, and the University so much needs. We, therefore, recommend you to petition the Legislature, which is now in session for such amendments of the charter as will enable you to control your *own property*. The publication of this Address has, without any fault on our part, been greatly delayed. It was confidently expected that it would have reached you before the Legislature assembled. But in this we have been disappointed. No time is to be lost. Go to work at once, and go to work earnestly. Let the members of the Church and the donors in each county communicate with their immediate Representatives and Senators at once, and, if possible, send a special delegation to Frankfort to see them. Lay the facts before them, and urge them to favor such legislation as will do you justice, and enable you to control your own property, and thus build up the University. Show them that the majority of the Board of Curators, who are but your trustees and servants, have ceased to represent your wishes; have turned a deaf ear to your respectful requests and demands, and placed themselves in direct antagonism to you, the owners and founders of the University. By a full, fair and dispassionate presentation of the facts to your Representatives and Senators, they cannot fail to be convinced that your demands are reasonable and proper, and that the interests of the State and general public will be advanced by the adoption of the proposed amendments.

It, from want of time or other cause, you should fail to induce the present Legislature to so amend the charter, do not be discouraged. Your plea is *a just one, and will certainly prevail* sooner or later. Do not relax your efforts, but keep the matter before the Legislature and the people, from year to year, until you obtain the necessary amendments to the charter. The Legislature has full power to make the amendments. By a general act passed in 1856 (see 2 Vol. Revised Statutes, page 121) the Legislature reserved to itself the power to "amend or repeal at the will of the Legislature" all acts of incorporation they might thereafter pass. The charter of Kentucky University was passed in 1858, and so is subject to modification, amendment or repeal, at the will of the Legislature.

We, therefore, recommend you to petition the Legislature for the following amendments:

1. That the charter be so amended as to limit the number of Curators to not exceeding thirty; and to take away from the Board its self-perpetuating power, and vest in you, the owners and founders of the University, the right, through your delegates, to

elect a new Board of Curators, on the first Monday in May next, and every five years thereafter.

2. That no member of the Executive Committee shall ever hold or be eligible to the office of Treasurer.

3. That the connection between the University and the Agricultural and Mechanical College of Kentucky be severed at the close of the present session. In making this request, do not neglect to assure the Legislature that unless they voluntarily release you, every obligation imposed on the officers of the University by the act establishing the Agricultural and Mechanical College of Kentucky will be faithfully and conscientiously respected.

CONCLUSION.

We have endeavored to cover, as far as possible, all the points presented in your petitions, and to suggest the remedy for existing evils. We have, however, labored under the greatest disadvantage of not being advised of the points that will be made in the Majority Address, while they have had possession of most of ours. Consequently, we may, and most probably have, failed to anticipate matters which they may present.

We have endeavored faithfully and fearlessly to perform the arduous and most unpleasant duty imposed upon us. We have conscientiously striven to "nothing extenuate, nor set down aught in malice."

The gravity of the subject, and the momentous issues involved, have deeply impressed us; and, while we have spoken plainly, we have spoken dispassionately; and we are confident we have spoken truthfully.

We now commit the entire subject into your hands. We feel that we have performed our duty. It now only remains for you to perform yours.

WM. T. WITHERS,	} Minority of Committee ap-	
ANDREW STEELE,		pointed by the Board of
R. J. WHITE,		Curators of Ky. University.

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