# KENTUCKY UNIVERSITY.

## REMONSTRANCE OF CURATORS.

about Jan'y 1874

*To the General Assembly of the Commonwealth of Kentucky:*

The Board of Curators of the Kentucky University do respectfully *represent* and earnestly *protest* as follows:

A certain petition has been addressed to your honorable body, which was prepared, as we learn, by parties in the city of Lexington, and industriously circulated among the congregations of the "*Christian Church in Kentucky*" for their adoption,—praying for the disorganization of the present government of the University, and for the virtual transfer of its property, general management and franchises to an unincorporated ecclesiastical body, on the alleged ground that the Corporators are trustees only of said Church, and, as such, have openly and deliberately violated the Charter, in that they refused to obey some recent dictation from a minority of said congregations.

In September last, the Board of Curators saw proper to dismiss a Professor as a measure necessary, in their judgment, to preserve harmony in the Institution: this they did, notwithstanding certain congregations, or individual members thereof, influenced by *ex parte* statements, requested, instructed, or demanded, that the Board should retain him.

For this exercise of discipline and visitorial power over the affairs of our own Institution, said petitioners are induced to complain to you, instead of to the Courts; and, contrary to all precedent and reason, we are arraigned before the Legislature on some vague and awkward charge of having disregarded an enactment of the Charter!

Your honorable body is accordingly asked to proceed by summary process of legislation, and by the passage of an ingeniously devised amendment to the Charter, to condemn and disfranchise the present Corporators and to pass the funds, estate, and control of the University, exclusively into the hands of your petitioners and our accusers.

In order to accomplish such a purpose the more certainly and completely, they pray you, also, to annul your covenant with us, and take back your Agricultural and Mechanical College, and thus leave Transylvania University, and the original nucleus of our University, in their absolute possession and control.

Lest the silence which we have, from self-respect, uniformly maintained amid these external and unnecessary disturbances, should be construed by your Body as evidence of indifference on our part to these proceedings, or of our acquiescence in their propriety or justness, we beg to lay before you this our earnest

### PROTEST.

The present Corporators, whose names are hereunto signed, protest against any such injustice as that which the legislation prayed for would inflict upon them.

They respectfully protest against the consideration of any petition or memorial that, in advance of a hearing before the Courts, charges upon them violation of law, or upon the officers of the Corporation malfeasance in office.

They protest against the assumption of an exclusive legal ownership of all the property of the University, and of absolute and irresponsible control over its affairs by any ecclesiasticism in the land.

We understand, and appreciate fully, our legal and moral relations to Christian men and women in Kentucky that have created any part of our great trust; and we regard our connection as a Board with the "*Christian Church in Kentucky*," as simple and sufficiently well defined in the Charter; but we protest against any and all legislation that might result in contracting the broad, liberal, and consistant policy of the University, which has been pursued from the beginning. Especially do we protest against transferring all its property-rights, control, and future destinies to such persons as have declared, even in the face of the existing Charter, that "*they would not be violating any obligation, nor be perverting the funds donated to the University, were they even to use them for the most narrow and sectarian ends: that all talk about the equitable and legal rights of others who have given largely to the University, amounts to nothing; that should they determine to use the University chiefly or solely for the aggrandizement of a sect, no one under the heavens would have the right to interpose a single objection.*"

We earnestly protest therefore against any change whatever in our Charter, unless on our own petition, or on forfeiture, the ground of which shall have been previously ascertained in the Courts.

We protest also against such an invasion of *vested rights* as the petitions aforesaid ask at your hands.

And, finally, in the name of the Commonwealth itself, and in the interests of our worthy but needy young men, we protest against the severance of our Agricultural College from the University. It would be a violation of a solemn compact between the State and this Board. We have faithfully carried out, as far as possible, our agreement. With limited finances we have achieved a success that may challenge comparison with that of any similiar institution in the United States. In the seven years of its existence, with an average yearly attendance of more than two hundred young men, it has furnished education to them all at a merely nominal cost. Many from the impoverished South and West have received a practical business and scientific education, and are now filling honorable and lucrative positions in the land. During this short time more than $25,000 have been paid to them for their labor, and they were thereby enabled, in part or in whole, to meet their expenses. For these and many other reasons, we protest as Curators against the proposed overthrow of this prosperous Institution.

Joseph L Smith